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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: MARY GRIER, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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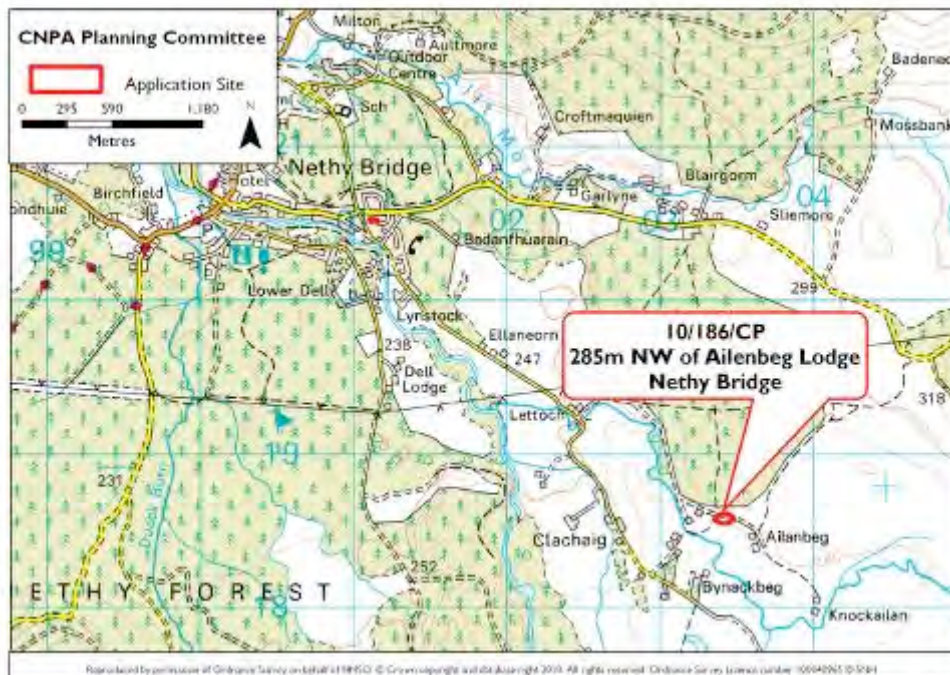
**DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A HOUSE ON LAND 285 METRES TO THE NORTH WEST OF AILENBEG LODGE, NETHY BRIDGE**

**REFERENCE: 10/186/CP**

**APPLICANT: MR. SHAW AND MISS SMITH,  
C/O AW LAING LTD., HIGH STREET, GRANTOWN ON SPEY**

**DATE CALLED-IN: 25<sup>TH</sup> JUNE 2010**

**RECOMMENDATION : REFUSE**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission in principle is sought in this application for the erection of a dwelling house. The development is proposed on land which lies approximately 2.8 kilometres to the south east of Nethy Bridge. The proposed site is in excess of 1,600 square metres (0.39 acres). It is situated 285 metres to the north west of a residential property known as Balno, and shares the same sand surfaced access track off the public road.<sup>1</sup> The proposed site is close to the end of a farm track which leads from the unclassified public road at Lettoch. The farm track is a roughly surfaced single carriageway, traversing adjacent to the edge and through Sliemore Wood, before emerging into more open ground. As it head southwards the track splits, with one track leading a short distance south to Balno, while the second track leads in a south easterly direction towards the proposed site, and continues past it to provide access to the surrounding lands and the residential property known as Ailenbeg Lodge.



Fig. 2: Divergence of track towards proposed site (left) and Balno (right)

2. The proposed site is on open agricultural land, positioned at the top of a river terrace, overlooking the Dorback Burn to the south west. It is bordered to the north by the aforementioned track, with post and wire fencing demarcating the remainder of the site boundaries. Approximately 100 metres to the rear (north east) of the site, plantation woodland forms a backdrop.
3. The nearest residential properties are located approximately 132 metres to the west (Balno) and 240 metres to the south east (Ailenbeg Lodge). The proposed site occupies a somewhat elevated position relative to either of the neighbouring properties. A number of other dwellings are also visible in a dispersed pattern to the south and south west of the site. The various properties, some of which have associated agricultural buildings, are located on the southern side of the Dorback Burn and are accessed off the public road which leads to Lettoch and Lurg.

