
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR A REPLACEMENT HOUSE FOR EXISTING DISUSED FARMHOUSE AND OUTBUILDINGS AT BLUEMILL FARM, GLENKINDIE ESTATE.

REFERENCE: 05/205/CP

APPLICANT: FROGMORE (SCOTLAND) LTD., c/o BURNETT AND REID, 15 GOLDEN SQUARE, ABERDEEN.

DATE CALLED-IN: 6TH MAY 2005

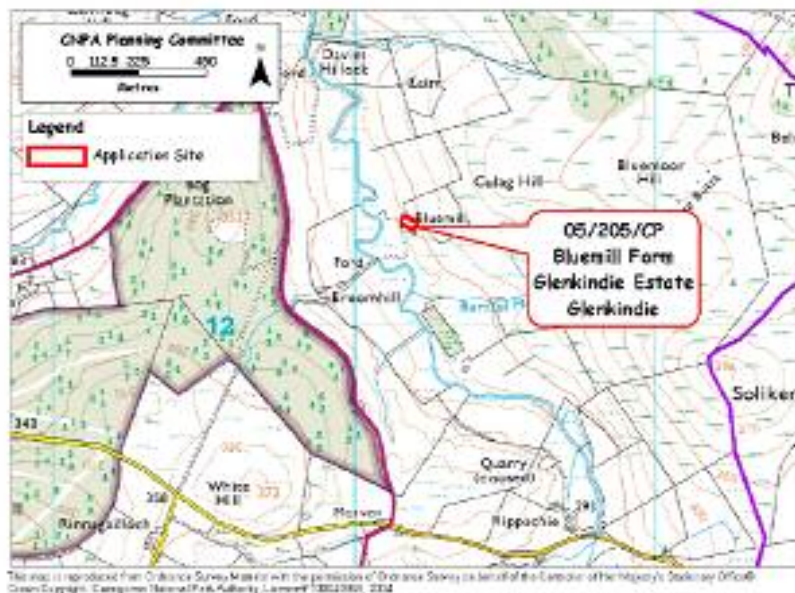


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought for the erection of a dwelling house as a replacement of an existing disused farmhouse and outbuildings. The subject site is located at Bluemill Farm on the Glenkindie Estate in the Strathdon area of the Cairngorms National Park. The proposed site is in an elevated and extremely exposed hillside location, approximately 470 metres to the east of the public road. The site area is 0.05ha and consists only of the land within the immediate confines of the existing disused dwelling house and adjacent outbuildings. The proposed site is surrounded by open agricultural land, used for grazing purposes, with the field pattern demarcated by traditional stone walls. In addition to the proposed dwelling house, details on the site layout plan also refer to the “existing outbuilding site converted to garage block and estate stores.”



Fig. 1 Disused dwelling house and outbuildings at Bluemill Farm.

2. Access to the site is via an existing rough track off the A97 trunk road. The single access track consists predominantly of a compacted earthen surface, with a central grassed area. There is a recessed entrance bay at the junction with the public road. The access track extends along a winding route for approximately 590 metres from its junction with the public road, passing another disused farm, Broomhill Farm, en route at approximately 150 metres east of the A97. The track continues downhill until a point where it is submerged by the Deskry Water burn, before emerging on the eastern side to extend uphill. The extent of track leading to Bluemill Farm from Deskry Water is in the form of a grass track. The structures at Broomhill Farm are somewhat less exposed than Bluemill, and consist of an uninhabited 1 ½ storey traditional dwelling house, with the roof largely intact, together with a u shaped steading in a ruinous state.

3. Although the access track is located outside the identified site boundaries, the application includes reference to proposals to upgrade the existing track and provide passing bays, as well as a new bridge across the Deskry Water. The site layout submitted also includes proposals for the creation of a new shelter belt of tree planting outside the identified site boundaries to the rear of the proposed dwelling.
4. Although the application is for outline planning permission an artists impression has been included in the submission details depicting the type of dwelling that the applicants wish to build on site. A 2 ½ storey property is proposed, detailed as a “5 bedroom, 3 public room mansion house” with a single storey double garage and store located in a detached structure to the rear. Ornate balustrading is shown forming the front boundary of the site. A floor area of 500 sq.m. is indicated, and the proposed finishes are detailed as stone and harling exterior, with a slate roof and white painted timber windows and doors. It is also proposed to provide a total of 8 car parking spaces on the site.
5. The site is currently served by an existing private water supply, which would continue to be used. It is proposed to dispose of foul sewage via a new septic tank discharging to a soakaway, with surface water discharging to a separate soakaway.

