
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART (PLANNER, DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: DEMOLITION OF REDUNDANT QUARRY ACCOMMODATION AND ERECTION OF DWELLINGHOUSE AND OUTBUILDING (OUTLINE), BLACKMILL QUARRY, BALLINTEAN, NR. KINCRAIG

REFERENCE: 04/178/CP

APPLICANT: NEIL MCINNES, 27 CASTLEHILL GARDENS, CRADLEHALL, INVERNESS, IV2 5DJ

DATE CALLED-IN: 8 APRIL 2004

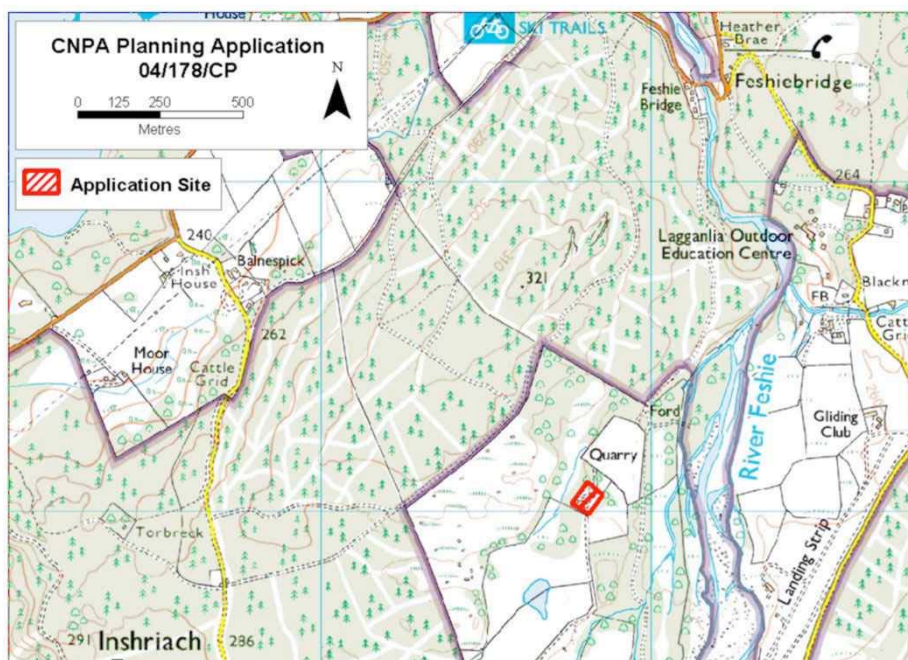


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is located in a countryside area to the south of Feshiebridge approximately 5km south east of Kincaig within the River Feshie valley (see Fig 1). The proposed house site is positioned to the south of Blackmill Quarry, which is now redundant, on a site where two buildings relating to this former quarry use stand within a small group of birch trees. The immediate surrounding area is characterised by open pasture and sparse birch woodland which extends southwards towards the grouping of buildings known as “Ballintean” and eastwards towards the River Feshie. This open area of the valley is contained within the wider woodlands of Inschriach Forest. The site is accessed by an existing unsurfaced track which extends northwards from “Ballintean” and joins the private access road which leads to the minor public road from the B970 into Glen Feshie.
2. The application is submitted in outline format and the proposal is to site a house on the area of ground currently occupied by the former quarry buildings. These buildings would be removed, unless it felt, at the detailed stage, that one or both could be retained for domestic garaging/storage/workshop uses. The proposal is to reuse and upgrade, if necessary, an existing septic tank and soakaway. A new private water supply will be provided. If the application is successful, the applicant will, under his contract of sale, contribute to a continued annual programme of maintenance for the shared access.
3. The applicant works for Forestry Commission Scotland. He is the local forester for Glenmore, Inschriach and Laggan although he also has responsibility for other forest areas nearer to Inverness. He currently lives in Inverness and commutes on a daily basis. He is therefore seeking permission for this house on the basis of need for work purposes.

DEVELOPMENT PLAN CONTEXT

4. **Highland Structure Plan Policy H3 (Housing in the Countryside)** states that new housing will 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 land and related family purposes. **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. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); impact on resources including habitats, landscape, scenery etc.
5. **The Badenoch and Strathspey Local Plan Policy 2.1.2.3 for Restricted Countryside Areas**, has a strong presumption against the development of

houses in all sensitive areas. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on the subsequent occupancy of such houses will be enforced, and adherence to the principles of good siting and design will be required. The clause on design contained within **Policy 2.1.2 (Housing in the Countryside)** states that single houses outwith recognised settlements will require to be (amongst other things), compatible with the scale and character of local buildings where appropriate, and properly located in harmony with the landscape.