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<sup>1</sup> The public road leads from Nethy Bridge, serving the Lynstock, Lettoch and Clachaig localities, before terminating at Lurg.

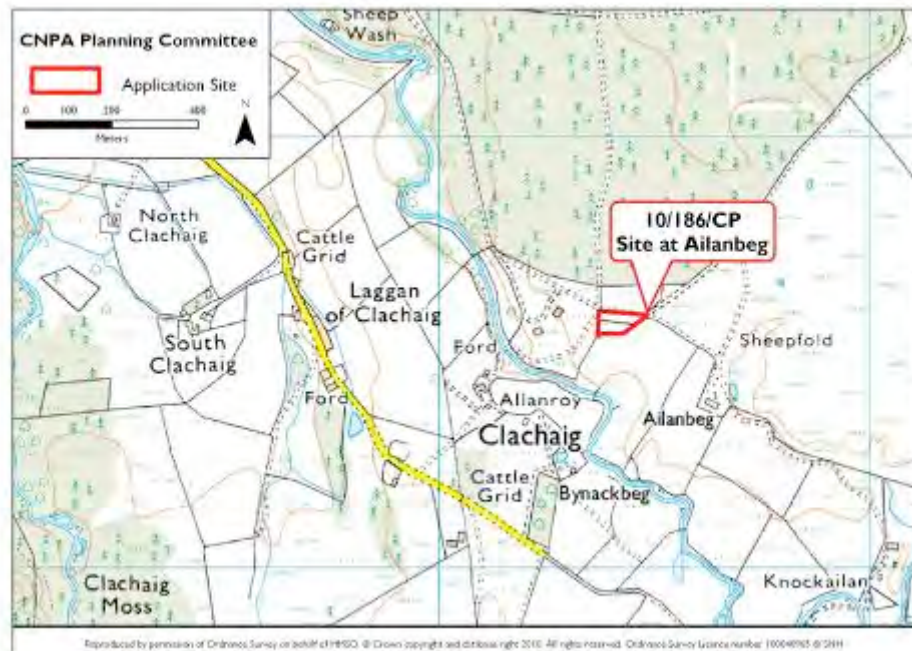


Fig. 3: Proposed site relative to the dispersed pattern of development in the locality



Fig. 4: Proposed site and properties in the vicinity, as viewed from the unclassified public road

#### The Applicants' Case

4. The extent of documentation submitted at the outset of the planning application only consisted of the application form and the site and location plans. As a result of the lack of supporting information, CNPA planning officials wrote to the applicants (please refer to appendix 1, CNPA letter dated 16<sup>th</sup> July 2010) advising of the planning policies applicable to housing proposals in this area and requesting the submission of additional information in support of the development proposal.
5. In a letter received from the applicants on August 30<sup>th</sup> 2010 (please refer to Appendix 2) it is indicated that the site is on the applicants' (Miss Smith) father's farm, where she has helped out since childhood. It is stated that this is not her full time occupation and she takes "no wage from the farm as it has

always been understood” that she would “get a small plot to build a house there.”

6. The letter also provides details of the extent of the farm on which the site is proposed. It consists of a total of 1,400 acres, divided into three areas – Lurg Farm and two registered crofts at Balno and Knock an Ailan. The farm “carries 400 sheep and 70 cows and followers” and is worked in partnership by Miss Smith’s father and uncle. Reference is made in the submission to the applicants’ father working as a snow plough driver during the winter months, and given his absence from the farm for much of the day during this period, she estimates that her involvement on the farm during the winter months is approximately 2 hours per day. Most of her work in the summer months is done at weekends. No specific quantifiable hours of work on the farm or details of the specific farm duties undertaken have been provided in the supporting letter.
7. The applicants request that their case is looked on sympathetically and it is stated that they “simply want to come home to live and work” and that Miss Smith would “eventually work the croft” when it is time for her father to retire. The letter concludes with an additional request that the applicants case will be looked on sympathetically “as regards putting a Section 75 onto the application.” Comment is made that “banks are not willing to give mortgages on properties with a Section 75 attached” and the applicants suggest that “until this is sorted out there will not be a Section 75 attached.”