DEVELOPMENT PLAN CONTEXT

6. Section 3.18 of the **North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** directs new development towards towns and villages and to meet market demand in existing settlements in preference to isolated development in the open countryside.
7. Policy 12 of **NEST**, entitled *House Building in the Countryside Beyond the Green Belt* states that there will be a presumption against house building in such areas except
 - (a) rehabilitation or extension of an existing house; or
 - (b) replacement on the same site of the largely intact house; or
 - (c) a new house which is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside.

Policy 12 also includes the caveat that “all such development must be of the highest quality particularly in terms of siting, scale, design and materials.

8. Policy 19 of **NEST** refers to *Wildlife, Landscape and Land Resources* and outside of designated sites it is the general policy that “all new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Design concerns are further expressed in Policy 20 relating to the *Built Heritage and Archaeology*, with section 4.12 highlighting the fact that national trends

towards standard forms of construction can threaten the distinctive character of the North East and emphasising that good design has an important contribution to make towards achieving sustainable development.

9. The **Finalised Aberdeenshire Local Plan 2002** includes more detailed policies. The primary policies applicable to the proposed development are **Policy Hou6 on Replacement Houses in the Countryside** and **Policy Hou4 on New Housing in the Countryside**. The description on the application form details the proposal as a replacement dwelling house. The **Local Plan** states that replacement of an existing dwelling house in the countryside with a new house will be approved in principle, if amongst other issues, :
- (a) it is for no more housing units than those existing;
 - (b) the existing house is not a Listed Building;
 - (c) the existing house is largely intact, with the external walls and roof, or it has been occupied on a permanent basis within the previous 5 years;
 - (d) the scale of the new house is no more intrusive in the surrounding area than the existing house;
 - (e) the new house is located on the site of the existing house unless it is satisfactorily demonstrated that an alternative position within the curtilage and directly adjacent to the existing house site is more suitable;
 - (f) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire).
10. Particularly having regard to the ruinous state of the existing structures on site and the fact that habitation of the property has clearly not occurred within the past five years, the proposed development is not considered to constitute a replacement dwelling house and should instead be assessed in the context of **Policy Hou4 on New Housing in the Countryside**.
11. **Policy Hou4 on New Housing in the Countryside** states that single new houses will be approved in principle if either :
- (a) it is for a full time worker in an enterprise which is appropriate to the Countryside;
 - (b) the presence of that worker on site is essential to the efficient operation of that enterprise;
 - (c) there is no suitable alternative to a new house;
 - (d) the proposed house is within the immediate vicinity of the worker's place of employment; AND
 - (e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire).

In terms of the justification of **Policy Hou4**, the primary aim of the policy is to support a long term sustainable pattern of development, in addition to helping to protect the natural environment from incremental and sporadic new housing development. It should also be noted that in

the event of evidence that it is essential for a worker to live in the countryside, developers may be required to enter into a Section 75 agreement ensuring that any proposed new dwelling is not subsequently sold to a non-essential worker.

12. Chapter 7 of the **Finalised Aberdeenshire Local Plan 2002** details *General Development Policies*, with **Policy Gen\2** on the Layout, Siting and Design of New Development being of particular relevance in the context of the proposed development. The main aim of the policy is to achieve high quality new development, which respects the environment and provides a sense of place. The policy sets out a number of fundamental layout, siting and design principles, including the need for the development to fit successfully into the site and respect the character and amenity of the surrounding area; the scale, massing, height and design should be appropriate and display a high standard of design, materials, textures and colours which should be sensitive to the surrounding area; it respects existing natural and built features on or around the site; and it respects the special character of the landscape in which it is proposed, including respecting important public views.
13. The proposed site is located within a Landscape Area of Significance as identified in the **Local Plan**. **Policy Env\5** is therefore applicable where development within or adjacent to such areas will not be permitted “where its scale, location or design will detract from the quality or character of the landscape.” The general aim of the policy is to provide adequate protection against damaging development in the ‘best landscapes.’
14. Other policies include **INF4 Drainage and Water Standards** which is to ensure the adequacy of drainage facilities, and water supply; **GEN\1 Sustainability Principles** which is to ensure all new development is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals; **GEN\2 The Layout, Siting and Design of New Development**, which is to achieve high quality new development particularly of buildings, which respects the environment and provides a sense of place; and **Appendix 1, The Design of New Development in Aberdeenshire**. The appendix provides design guidance on a variety of issues, including location, site layout, building design and also a specific section on housing design in the countryside.
15. As regards the location of new development, it is stressed in Appendix 1 that location is a critical factor and “no matter how well placed or designed the development is, if the location is inappropriate it will be unacceptable.” It is advised that new development should not, amongst other things “be detrimental to the landscape character of the area” or “be in an obtrusive location such as on a hilltop or in open fields.”

