
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT , PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ERECTION OF HOUSE (RE-SUBMISSION)
LAND WEST OF INSH HOUSE, KINGUSSIE
(FULL PP)

REFERENCE: 08/130/CP

APPLICANT: MR & MRS THOMPSON

DATE CALLED-IN: 18 APRIL 2008

RECOMMENDATION: APPROVAL



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located to the east of Loch Insh immediately to the south of the junction of the B970 with the minor road to Glenfeshie. The application site for this single detached house lies on a separate plot to the south west of the 'C' listed Insh House. The house is a Thomas Telford designed manse built in 1828 and now used as a guest house. The site is divided from the listed building by a pair of semi detached stone and timber holiday cottages that are part of the applicants tourism business. The detailed site for the new house is adjacent to the B970 in front of the cottages and partly on an area that accommodates touring pitches for the Caravan Club. A letter from the applicants is attached at the back of the report which explains the background to the proposal.



Fig 2 View of entrance to site looking north on B970. Holiday cottages in foreground, Insh House in background.



Fig 3 Entrance to site from B970 which is to be moved to the left of photograph.



Fig 4. Insh House, site for development at far right of photograph site in background.



Fig 5 View of site from garden of Insh House.

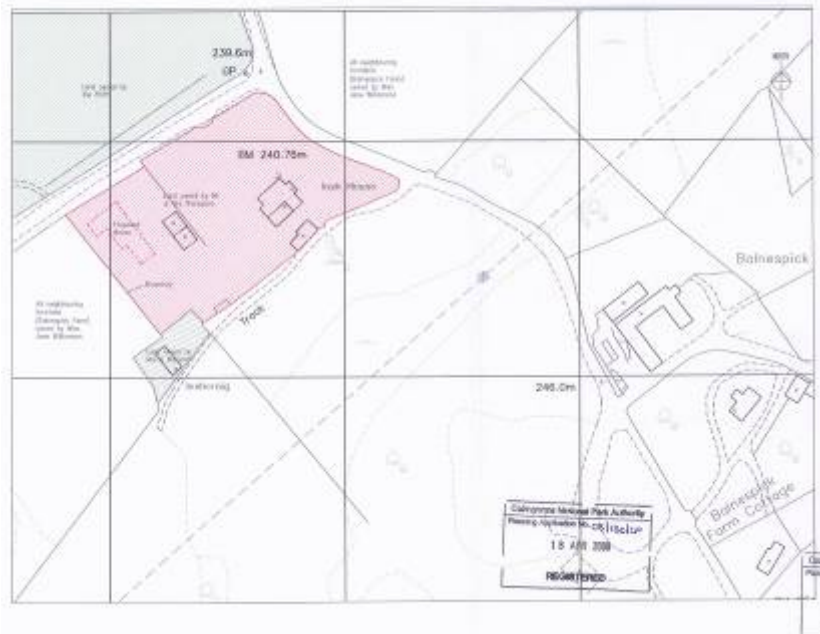


Fig 6 Site layout

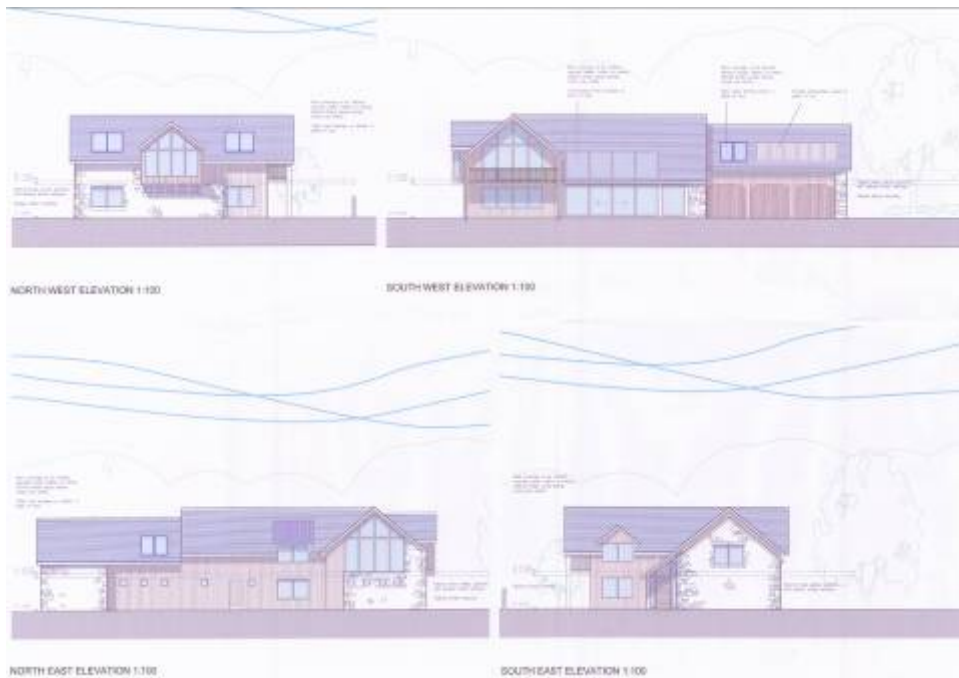


Fig 7 proposed elevations

2. The proposal seeks full planning permission for a detached 5-bedroom house towards the front of the plot (see fig 6). The house is proposed as a zero energy house utilising solar energy, a ground source heat pump and a small wind turbine. The house is designed so that one roof flank faces south east to allow solar gain.
3. In terms of external design the building utilises some elements of natural stone facing (granite) to reflect local materials with stained timber boarding and windows/doors. The intention is that the roof will be covered with recycled 'rubber' slates. The south east facing roofslope of the garage is to host photo-voltaic panels and solar hot water heating panels. This elevation includes significant elements of glazing (see fig 7). The access to the site from the B970 is to be moved 10 metres northwards to accommodate the house position on the plot. The stone wall will be reinstated.
4. An application for this same development was submitted in 2007 but subsequently withdrawn. The application has been re-submitted in anticipation of the CNPA Local Plan which was considered as being potentially more supportive of the development than the Badenoch and Strathspey Local Plan.

PLANNING GUIDANCE AND DEVELOPMENT PLAN CONTEXT

5. At national level, **Scottish Planning Policy 3 (Planning for Housing) (February 2003)** considers design in new housing developments to be an important issue when planning for housing development in both urban and rural areas. Planning Advice Note 44 (Fitting New Housing Development into the Landscape) (March 1994) states that “In seeking to protect and enhance the quality of the environment, developers should aim for a high standard of design and landscaping in new housing development.” Particular emphasis is given to the shape, layout and form of the development and its impact on the surrounding area; the choice of materials, with colours and textures that complement development in the locality; well designed schemes that respect both the local environment and the landscape setting.
6. **Planning Advice Note 67 (Housing Quality) (February 2003)** emphasises the essential role that the planning process can play in ensuring that the design of new housing reflects a full understanding of its context in terms of both its physical location and market conditions; the design of new housing should reinforce local and Scottish identity.