## DEVELOPMENT PLAN CONTEXT

### National policy

8. **Scottish Planning Policy<sup>2</sup> (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 should .....allow 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.
9. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises

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<sup>2</sup> February 2010

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.

- I0. 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.”
- I1. The **Scottish Planning Policy** document includes a number of subject policies, one of which is housing.
  - Housing: Para. 66 advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations. In further discussing the location and design of new development planning authorities are encouraged to promote the efficient use of land and buildings, and direct development towards sites within existing settlements where possible in order to make effective use of existing infrastructure and service capacity and to reduce energy consumption.
  - Rural development: The SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The policy document is clear that the aim is “not to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses.” All new development is expected to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
  - Landscape and natural heritage: the policy document recognises that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. Different landscapes have different capacities to accommodate new development, and the siting and design of new development should be informed by local landscape character. It is noted in para. 131 that landscapes and natural heritage are sensitive to inappropriate development and planning authorities are expected to ensure that potential effects, including the cumulative effect of incremental changes, are appropriately considered.
- I2. **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.<sup>3</sup> 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.”

**Cairngorms National Park Plan (2007)**

- 13.** The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment. Agriculture is recognised as having a significant influence on the natural heritage and landscape of the Park and the Park Plan includes a variety of objectives to promote and support sustainable forms of agriculture and crofting. Some of the strategic objectives include managing agricultural production to be consistent with, and enhance, the special qualities of the Park; and maintaining a productive and viable agricultural sector.
- 14.** Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities.
- 15.** The Park Plan aims to encourage sustainable development. One of the strategic objectives for sustainable communities is to “make proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements.” The Plan recognises that the main settlements in the national park have the greatest range of existing services and infrastructure and can therefore best accommodate increased growth in a sustainable way.
- 16.** The subject of ‘Housing’ is also discussed in the ‘Living and Working’ section of the National Park Plan. The need to ensure access to affordable and good quality housing is recognised. The quality and design of new housing is

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<sup>3</sup> Para. 256.

required to meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.

17. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to “go further and develop a world class destination which plays a significant part in the regional and national tourism economy.”

**Highland Council Structure Plan (2001)**

18. **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.

A variety of detailed policies emanate from the principles.

19. **Policy H3 Housing in the Countryside** advises that housing development should generally be within existing and planned new settlements. New housing in the open countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes.

20. Para 2.2.9 of the Structure Plan elaborates on the policy. The Plan recognises that there may be some circumstances when there is a need for new housing in the countryside. In discussing the exceptional circumstances in which housing may be permitted, reference is made to “those managing the land, or family purposes associated with this, such as retiring farmers and their spouses.” The Plan also clarifies that in such circumstances permission would be subject to an occupancy condition.

21. The Structure Plan includes a section on access arrangements for new and existing development. **Policy H8** indicates that development proposals which involve new or improved access to serve more than 4 houses and / or to serve a development which would generate vehicular traffic equivalent to more than 4 houses, shall be constructed by a road constructed to adoptive standards. The adopted road would normally be required to serve all of the new development and any existing development.

22. **Policy NI (Nature Conservation)** requires that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to their hierarchy.

23. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key

part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.

24. Section 2.14 of the Structure Plan deals with the subject of Landscape. It is recognised that landscape is not a static feature and that many forces bring about change in it, whether immediately or subtly over a number of years. **Policy L4 (Landscape Character)** states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

25. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

#### **Cairngorms National Park Local Plan (2010)**

26. The CNPA Planning Committee has resolved on 20 August 2010) that the CNP Local Plan now proceed to adoption (with the adoption date being 29 October 2010). The Cairngorms National Park Local Plan is consequently the most material consideration in determining this application. For CNP Local Plan text please refer to :  
<http://www.cairngorms.co.uk/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>

27. 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.

28. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The policies in the Local Plan 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 development proposal.

29. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where

- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and



(b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

30. 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.

31. Policy 16 – Design Standards for Developments : the policy encourages the design of all developments to

- Minimise the effect of development on climate change;
- Reflect and reinforce the traditional pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
- Use materials and landscaping that will complement the setting of the development;
- Demonstrate sustainable use of resources;
- Enable the storage, segregation and collection of recyclable materials and make provision for composting;
- Reduce the need to travel; and
- Protect amenity enjoyed by neighbouring properties.

32. Policy 22 – Housing Developments Outside Settlements : developments for other new housing outside settlements will 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; and
- 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 workers place of employment; or

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

(c) The development is sited on rural Brownfield land.

Para. 4.72 of the Local Plan provides further guidance in relation to Policy 22 and advises that applicants should demonstrate that other sites, including those within settlements, open market dwellings in the area, and land within

allocated sites contained in the local plan for housing, have all been considered and discounted. Para. 4.73 also advises in demonstrating a need for housing in connection with (a) above, that applicants must demonstrate a land management need for the accommodation through the use of independent experts, such as the Scottish Agricultural College.

**Badenoch and Strathspey Local Plan (1997)**

33. Although still the adopted local plan until 29 October 2010, the **Badenoch and Strathspey Local Plan** has in practise been superseded by the Cairngorms National Park Local Plan.

**CONSULTATIONS**

34. Highland Councils **TEC Services** were consulted but a response has not been received to date.
35. The CNPA's **Landscape Officer** has assessed the development proposal and detailed in her response that the proposed site is within the Landscape Character Area 'Abernethy Forest.'<sup>4</sup> Dispersed and small clusters of farmstead / dwellings are characteristic of this Landscape Character Area.
36. The **Landscape Officer** noted that site is on open agricultural land on top of the river terrace overlooking the Dorback Burn to the south west. The majority of buildings within the settlement pattern in the area are sited so as to benefit from the shelter of local landform and / or woodland. In comparison the proposed site is slightly elevated and exposed, with the result that a house at this site would be visually prominent within the surrounding landscape. The consultation response from the Landscape Officer suggests various mitigation measures which could be implemented, including the provision of shelter planting and the siting of a dwelling further back from the river terrace and closer to the woodland. Further mitigation at the design stage is also suggested, including reference to traditional form, roof line and fenestration, with the access track, driveway and garden boundaries all relating to shelter planting in order to avoid a suburban appearance.
37. The proposed development has been considered by the CNPA's **Access Officer** and there is no objection to the proposal. The response notes that the Lettoch Walk, which forms part of the Explore Abernethy promoted path network, exits the wood to the north of the proposed site. It is suggested that it may be of benefit to potential residents of the proposed dwelling house to angle the building in a way which would not result in users of the path looking directly into the proposed property.

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<sup>4</sup> This is a basin characterised by its glacial and fluvial deposits and extensive areas of pine forest. Farms and shelterbelts within this area are located on well drained fluvial deposits and drier ridges above Dorback Burn, and around the forest edge where there are small groups of dwellings and farmsteads.

