
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

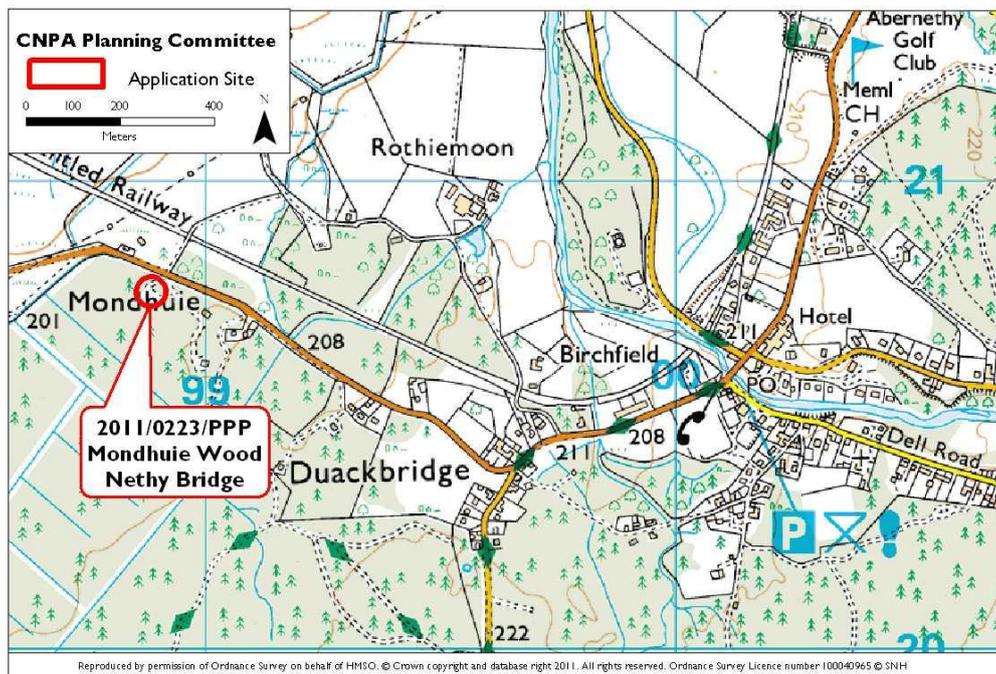
DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE ERECTION OF HOUSE AT MONDHUIE WOOD NETHY BRIDGE

REFERENCE: 2011/0223/PPP

APPLICANT: MR CALLUM BENNETT C/O CM DESIGN

DATE CALLED-IN: 22 JULY 2011

RECOMMENDATION: REFUSE



(Grid Ref: 998 207)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located north west of Nethy Bridge at Mondhuie, immediately to the south of the B970 public road. It comprises an area of woodland clearing extending to 0.15 hectares. The adjacent area is heavily wooded forming a general backdrop to the site; a number of dwellinghouses are in the vicinity.
2. The application is for planning permission in principle for the erection of a house in the clearing. This application is to establish the principle of development on this site only; providing details of the extent of the site and indicating access. In terms of services, it is indicated that foul drainage is to be provided via a septic tank.



Fig. 2 – Site layout plan



Fig. 3 – Site

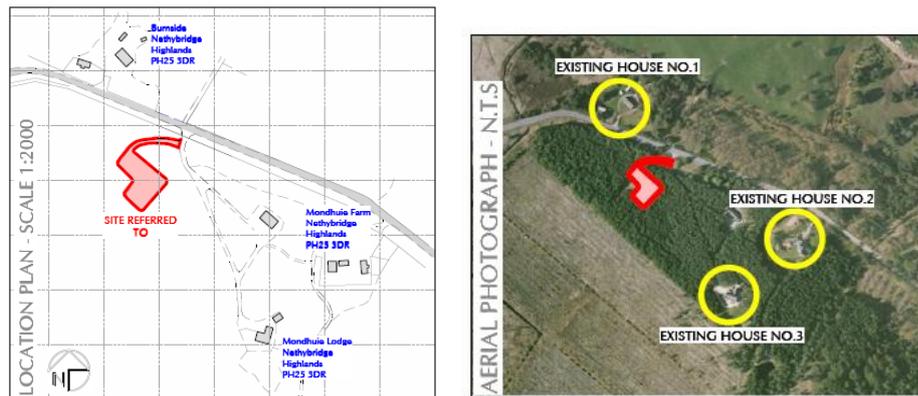


Fig. 4 & 5 – Location plans showing suggested rural building group

Background

3. The application is accompanied by supporting drawings providing information on a possible rural building group as set out under Policy 21 Housing Development in Rural Groups of the CNP Local Plan. This policy allows for new housing development as part of a group of 3 or more existing occupied dwellings where it reinforces and enhances their character. The two drawings identify 3 existing houses based in and around the woodland by the B970.