7. **Scottish Planning Policy 15 Planning for Rural Development para 23** considers that there is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in local plans where such developments may be justifiable for economic reasons. Para 29 of SPP15 notes that the intention is that the proactive thrust of the SPP should apply throughout Scotland. However, it should be recognised that Scotland’s National Parks have been designated because of the national importance of their natural and cultural qualities.
8. **Paragraph 13 of NPPG 14 Natural Heritage** recognises that the scale siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside.
9. **Planning Advice Note 72** is the new advice from central government on **Housing in the Countryside, (February 2005)** and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a

case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.”

10. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that 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 or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **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. **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); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.
11. Proposals which will result in suburbanisation, ribbon and backland development, involve excessive infrastructure or loss of prime agricultural land or important areas of woodland, will not be considered acceptable.

Highland Council Development Plan Policy Guidelines 2003

12. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a

traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

13. **Badenoch and Strathspey Local Plan Policy 2.1.2.3** classifies the proposed site as part of **Restricted Countryside Area**. A strong presumption will be maintained against the development of houses in restricted countryside areas. Exception 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. Adherence to the principles of good siting and design will be required in such cases.
14. **Badenoch and Strathspey Local Plan Policy 2.1.2.5** considers that a strong presumption will be maintained against the development of further ad-hoc clusters of houses in the countryside. In exceptional cases, there may be limited opportunities to consolidate or round-off certain existing housing groups. Such applications must be submitted in detail, show what arrangements are intended to screen or enhance the group's amenity and appearance; indicate proposed measures to remedy existing access or other infrastructure problems.

Cairngorms National Park Plan 2007

15. The Park Plan highlights the special qualities of the Cairngorms, stating that the "Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways." It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled 'Living and Working in the Park' the subject of 'housing' is explored. The Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. **A further strategic objective relates to improving the physical quality, energy efficiency and sustainable design in all tenures throughout the Park.**
16. In terms of 'Conserving and Enhancing the Natural and Cultural Heritage' the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments.

Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to landscape and the built environment which seek to ensure that development complements and enhances the landscape character of the Park; understands and conserves the archaeological record, historic landscapes and historic built environment.

CONSULTATIONS

17. **Highland Council Area Roads Manager** has been consulted and has no objection to the proposal but requests planning conditions for a service bay and visibility splays.
18. **Scottish Water** has no objection to the proposal.
19. **Highland Council Archaeology** has no objection to the proposal.
20. **Highland Council Contaminated Land** has no objection to the proposal.
21. **SEPA** notes that the proposal is to utilise existing septic tank discharging to soakaway and there is no objection to this providing minimum standards are achieved for Building Regulations. With regard to surface water drainage it is acceptable to dispose with this via separate soakaways as proposed.