## REPRESENTATIONS

38. No representations have been received in connection with the proposed development.

## APPRAISAL

39. In considering the proposal for the development of a single dwelling house in this countryside area, there are a number of factors which need to be taken into account, including planning policy, issues regarding siting, access and servicing, landscape impact and impacts on the natural heritage of the area, as well as consideration of the development proposal in the context of the four aims of the National Park.
40. As detailed in earlier sections of this report, the Cairngorms National Park Local Plan is due to be formally adopted on 29 October 2010. Its imminent adoption, together with the fact that the Badenoch and Strathspey Local Plan is quite dated<sup>5</sup> means that the CNP Local Plan is the key material consideration in the assessment of this application. The policies contained in the CNP Local Plan have been guided by and accord with national planning policies and any development being considered would consequently be required to comply with the two strands of national and local policies.
41. In assessing the current development proposal against national planning policy, the three key policy areas are housing, rural development and landscape and natural heritage. As this is an application for planning permission in principle it does not contain detail which would establish at this stage if a house on the proposed site would meet the requirements of being well designed, energy efficient and of good quality. In addition, due to the limited extent of information required in an application for planning permission in principle, it is difficult to gauge the overall impact of the development on landscape and the natural heritage of the area. The proposed new dwelling would represent the addition of a new structure in a rural area where there is a widely dispersed pattern of development and could therefore potentially set a precedent for incremental increases in the level of development, which would ultimately impact on the landscape character of the general area. In addition, given the rural location of the proposed site, it is not generally consistent with national guidance which directs development towards sites within existing settlements where possible.
42. In terms of national planning policy on rural development, there is a clear intention to avoid the suburbanisation of the Scottish countryside. The development of a new dwelling on the proposed site, although not initially giving rise to suburbanisation, would nonetheless result in a new structure in a rural area, where the pattern of development has traditionally been dispersed, but which has overtime seen the addition of a number of new buildings over a limited locality. Scottish Planning Policy accepts development in rural areas where it would maintain and improve the viability of

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<sup>5</sup> The Badenoch and Strathspey Local Plan was adopted in 1997.

communities and support rural businesses. The case advanced in support of this planning application is insufficient to demonstrate that the proposed dwelling would support a rural business. Limited information has been provided about one of the applicants having casual involvement in agricultural work on her families landholding. This is ancillary to her full time occupation, although no actual details have been provided of the full time occupations of either of the applicants (Miss Smith or Mr. Shaw). The extent of information about the nature of the farming activities on the landholding is limited to a reference to its size, geographical components, and the level of stock. There is a noticeable absence of any independent assessment of the agricultural activities undertaken or any calculation of the labour requirements on the landholding or the labour hours currently expended by the two partners in the farm (Miss Smith's father and uncle).

- 43.** In turning to consider the proposed development in the context of local planning policy as outlined in the Cairngorms National Park Local Plan (please refer to paragraphs 22 - 28 of the report) one of the key policies against which to assess the proposal for a new dwelling house is Policy 22 – Housing Developments Outside Settlements. The policy is intended to facilitate the provision of two types of new housing outside settlements – (i) affordable housing<sup>6</sup> and (ii) 'other housing outside settlements'. The current development proposal comes within the latter category. Based on the facts presented by the applicants, it is clear that the proposed dwelling is not for a retiring farmer or crofter, nor is it sited on a rural brownfield site, the only other category under which to consider the proposal is "accommodation for a worker in an occupation appropriate to the rural location." In this context proposals should demonstrate that
- the presence of the worker on site is essential in order to provide 24-hour supervision of the rural business; and
  - there is no suitable alternative residential accommodation available; and
  - the proposed dwelling is within the immediate vicinity of the worker's place of employment.

The Local Plan also includes a detailed section on the implementation and monitoring of the policy and stipulates a requirement for applicants to demonstrate what other sites, including those within settlements, as well as open market dwellings in the area have all been considered and discounted. This is a point which was highlighted to the applicants in the CNPA's letter of 16 July. However, no information has been provided on this matter, nor has any information been provided on the applicants current accommodation arrangements, other than their address being in Boat of Garten.<sup>7</sup>

- 44.** The details provided by one of the applicants, Miss Smith, regarding her involvement in the agricultural landholding demonstrates that her role is limited and on a casual basis, consisting of some daily work during the winter

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<sup>6</sup> Affordable housing proposals would necessitate the use of community needs assessments and housing needs.

