
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF NEW HOUSE FOR HOLIDAY LETTING AT LAND 100M SE OF RHUARDEN, CROFTRONAN, BOAT OF GARTEN

REFERENCE: 10/187/CP

APPLICANT: MRS JACK PER A.W. LAING LTD

DATE CALLED-IN: 25TH JUNE 2010

RECOMMENDATION: APPROVE WITH CONDITIONS



Fig. 1 - Location Plan

SITE DESCRIPTION

1. The application site is located to the south of the B970 between Nethy Bridge and Boat of Garten and is accessed via a partly made up access road. The site extends from the existing access road serving Croftronan, into a grass field and comprises 0.09ha of agricultural land. The adjacent area is generally open countryside with a group of housing within the former croft outbuildings to the south. Pastureland and commercial woodland form a general backdrop to the site.
2. Croftronan is a registered croft smallholding and includes 23 hectares of common grazing and improved pasture. The applicant lives in a bungalow (Rhuarden) immediately adjacent to the B970, while 2 other modern dwellinghouses have been built by the former farmhouse and farmyard.



Fig. 2 – Croftronan site area from B970.

PLANNING HISTORY

3. A number of other planning applications have been granted in and around Croftronan for the applicant and her family; including a change of use from a steading to a dwelling in 2004 (04/146/CP), a new dwelling at Rhuarden Cottage (04/457/CP) again in 2004; both were determined by Highland Council. Lastly, the erection of a dwelling and garage (04/229/CP) was approved by the CNPA in 2006 (on the site of a habitable summerhouse) to provide a house for a family member to assist with the croft. A further modern house – Croftronan Cottage, predating the Cairngorms National Park, is located directly to the west of Croftronan (this is under separate ownership as is the original farmhouse).

PROPOSAL

4. Planning permission in principle is sought for the erection of a house to be used solely as holiday letting accommodation. This application is to establish the principle of development on this site only; providing details of the extent of the site, which is indicated as 30m x 30m. It is proposed to utilise the existing partly made up access road, which serves Croftronan. In terms of services, it is indicated that foul drainage is to be provided via a private drainage system and water by the public water supply. No surface water drainage details have been provided.

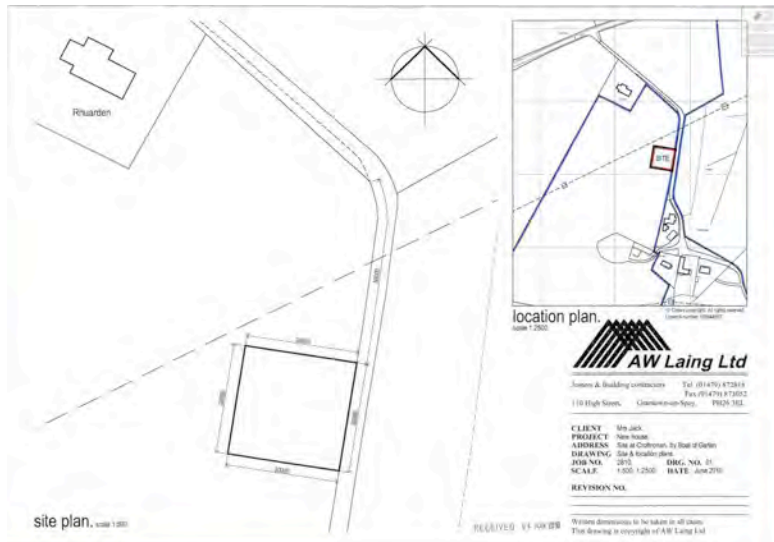


Fig. 3 – Proposed site plan showing plot extent

Applicant's Case

5. The applicant's agent has provided additional supporting information, this confirms that the proposed new house is to be built for self-catering holiday letting purposes only. It is proposed to build the accommodation in line with the SRDP Rural Priorities scheme - 'Thriving Rural Communities' guidelines allowing for diversification into a non-agricultural enterprise, particularly tourism. The applicant and her family currently operate 4 crofts in the vicinity and over the last 14 years have 'evaluated various ways to diversify their crofting activities including building two self-catering cottages for use as short-term holiday accommodation in Nethy Bridge.' These are currently let via a holiday cottages letting company, who have provided substantiating information to confirm there is good demand for good quality holiday homes in the area. They further state that 'this cottage is simply an extension of the existing holiday let business, constituting further holiday accommodation to diversify the croft as a feasible entity.'