DEVELOPMENT PLAN CONTEXT

4. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National policy

5. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the

¹ February 2010

Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include Open Space and Physical Activity, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. Rural Development: states policies should promote economic activity and diversification in rural areas, encourage the efficient use of land and support opportunities to replace rundown housing and steadings where the new development is designed to fit in the landscape setting. All new development should respond to the specific local character of the location and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. It also emphasises that the Planning System is important for supporting a wide range of economic activity in rural areas, enabling development which supports environmental enhancement and regeneration.
10. Landscape and natural heritage: The **SPP** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
11. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the

buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

Strategic Plan

Cairngorms National Park Plan (2007)

12. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
13. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

Structure Plan

Highland Council Structure Plan 2001

14. Highland Council Structure Plan is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
15. **Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing outwith this will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes.
16. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character.
17. **Policy G2 (Design for Sustainability)** sets out certain criteria against which proposed developments will be assessed. These include the extent to which they demonstrate sensitive siting and high quality design in keeping with the local character and historic and natural environment.

² Para. 256.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

18. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at:
<http://www.cairngorms.co.uk/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
19. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
20. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
21. *Policy 3 - Other Important Natural and Earth Heritage Sites and Interests: development that would adversely affect an ancient or semi-natural woodland will only be permitted when it can be demonstrated that the objectives of the site, its overall integrity would not be affected or any significant adverse effects mitigated or provision of features of commensurate or greater importance to those that are lost.*
22. *Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.*
23. *Policy 21 – Housing Development in Rural Groups: Proposals for new housing as part of an existing group of 3 or more occupied dwellings will be permitted where the proposal reinforces and enhances the character of the group.*
24. *Policy 22 – Housing developments outside Settlements : the policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities. Under the heading*

of 'Other housing outside settlements'³ the policy indicates that such housing will only be permitted where –

- (a) The accommodation is for a worker in an occupation appropriate to the rural location; and
- The presence of the worker on site is essential in order to provide 24 hour supervision of the rural business;
 - There is no suitable alternative residential accommodation available, including reuse and conversion of other buildings on the site; and
 - The proposed dwelling is within the immediate vicinity of the worker's place of employment;

Or

- (b) the dwelling is for a retiring farmer or crofter, on land managed by them for at least 10 years, or for a person retiring from another rural business, where their previous accommodation is required for the new operator of the farm, croft or business.

Policy 22 also advises that where relevant such proposals will be secured through planning condition or legal agreement.

Supplementary Planning Guidance

25. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.
26. *SPG - Housing Development in Rural Building Groups*: This sets out general criteria which any proposal must satisfactorily demonstrate, including that an existing group is cohesive and well-connected, and a clear recognised relationship exists between the dwellings through either built form or landscape feature.

CONSULTATIONS

27. **Nethy Bridge Community Council** has no objection to this application.
28. The **CNPA Ecologist** has no objection but advises a phase I notable plant and mammal survey should be undertaken.
29. **Highland Council TEC (Roads)** has no objection. A number of conditions are suggested in the event that planning permission in principle is granted.

REPRESENTATIONS

30. This application was advertised in the Badenoch & Strathspey Herald on 20 July 2011. No representations have been received in respect of this application.

³ This refers to all housing, other than 'affordable'.

APPRAISAL

31. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application raises a number of issues regarding planning policy, precedent and the aims of the National Park. The proposal is for planning permission in principle only; therefore issues of design, sustainability or other detailed considerations are not examined here.