<sup>7</sup> It is approximately 10km by road between the applicants current residence and the proposed site.

months (although the period referred to as 'the winter months' has not been defined) and some weekend work during the summer months. Miss Smith's full time occupation is elsewhere and she is not a paid employee of the agricultural business. As such the applicants are not essential workers in the agricultural business. The business is run by two of her family members. No form of independent assessment of the operation of the agricultural business / landholding, as required by the CNP Local Plan (2010) has been provided and there is no evidence to suggest that the labour requirements of the enterprise are not already being adequately met by the partners in the enterprise i.e. Miss Smith's father and uncle. On the basis of the facts presented by the applicants there is no evidence that the presence of the applicants is essential in order to provide 24 hour supervision of the rural business. The full time occupations of the applicants are not on the landholding, and although no other information has been forthcoming to verify the location of their employment, it appears reasonable to assume that it is not within the immediate vicinity of the proposed site. Having assessed the development proposal against all of the criteria of Policy 22 – Housing Developments Outside Settlements, it is clear that the applicants do not meet such criteria and the proposal cannot therefore be considered to accord with the Local Plan policy.

45. It is also of relevance to note that the applicants have expressed a reluctance to enter into any legal agreement in the event of the granting of planning permission. It has been the practise to date of the CNPA, in the event of an appropriate case being made to justify the granting of planning permission for new housing in a countryside area, to use the mechanism of Section 75 legal agreements to restrict the occupancy of such dwellinghouses to the applicants and persons engaged in the specific rural business on which a case for a house was made. In doing so, it ensures that such housing in rural areas remains available in perpetuity for essential workers in the enterprise. Without any form of restriction, there is the potential for housing to be disposed of on the open market, thereby detracting from the supply of housing for those engaged in rural enterprises, and also perpetuating a need for further new housing in such areas, with the potential to have a negative cumulative impact on the landscape of the rural area. A decision to grant planning permission for an unjustified and unrestricted new dwelling house outside of a settlement, would be inconsistent with the strategic aims of the National Park Plan, particularly the strategic objectives for 'landscape, built and historic environment' which seeks to maintain and enhance the distinctive landscapes across the Park.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

46. The proposed development is on land which is set in open countryside. It would represent the addition of a new dwelling into an area which has traditionally had a widely dispersed pattern of housing. A new dwelling sited on this raised terrace could become a prominent feature in the landscape, and the full extent of that impact or various mitigation measures cannot be fully assessed and appreciated in the absence of specific design details.

**Promote Sustainable Use of Natural Resources**

47. The detail in an application for Planning Permission in Principle (PIP) is limited and does not contain sufficient information to establish whether or not the development proposal would assist in promoting the sustainable use of natural resources.

**Promote Understanding and Enjoyment of the Area**

48. The proposed development site is close to the route of the Lettoch Walk, which is part of a promoted path network. While the proposed development would not hinder the access route, it would introduce a further built element into the landscape of this rural area and could therefore have the potential to impact on the enjoyment of users of the area.

**Promote Sustainable Economic and Social Development of the Area**

49. The details provided have failed to demonstrate that the proposed dwelling house is for a worker in the agricultural enterprise, or that the applicants presence on the site is essential in order to provide 24 hour supervision of the business. It has not therefore been demonstrated that the proposal would assist in promoting the sustainable economic and social development of the area.

**RECOMMENDATION**

**That Members of the Committee support a recommendation to REFUSE PLANNING PERMISSION IN PRINCIPLE for the erection of a house on land 285 metres to the north west of Ailenbeg Lodge, Nethy Bridge, for the following reasons : -**

1. The proposed development represents an unjustified dwelling house outside a settlement in the National Park. The proposal would therefore be contrary to national planning policy as expressed in Scottish Planning Policy (February 2010) which directs development towards sites within existing settlements (para. 80). It would also be contrary to the Cairngorms National Park Plan (2001) which seeks to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements (section 5.2.2 (b)).
2. The proposed development represents an unjustified dwelling house outside a settlement in the National Park. The applicants' case has failed to demonstrate that the proposed dwelling house is essential for occupational

reasons associated with the landholding on which it is proposed, or that the presence of the applicants is essential for 24 hour supervision of the rural business. The proposal is therefore contrary to Policy 22 – Housing Developments Outside Settlements of the Cairngorms National Park Local Plan (2010). If approved the development would set a precedent for and encourage the sporadic siting of other similarly unjustified residential development in similar rural locations, all to the detriment of the countryside and the amenity of this part of the National Park.

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**6 September 2010**

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