DEVELOPMENT PLAN CONTEXT

6. Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

7. The Planning Committee has now resolved that the Cairngorms National Park Local Plan proceeds to adoption on 29 October 2010 and consequently it is this Local Plan that is now being used as the basis for planning determinations, along with the Highland Structure Plan 2001 and the National Park Plan. The Badenoch and Strathspey Local Plan 1997 is still a material consideration until that time.

National Planning Policy and Guidance

8. **Scottish Planning Policy 2010** is the statement of the Scottish Government's policy for the land use planning system, supporting the central purpose of increasing sustainable economic growth. In addition it includes subject policies with regard to Economic Development (para 47) which requires planning authorities to support small businesses including high quality tourism related development. In the section titled **Rural Development** (para 92 onwards) it states policies should promote economic activity and diversification in rural areas, including development linked to tourism and farm diversification, whilst ensuring that the distinctiveness of these areas is protected and enhanced. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

Cairngorms National Park Plan 2007

9. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
10. Section 5.2.3 of the Park Plan acknowledges that tourism is one of the primary forms of employment in the Park. Under the strategic objective, enjoying and understanding the Park, one of the objectives is to strengthen and maintain the viability of the tourism industry in the Park and the local contribution that it makes to the local and regional economy.

Highland Council Structure Plan 2001

11. **Policy T3 (Self-catering tourist accommodation)** states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition.
12. **Policy L4 (Landscape Character)** states that the Council will have regard to the desirability of maintaining and enhancing the present landscape character in the consideration of development proposals.
13. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they are compatible with service provision, including water and sewerage, surface drainage and roads.

14. **Policy H8 (Access Arrangements for New and Existing Development)** advises that development proposals, which involve new or improved access to serve more than 4 houses, shall be served by a road constructed to adoptable standards.

Cairngorms National Park Local Plan 2010

15. The CNP Local Plan is the most material Local Plan in the determination of planning applications in the National Park.
16. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
17. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
18. **Policy 12 Water Resources** development should utilise SUDS, be free from the risk of flooding and connect to the public sewerage network where available.
19. **Policy 16 Design Standards for Development** requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.
20. **Policy 25 Business Development** states that proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business or supports the vitality and viability of a farm, croft or other business in a rural location.

Badenoch and Strathspey Local Plan (1997)

21. The Badenoch and Strathspey Plan is still relevant until its replacement.
22. The site is located outwith any settlement in an area of restricted countryside. Local Plan Policy **2.1.2.3 for Restricted Countryside Areas** has a strong presumption against development in all sensitive areas. Exceptions will only be made in special circumstances. Restrictions on the subsequent occupancy of such development will be enforced and adherence to the principles of good siting and design will also be required.
23. Section **2.2.1(b) Agricultural Diversification** encourages the diversification of farming activities, including amongst others; tourism.

CONSULTATIONS

24. **Highland Council's Archaeology Service** states that the area may contain prehistoric burial remains and requires a scheme of archaeological works to be submitted and agreed.
25. **Highland Council's TECS (Roads) Service** has no objections, but suggests conditions requiring visibility splays and car parking for 2 cars within the site. The upgrading of the access road to adoptable standards (partly upgraded at present and currently serving 4 existing houses) is not required for the remaining section of road to Croftronan.
26. **The Crofters Commission** has advised that they no longer comment on individual planning applications in order to concentrate on influencing planning policy.
28. **CNPA Heritage Team** states that while the proposed holiday let house may be better located next to the cluster of buildings to the south, the site proposed is satisfactory. Significant tree planting would enhance the character of the area.