CONSULTATIONS

16. The **Transportation and Infrastructure Section** of Aberdeenshire Council have assessed the road related aspects of the proposed development and have recommended refusal of the development on the grounds of insufficient visibility and road safety concerns where the access lane and its junction with the A97 trunk road is described as being “poor in terms of gradient, alignment, width, surface condition and visibility”. The report also states that significant engineering works would be required to improve the junction to an acceptable standard, where the minimum visibility requirements acceptable at this location would be 2.4 metres x 160 metres.



Fig.2 Visibility to the north



Fig.3 Visibility to the south

17. **SEPA** note that the proposal involves treatment of domestic sewage from the development by means of a septic tank discharging to a soakaway. **SEPA** have no objection to the proposed development subject to the carrying out of an assessment of the suitability of the ground conditions for the use of a soakaway to be used as the sole means of disposal of septic tank effluent. Since receipt of the **SEPA** report a consulting engineers report has been submitted to the Cairngorms National Park Authority. Trial pit investigations and percolation tests have been carried out and the report concludes that group strata exists which is suitable for the disposal of septic tank effluent. It should be noted however that the area in which the trial hole investigations were carried out is outside the site boundaries identified in this application.
18. The **Natural Resources Group** of the Cairngorms National Park Authority have commented on the proposed development. Although the proposed site does not lie within any site designated for nature conservation purposes, there is a possibility that otters may use the Deskry Water. As the proposed development includes building a new bridge across this burn, NRG recommend that a standard otter survey should be undertaken to investigate their potential use of the site, prior to any works occurring in connection with the proposed bridge.

19. The NRG response also refers to the fact that the existing ruinous buildings on the site may be home to various species of protected bats, particularly in the chimney spaces and walls. The **Natural Resources Group** therefore recommend that the carrying out of a survey by licensed surveyors would be necessary prior to any development being considered on the site.
20. Notwithstanding the foregoing issues raised by the Natural Resources Group, the final comments of the group highlight the significant landscape concerns associated with the proposal. Reference is made to the open and highly visible location, and particularly its visibility from the A97. It is noted by Natural Resources that the artists impression submitted illustrates shelter tree planting to the rear of the proposed structures. The report notes that there is no screening behind the ruin at present and it would be a considerable time – estimated to be possible decades – before any trees planted at this location would provide any form of backdrop for the buildings.
21. Discussions have also taken place with **Scottish Natural Heritage**, and they have similar concerns to those expressed by the Natural Resources Group, in particular the need to carry out surveys of the possible presence of bats in the existing structures, otters and also water moles along the banks of the burn, in the event of consideration being given to the granting of planning permission for the proposed development. **Scottish Natural Heritage** have also made reference to the potential impact of the proposed development on the landscape character of the area and whilst SNH does not “object in principal to the development at this location” the comments refer to the fact that the site is open to view from the A97 and “care should be taken to ensure the design is appropriate for the area.”



Fig.4 Access across Deskry Water

22. The proposal has also been discussed with representatives of the **Upper Donside Fishery Board** and they have highlighted the fact that the Deskry Water burn is an important fish-spawning tributary. Whilst

the Fishery Board do not object to the principle of a bridge being constructed to access the proposed site, they recommend a number of precautionary measures in relation to construction methods, for example informing the Fishery Board prior to the commencement of development in order to allow them to check for salmon redds, minimum disturbance of bed banks and the carrying out of work at a time of year which would have the least impact on spawning activity.

REPRESENTATIONS

23. No representations have been received in respect of the proposed development.

APPRAISAL

24. The proposed development is essentially for a new dwelling house on an exposed and elevated site in the countryside. The key issues to assess in this application relate to the principle of a dwelling house on this site in relation to development policies, and the particular merits, or demerits of the site in terms of general siting, visual impact, amenity, road access and the precedent, which such development may set.



