

APPENDIX I

**CNPA REQUEST FOR ADDITIONAL
INFORMATION (16 JULY 2010)**

AW Laing Ltd.,
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Our Ref: 10/186/CP
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16 July 2010

Dear Sir,

**10/186/CP – PLANNING APPLICATION FOR THE ERECTION OF A HOUSE
ON LAND 285 METRES TO THE NORTH WEST OF AILANBEG LODGE,
NETHY BRIDGE**

I refer to the above proposal that is currently under consideration by the Cairngorms National Park Authority. As part of the assessment of the planning application it is necessary to engage in discussions with a number of consultees, and await receipt of their responses and recommendations on various issues relating to the development proposal. I have not yet received all of the consultation responses, but on the basis of the assessment of the planning application to date, some issues have arisen on which further information is required in order to progress the application.

In terms of planning policy applicable to housing proposals in this area, the Badenoch and Strathspey Local Plan (1997) is the extant plan. However, given the age of that Plan and also given the advanced stage of preparation of the Cairngorm National Park Local Plan, the policies in the latter now carry increasing weight in the assessment of planning applications.

As the proposed site is in an area in which housing is generally restricted and only considered where there may be a particular case for a house, it will be necessary to provide detailed supporting information to demonstrate whether or not the proposal complies with planning policy.

In the context of the Badenoch and Strathspey Local Plan (1997) the proposed site is on land which is identified as a Restricted Countryside Area where there is a strong presumption against the development of houses. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons.

Under the Cairngorms National Park Local Plan, the emerging housing policy applicable to this type of proposal is Policy 22 – Housing Development Outside Settlements. The policy sets out three circumstances in which development for new housing would be permitted –

- (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 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 ten years or for a person retiring from other rural businesses, where their 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.

In order to establish whether or not the proposed development complies with the above policies, it will be necessary to provide detailed supporting information. In demonstrating a need for housing associated with (a) applicants are required to demonstrate a land management need for the proposed accommodation through the use of independent experts, such as the Scottish Agricultural College. The CNP Local Plan also requires that a business case must be provided for proposals seeking development related to rural businesses other than farming. It will also be necessary for the applicants to demonstrate whether or not other sites, including those within existing 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.

In the event of consideration being given to the granting of planning permission for the proposed development the applicants may be required to enter into a Section 75 legal agreement, possibly restricting the occupancy of the proposed dwelling house, and where appropriate restricting its sale separate from the landholding on which it is proposed. Please submit details to confirm that your client understands the implications of such an agreement and is prepared to enter into it if so required. It may be advisable for the applicants to seek legal advice in order to discuss and understand the Section 75 process and implications.

I would be grateful if you could provide the required supporting information at your earliest convenience in order to allow the assessment of the planning application to progress. In the event that further issues arise as a result of receipt of the consultations responses, I will contact you as soon as possible to highlight the issues.

In the event that you wish to discuss the application in more detail please feel free to contact me.

Yours sincerely,

Mary Grier
Planning Officer, Development Management