REPRESENTATIONS

27. No letters of objection have been received.

APPRAISAL

Principle of Development

28. 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 current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 06 – 23 of this report. The site is located in an area where there is a presumption against development unless a land management use or other justification can be demonstrated to allow a departure from this restriction. The main consideration in this application is whether the applicant has demonstrated that the proposal has sufficient grounds which fulfil the requirements of planning policy and whether the policy sits within the context of the aims of the National Park.
29. In terms of planning policy, national policy, in the form of the Scottish Government's Scottish Planning Policy seeks to encourage sustainable economic growth, including in rural areas. The proposal, to build a house for holiday letting purposes in order to further diversify and sustain the crofting activities, accords with the provisions of the SPP, as it allows an economic development opportunity to be realised.
30. In terms of Structure Plan and Local Plan policies, the development proposal has been considered in the context of business and tourist development policies rather than housing policies. The proposed 'house' is for holiday

letting accommodation only, not to be used as a permanent residence, but is instead proposed to provide self-catering holiday accommodation to further diversify the existing croft activities. A detailed case has been made by the applicant's agent in support of this, including highlighting that it is intended to build the development in line with Scottish SRDP holiday letting grant funding guidelines, details of their existing 2 holiday cottages in nearby Nethy Bridge, a schedule of the uptake of these and reference to current leasing arrangements under which the applicants market the properties. A clear case has been set out for the need for the additional holiday let accommodation to enable the applicants to further diversify and sustain their crofting activities and foster the development of the holiday letting business.

31. On the basis of the details provided, it is clear that the proposed development of a new holiday let on this croft accords with policy, structure plan policy T3 Self-catering tourist accommodation. The development proposal is also consistent with CNP Local Plan policy, policy 25 Business Development, which is favourable towards development which is complementary to current rural business activity, as well as being consistent with landscape policies. It is considered that with conditions restricting the use of the house to holiday lets and preventing its disposal separate from the croft, the proposal is acceptable in policy terms.
32. In terms of the business case for the development, the applicant believes there is significant demand for high quality self-catering accommodation in the area, for walkers, cyclists and other tourists, seeking a rural location. The location is within convenient reach of many of the settlements of the area, whilst offering a tranquil, panoramic setting with easy access to Loch Garten RSPB Reserve, the Speyside Way and the wider Cairngorms. The applicant has demonstrated that the existing holiday letting business is successful and integral to their crafting business, that they wish to further expand this non-agricultural business activity and intend to run the proposed 'house' solely as holiday letting accommodation. It is also important to stress that the croft is a working agricultural business, operated as part of a larger family agricultural holding. The applicant is agreeable to an occupancy condition restricting the use of the house to holiday letting purposes and preventing its separate disposal from the croft.
33. In terms of landscape and natural and cultural heritage impacts, there are no significant implications; as detailed earlier in this report, the CNPA's Landscape Officer has no objections from a landscape perspective and the applicant has agreed to tree planting to enhance the setting of the development. There are no designations on site. Some pre-application discussions with the applicant suggested that the 'house' may be best located by the existing house group at Croftronan. However the applicant has elected for this site due to its proximity to her house at Rhuarden and the presence of utilities and services immediately nearby.
34. Discussions have taken place with Highland Council TEC services to ascertain whether the upgrading of the remaining section of access road to adoptable standards is required. The Roads Manager is satisfied this is not necessary in

this case. It is recognised that as the existing section adjacent to the B970 has been tarred, while the road beyond Rhuarden to Croftronan is in good condition with a gravelled surface with a layby and turning circle available and that the development proposed is for holiday use only (and expected to add only infrequent vehicle movements to the road) the existing road is satisfactory.