6. Highland Council's **Development Plan Policy Guidelines (April 2003)** provides more detailed guidance on the interpretation of specific policies contained in the 1997 Local Plan, in the light of the subsequently approved Structure Plan of 2001. This document states that new housing within the open countryside will be exceptional, and will only be permitted (in accordance with National Guidance and the approved Structure Plan policy) where, amongst other specific circumstances, it is required for the management of land, or it is required for family purposes related to the management of land (retired farmers and their spouses). It also considers that there is no justification for housing in the countryside associated with forestry enterprises.

CONSULTATIONS

7. **SNH** initially objected to the proposal by advising that the development proposal could have potential adverse impacts on important natural heritage interests in relation to bats which are a European Protected Species. The area of the site comprises native broadleaved and coniferous woodland, farmland and a river. This combination of habitats is ideal for supporting invertebrates that form the diet of bats. The absence of other buildings in the vicinity of the proposed development, together with the existence of the uninhabited former quarry buildings, increases the possibility that these buildings could be used as a summer roost for bats. They therefore recommended that a survey for bats be undertaken prior to the determination of the application. A qualified bat surveyor undertook a survey, on the applicant's behalf, and there was no evidence of bat activity found. **SNH** have therefore withdrawn its objection. In addition they have advised that it is unlikely that the proposal will have any adverse affects on the qualifying features of the River Spey cSAC (River Feshie is a tributary positioned approx. 400m to the east of the site) or any of the natural heritage interests of the River Feshie SSSI. The site is within the Cairngorm Mountains National Scenic Area but **SNH** advise that the scale and location of the proposal is such that they consider that it will not adversely affect the integrity of the NSA.
8. **SEPA** are pleased to note that surface water will be disposed by means of separate soakaways. In relation to foul water disposal, they state that provided the Building Control Department is satisfied that the reuse and upgrade of the existing septic tank and soakaway system meets with current building regulations and that it is in a satisfactory state of repair and of sufficient capacity, they have no objections.

9. **Highland Council's Archaeology Unit** have no concerns and the **Environmental Health Officer** is satisfied that water quantity will not be an issue because, if necessary, water can be taken from the River Feshie. Water samples would, however, be required at the detailed stage.
10. **Highland Council's Technical Officer (Contaminated Land)** has received written assurances from the applicant that the buildings on the site were used for accommodation for quarry workers and offices for the weighbridge, the quarry itself was a sand and gravel pit which has not been in-filled with waste type materials and there was no fuel or other chemicals stored on the site of the proposed house. As such, the Technical Officer has no comments to make regarding any contamination issues.
11. **Highland Council's Area Roads and Community Works Manager** has stated that the site is located at the extremity of the public road network in an area that is afforded low priority in terms of road maintenance. The private road connecting "Ballintean" to the public road already serves a number of developments. They state that if the proposed development will result in more than four dwellings, in separate ownership, being served by this private access road, then in accordance with policy, the road will require to be upgraded to an adoptable standard. Notwithstanding this, they state, however, that provided the roads related conditions attached to an earlier planning permission (2002) for development at "Ballintean" are satisfied and provided that localised repairs, sufficient to allow safe and easy access for larger emergency vehicles are carried out to the access track between the site and "Ballintean", they have no objection to the proposed development. These previous conditions require some upgrading, in terms of visibility and surfacing of the private access road at its junction with the public road. The applicant has confirmed that there will not be more than 4 houses, in separate ownership, served by the private road and that he will upgrade the access as necessary.

REPRESENTATIONS

12. The application has been advertised as a development "Not in Accordance with the Provisions of the Development Plan". No letters of objection have been received. However, 3 letters in support of the proposal have been submitted. One letter is from the applicant. To summarise, this states that he has tried and failed for three years to find affordable housing in the area where his work with the Forestry Commission is based and that the high house and land prices have forced him to commute from Inverness. The site has been offered to him at approximately half its market value and provides an opportunity to move to an area where he is committed. The letter also states that the site is served by existing access tracks and services and that with the quarry being redundant the proposal provides the opportunity to improve the on-site situation from a landscape and visual point of view. The house would be of an appropriate Scottish vernacular design. The site is also centrally located within the applicant's forest beat where he has forest worker safety and forest fire duties.

13. The applicant's employers have written to confirm that they have asked him to move to the Badenoch and Strathspey area. The applicant has community-based forestry work which involves developing effective relationships with stakeholders and neighbours. He is also involved in supervision and liaison with field staff, contractors and wildlife management staff that involves out of hours work. Living in the area would help him perform these roles.
14. A third letter states that every encouragement should be given to young people who work in the area, particularly those in the productive industry.
15. Copies of these letters are attached for the Committee's consideration.