Fig.5 : Ruinous dwelling



Fig. 6 Adjacent ruinous steading

25. As has been detailed earlier in this report, the description of the proposed development refers to a “replacement house for existing disused farmhouse and outbuildings.” However, in assessing the proposal in the context of the policy on Replacement Houses in the Countryside, the proposal fails to comply. The existing house is not intact, is devoid of a roof and internal walls, and some of the external structure has also collapsed. It is clear that the property has not been inhabited within the previous five year period. Also as previously referred to, although an application for outline permission, the sketch included with the application details provides an indication of the scale and design of the dwelling envisaged by the applicants. A two and a half storey structure at this location would undoubtedly be far more intrusive in the surrounding area than the existing dwelling house.

26. I would therefore contend that the proposed development does not constitute a replacement dwelling house, but rather is a new dwelling in the countryside. Accordingly, in terms of Policy Hou\4 of the Finalised Aberdeenshire Local Plan 2002, one of the key issues to examine is the background to the need for the proposed dwelling house at this location. A letter was issued to the agents to investigate this issue. However no response has been received to date and the actual application submission fails to provide any justification for the proposed dwelling house at this location. Having regard to the scale of the proposed development (a two and a half storey property with a proposed floor area of approximately 500 square metres), it is considered unlikely that the proposed dwelling house is intended to accommodate a worker, as referred to in **Policy Hou\4 New Housing in the Countryside**. As regards the actual location at which the structure is proposed, given that the site forms part of the extensive lands of Glenkindie Estate it is considered reasonable to assume that there may be alternative sites at which a dwelling house could more appropriately be accommodated or there may be properties in the vicinity suitable for refurbishment or renovation and conversion.
27. In terms of the traffic and road safety implications of the proposed development, the report from Aberdeenshire Council's Transportation and Infrastructure Section highlights the deficiencies in the development proposal. The required sight distance of 160 metres in each direction from the entrance cannot be achieved at present and in addition, the report raises concerns about the existing poor access lane leading from the A97, describing it as poor in terms of gradient, alignment, width and surface condition.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. The erection of a prominently positioned dwelling house and the ancillary works associated with it, (such as the formalisation of an extensive access drive and the provision of a large hard surfaced car parking area surrounding the proposed dwelling) would adversely affect the character and therefore the natural heritage of the countryside in this location and potentially set a precedent for additional applications which could further erode the character of the area, and adversely affect the landscape within the Aberdeenshire Landscape Conservation Area.

Promote Sustainable Use of Natural Resources

29. Details of the new building are not sufficient to assess compliance with this aim, although it is possible that some materials could be locally sourced.

Promote Understanding and Enjoyment of the Area

30. The development is proposed on an open and exposed rural hillside, visible from a wide area of the surrounding countryside, and it is considered that its prominent and obtrusive siting would have the potential to adversely affect the enjoyment of the views and the special rural characteristics of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

31. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for a replacement house for existing disused farmhouse and outbuildings at Bluemill Farm, Glenkindie Estate for the following reasons :

- (i) That the proposal is contrary to the **Finalised Aberdeenshire Local Plan 2002** as it is not considered to constitute a replacement house in the countryside as the existing structure on site is not largely intact nor has it been occupied on a permanent basis within the previous five years. The proposal therefore represents a new house in the countryside and accordingly fails to comply with the provisions of **Policy Hou14**, as no evidence has been provided that the property is required for an essential worker engaged in a countryside enterprise in the vicinity, nor is it the only alternative available within the landholding of Glenkindie Estate. The proposed development would therefore contravene existing policies on new development in the countryside and would encourage and set a precedent for the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.
- (ii) That the proposed development would be located in an elevated and exposed location and is therefore considered detrimental to the visual amenity, quality and overall character of the local landscape and the wider Area of Landscape Significance. The proposed development by reason of its siting, scale and design fails to comply with **Policy Gen2** on **The Layout, Siting and Design of New Developments** and **Appendix 1** of the **Finalised Aberdeenshire Local Plan 2002** and would create an obtrusive feature in this

exposed hillside setting and would detract from the enjoyment of the rural qualities of this area by the general public. In addition the proposed development would create an extremely prominent precedent for unsympathetically designed and landscaped new developments in the National Park.

- (iii) That the proposal is premature prior to the imminent publication of the Cairngorms National Park Local Plan Consultation Draft with particular regard to housing in the countryside policy.
- (iv) That the proposed development would endanger public safety by reason of creating a traffic hazard due to the restricted visibility available at the entrance to the access track at the junction with the A97 trunk road, and also the fact that the access to the proposed site is of a substandard nature in terms of gradient, alignment, width and surface condition.

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10 June 2005

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