Conclusion

35. To conclude, the proposal benefits from the broad support of the Development Plan, as outlined above, and raises no concerns in relation to impact on natural and cultural heritage, or impact on landscape. The applicant has provided sufficient information to justify the proposals for holiday letting accommodation to further diversify the croft. It is recommended that planning permission in principle be granted subject to conditions.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

36. There are no significant negative impacts associated with the proposed development, a condition requiring a scheme of archaeological works would protect any prehistoric features present.

Promote Sustainable Use of Natural Resources

37. The proposal is for planning permission in principle and no details of design, construction methods or materials are provided at this stage. The applicant has intimated that solar panels and other energy saving technologies would be used.

Promote Understanding and Enjoyment

38. The impact of the development on the immediate environment, landscape and amenity is unlikely to undermine the enjoyment of the area by residents and visitors. The further application for Matters Specified in Conditions would ensure it enhances landscape setting.

Promote Sustainable Economic and Social Development

39. The development of the holiday letting accommodation will help sustain and expand the economic viability of this crofting rural business and provide accommodation for visitors to the Park. Additional holiday letting accommodation in the area would provide the opportunity to enjoy the special qualities of the National Park.

RECOMMENDATION

40. That Member's of the Committee support a recommendation to:

GRANT planning permission in principle for the erection of a dwelling house for holiday letting purposes subject to the following conditions:

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of the building, means of access thereto, site levels, car parking, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Cairngorms National Park Authority (CNPA) acting as Planning Authority within 3 years of the date of this permission and the development must be commenced within 3 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Matters specified in conditions.

Reason: To comply with Section 59 of the Planning Etc (Scotland) Planning Act 2006.

2. The use and occupancy of the house for holiday letting accommodation hereby approved is restricted for holiday letting purposes only (ie. no use by a tenant, lessee, owner or occupier as their principle dwellinghouse, with no single period of occupation exceeding two months), and;

The holiday letting accommodation hereby approved shall be retained in the ownership of the business of Mrs J A G Jack in perpetuity, unless otherwise agreed in writing by the CNPA acting as Planning Authority.

Reason: To ensure the continued use of the house for holiday accommodation for purposes only allied to the crafting business.

3. The layout, design and materials of the holiday letting accommodation, hereby approved, should reflect the traditional design and styles typical of the vernacular of the area and the surrounding landscape, using a high quality design and sustainable design principles.

Reason: To ensure a high standard of design and sustainability which would contribute to the character of the National Park.

4. Prior to any work commencing on site a landscape and maintenance proposal plan shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, this should include significant broad leaf tree planting around the proposed holiday letting accommodation. The agreed landscaping and maintenance scheme shall be implemented during the first planting season following the completion of the development as hereby approved, or such other date as may be approved in writing with the Planning Authority. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

5. Prior to the commencement of any development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached, shall be submitted to and agreed in writing with the CNPA acting as planning authority, in conjunction with the Archaeology Section of Aberdeenshire Council. All arrangements thereby approved shall be implemented by the developers at their expense in accordance with the approved timetable for investigation.

Reason: To ensure that any archaeological remains at the site are investigated and recorded.

6. Details of the foul and surface water drainage systems for the holiday letting accommodation shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, prior to any work commencing on site. Thereafter, the agreed system shall be operational prior to the development coming into use and shall be retained and maintained in accordance with the details into perpetuity.

Reason: To ensure that a satisfactory drainage solution is achieved and to prevent pollution of the nearby watercourse.

7. Visibility of splays of not less than 130metres in a southwest direction x 150 metres in a northeast direction shall be provided at the junction of the new access with the existing road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

8. Parking and manoeuvring space for at least 2 no. vehicles and a larger service vehicle shall be provided within or close by the curtilage of the property such that all vehicles may enter and leave the site independently in forward gear.

Reason: To ensure that all vehicles may enter and leave the site safely at all times.

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27 August 2010
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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.