APPRAISAL

16. The main issues relating to this application are the principle of a new single house in the countryside in terms of planning policy, the choice of the site and its impact, and the servicing needs of a house on the application site.
17. Taking these in reverse order, in relation to the servicing of the site, the house would be accessed from an existing private road and track. This private access serves existing development at "Ballintean" and it would have provided access to vehicles moving to and from the former quarry. It is of a reasonable standard and while improvements are required in line with the Area Roads Managers requirements (some previous conditions require to be enforced by Highland Council), on the basis of a single house, there are no objections in terms of road safety. A private water supply is required and the Environmental Health Officer is content that a suitable supply can be provided. There is an existing private drainage system on site and provided it is upgraded in line with the Building Regulations, SEPA have no objections from a public health or pollution standpoint. Following the negative results of the bat survey, SNH have removed their initial objection. As such, there are no objections to the proposal on technical or servicing requirements or on natural heritage grounds.
18. The site is in a remote countryside location but it is on the site of existing former quarry buildings. These buildings are functional in appearance and in their redundant state, they do not enhance the rural character of the area. Their removal, or at worst their upgrade and reuse for domestic purposes associated with an appropriately designed house on the site, could be construed as a benefit to the overall appearance of this countryside site. The site itself is fairly well contained in the landscape with immediate localised tree cover, and in the wider context, within a more open area in a substantial forest block. SNH have advised that the scale and location of the development would not result in negative impacts on the landscape integrity of the wider NSA. On an individual basis, I concur with this view and I submit that there are no direct policy contraventions in this respect. However, the precedent for other similar developments that a house would have in such a countryside area and the cumulative negative landscape impacts that this may cause must also be considered. It is also the case that the existence of the former quarry buildings on the site and their potential negative impacts of the visual quality of the area,

cannot be used as justification for a house, if that house itself cannot be justified in terms of need and planning policy.

19. This leads onto the final and most important consideration. The principle of a house on the site must be considered in terms of current planning policy. The site lies within a Restricted Countryside Area in the Badenoch and Strathspey Local Plan where new houses are restricted to situations where a need can be demonstrated in terms of land management purposes or for family purposes related to the management of land. This restriction is further defined in supplementary guidelines where the potential to support a house in these circumstances is based on "*whether it is essential for the proper functioning of the enterprise that a worker is required to be on hand day and night where animals or agricultural practices require essential care at short notice to deal quickly with emergencies that could cause serious loss of crops or products.*" The same guidelines advise that there is no justification for housing in the countryside associated with forestry. While the applicant and his employer have put forward their case in relation to his work commitments, the determining factor is that there is little in these work commitments to demonstrate that having a house for a forest worker at this site, is essential for the proper 24 hour functioning of the forestry enterprise at this location. While it is acknowledged that there is an issue about providing affordable housing for local people within the National Park, this must be done in a planned way and by developing sustainable affordable housing policies and mechanisms. It would be inappropriate to provide this in an ad-hoc, individual planning application-led way that contravenes current statutory planning policy.
20. As such, the application fails to comply with Highland Council Structure and Local Plan policy in relation to houses in the Restricted Countryside Areas of the National Park. To permit the proposal would act as an undesirable precedent for other unjustified houses in countryside areas. Cumulatively, this would have detrimental landscape impacts on the character and quality of the National Park's countryside.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage

21. On an individual basis, the proposal will not have any significant adverse impacts on the natural and cultural heritage of the immediate area. However, the precedent that this proposal may set could lead to a proliferation of unjustified houses which would have detrimental impacts on the character of the wider landscape. Unrestricted development of non-essential housing in general, can change the heritage of the area in a negative manner.

Promote Sustainable Use of Natural Resources

22. There are no positive implications in terms of this aim.

Promote Understanding and Enjoyment of the Area

23. Again there are no positive implications in terms of this aim.

Promote Sustainable Economic and Social Development of the Area

24. The development of a new house in the countryside at this location, which is not related to the essential functioning of adjacent land or livestock management enterprises, is not sustainable in that it will rely on services - schools, shops, post, health, energy etc. - at some distance from the site, not accessible by public transport at the site. Housing needs can be more positively provided under this objective, through developing sites in recognised community centres and settlements. Affordable housing which is important to sustain the social and economic development of the area requires to be provided through sustainable affordable housing planning policies and mechanisms and not on an individual, ad-hoc and unplanned basis.

RECOMMENDATION

That Members of the Committee support a recommendation to:

REFUSE Outline Planning Permission for the Demolition of Redundant Quarry Accommodation and Erection of Dwellinghouse and Outbuilding at Blackmill Quarry, Ballintean, Nr, Kincaig, for the following reasons:-

- i. The development is contrary to the Highland Structure Plan, 2001, Policy H3 (Housing in the Countryside) and the Badenoch and Strathspey Local Plan, 1997, Policy 2.1.2.3. (Restricted Countryside Areas), both of which aim to protect the general countryside from sporadic, non-essential housing developments. In this instance, the applicant cannot demonstrate that the proposal for the new house is required for, or related to, the essential functioning of any land or livestock management enterprise in the area.
- ii. If approved, the proposal would set an undesirable precedent, which could lead to a proliferation of other similar, unjustified, isolated and sporadic housing developments in the countryside. Cumulatively, this would have significant detrimental impacts on the rural character, quality and amenity of the countryside, which would have negative implications in terms of the collective aims of the National Park.

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