Principle of Development

32. The site is located outwith the settlement boundary of Nethy Bridge, at Mondhuie in a heavily wooded rural area alongside the B970. The application has been submitted as on the basis that it is adding to an existing rural housing group. The criteria to fulfil this, is set out in Policy 21 Housing Development in Rural Groups and its accompanying SPG. This states that proposals should be readily demonstrable, in that a clear and recognised relationship exists between the dwellings and the group must be well-connected and cohesive in its pattern of development through either built form or other landscape features. The Policy affords opportunity for additional housing in small cohesive groups; it is recognised as an important means of sustaining and reinforcing rural communities.
33. The SPG sets out the general principles required to be a rural group, stating that any proposed development must demonstrate that it is well-connected to any existing group through integration with existing buildings, settlement pattern and landscape features. Crucially, it is a requirement that the existing group is to be cohesive, and while no parameters are set on distances involved, it is considered sufficiently clear that to be considered a group, existing dwellings must have a clear relationship and be in close proximity to one another. It is considered, in this instance, that this proposal fails to adequately demonstrate this relationship. Overall, it is considered that this proposal does not meet the criteria set out in the Policy or its SPG. The existing dwellings are located some distance away from one another, with one dwelling some considerable distance away to the northwest of the application site. The group put forward is neither well-connected nor cohesive.
34. It is stressed in the SPG that early pre-application discussions to establish the nature of any group are recommended. This may also require an informal site inspection. In the case of this application, this has not been done.
35. In instances where the proposal is not considered to fulfil the policy, other policies should be used, such as Policy H3 of the Structure Plan and Local Plan Policy 22 Housing Development outside of Settlements. However, no case has been advanced in support of this planning application to demonstrate that the proposed dwelling would support a rural business, a land management use or any other operational requirement. The proposal, given its location, is not generally consistent with national guidance which directs development towards sites within existing settlements or demonstrable rural

groups where possible. In terms of national planning policy on rural development, there is a clear intention to avoid the suburbanisation of the Scottish countryside. Scottish Planning Policy accepts some development in rural areas where it would maintain and improve the viability of communities and support rural businesses. No other information has been provided to justify the need for a house in this rural location outwith to the settlement boundary of Nethy Bridge. Neither is it part of any recognised cohesive rural building group.

36. In assessing the current proposal against planning policy, it fails to provide sufficient justification to demonstrate that it complies with the requirements of Policy 21 Housing Development in Rural Groups or Policy 22 Housing Development outside Settlements. In general terms, the application fails to demonstrate adequately that the identified group is cohesive or well-connected, or the need for a house in a rural location, which requires to be for an operational need. Allowing a house in this location would establish a poor precedent that would make further proposals difficult to resist, leading to sporadic and isolated houses in rural areas.

Landscape, natural heritage and access

37. In terms of landscape, the visual impact of the house would be relatively contained, given its proposed position in a woodland clearing. The CNPA Ecologist recommends a phase I survey is undertaken in the event planning permission in principle is granted. There are no access roads issues but a number of conditions are recommended if planning permission was granted.

Conclusion

38. In conclusion, the proposal is clearly contrary to development plan policies, resulting in an unjustified dwelling house outside a settlement or recognised rural group in the National Park. A dwelling in this area would be contrary to the character and pattern of development in the area and does not comply with the requirements of the rural group's policy. Therefore, it is recommended that the proposal be refused as it is contrary to planning policy.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

39. There would be significant negative impacts associated with the proposed development. If approved, this type of isolated and sporadic housing would cumulatively undermine the character and natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

40. The proposal is for planning permission in principle and no details of design, construction methods or materials are provided.

Promote Understanding and Enjoyment of the Area

41. The proposal has no particular relevance to this aim.

Promote Sustainable Economic and Social Development of the Area

42. The proposal would provide additional housing. However, this should be provided in a planned manner in accordance with development plan policies rather than being approved in an ad hoc manner on the basis of individual applications.

RECOMMENDATION

43. **That Members of the Planning Committee support a recommendation to REFUSE PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF HOUSE AT MONDHUIE WOOD NETHY BRIDGE for the following reason:**

- I. The proposed development is contrary to Highland Structure Plan Policy H3 (Housing in the Countryside), Cairngorms National Park Local Plan Policy 21 Housing Development in Rural Groups, its accompanying Supplementary Planning Guidance, and Policy 22 Housing Development outside Settlements as it fails to demonstrate that it would form part of a cohesive and well-connected rural group and it has not been demonstrated that the proposed dwelling is required for the purposes of land management. If approved, the development would set a precedent for further unjustified development of this nature and would encourage the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the National Park.

Robert Grant

07 September 2011

planning@cairngorms.co.uk

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.