REPRESENTATIONS

22. **Kincraig and Vicinity Community Council** has no objection to the application.

APPRAISAL

23. The appraisal will first look at the principle of what is proposed in the face of the development plan then consider more detailed design and technical issues.
24. As mentioned previously this application was first submitted in 2007 but withdrawn with plans to re-submit in anticipation of the CNPA Local Plan. It was considered that the proposal may have

stood a greater chance of success under the CNPA Plan than the Badenoch and Strathspey Local Plan. The CNPA Local Plan carries little material weight so the application falls to be determined under the terms of the existing plan. Although, importantly, the aims and objectives of the National Park Plan 2007 are a material consideration.

25. The site is located in a restricted countryside area under the terms of the existing Badenoch and Strathspey Local Plan. In such areas applications for housing will normally only be accepted where there is land management (agricultural) justification. In this case there is no land management justification so the principle starting point is that the application should be recommended for refusal. However, there are a number of material considerations that may indicate in favour of the proposal despite the stance of the Local Plan.
26. Firstly, the Badenoch and Strathspey plan itself does allow for the 'consolidation' or 'rounding off' certain existing housing groups. The house is part of a group and while given the pattern of the houses I am not convinced that the proposed house would round-off the group it would consolidate the group from the southern boundary of the group. The house would also provide an attractive southern elevation that would be seen rather than the view of the caravans that can be sited forwards on part of the proposed house site. The house would mean that both the caravans and timber cottages would be screened to a much greater extent from the B970. This would perhaps not of itself be enough on its own to justifying departing from the prevailing policy of restraint in this area but there are further considerations.
27. Secondly, on looking at the planning history of the site I have noted that the holiday cottages on the site while having planning permission were not subject to any kind of planning condition which restricted their use to holiday use only. In effect they are of the same lawful planning use class as a full time dwelling and without such a condition it would be difficult to resist their use as full-time occupied dwellings. The siting of the proposal leaves the cottages at a distance of 6 metres from a main elevation of the proposed house. In my view, this is not a reasonable or acceptable relationship between two buildings that could, in theory, be used as full-time dwellings. This leaves an opportunity whereby granting permission for the new house could be subject to a planning condition that the holiday accommodation is not sold separately and restricted to holiday use. This would solve the problem of the relationship between the

two buildings and ensure (retrospectively) that the cottages are continued in an economic tourist accommodation use.

28. A third material consideration for departing from policy would be that there is a justification or be it limited in a business sense. The applicant does want to retire and effectively limit his business by the sale of Insh House. However, there is the intention to carry on providing tourist accommodation in the form of the timber cottages and a limited number of caravan pitches would also remain.
29. The fourth reason for considering a departure is the intention of the proposal to provide a very sustainable form of development. The building would be insulated to high levels incorporate solar panels, photo-voltaics and a ground source heat pump. Consideration is also being given to the potential use of a small scale wind turbine. This would strike a chord with many of the principles of the National Park Plan 2007 which seek to improve the physical quality, energy efficiency and sustainable design in all tenures throughout the Park. However, it is important that a planning condition ensures that the house is developed in line with the proposals being made. I am also of the view that this development accords with the principles of Scottish Planning Policy 15 as highlighted in the policy section of this report.
30. Overall, it is my view that the considerations outlined above provide enough material weight to consider the proposal acceptable in principle despite the prevailing policy of housing restraint in this area.
31. In terms of siting the house takes advantage of a ready made plot that is effectively enclosed on three sides by a dry stone wall. The building is set towards the front of the plot to allow room for part of the caravan site to continue operating and also to leave some land available to the holiday cottages. The proximity of the listed Insh House is recognised. However, the house itself is approximately 50 metres away from the new proposed house. The curtilages are adjoining. However, in visual terms there are mature trees and the holiday cottages between the application site and the listed house, correspondingly there should be little impact upon the setting of Insh House.
32. The general design of the building utilises an 'L' shaped footprint reaching back into the plot. A considerable garaging area is proposed but this is set at the rear of the building. The elevation facing directly onto the road presents a relatively simple pitched roof aspect with one large hanging dormer element which

incorporates part of the living area at first floor with the main bedroom accommodation on the ground floor. The south east elevation of the building presents considerable glazing to both the ground and first floor. The south east facing roof-slope of the garage incorporates both photovoltaic panels and solar water heating panels. These items will be clearly visible when approaching the building from the south but the garage roof-slope is set back from the main house elevation and this will help to reduce their prominence. However, ultimately, regardless of visibility issues the panels should be accepted as an integral and acceptable part of the design of what is intending to be a very low energy use house.

33. Materials proposed are typical of the area with a combination of granite and timber with timber doors and windows. To a large extent those material reflect those on the holiday cottages. The roof proposes recycled rubber slates. However, a planning condition will ensure that such a material is appropriate in visual terms.
34. Technical matters raise few planning issues. The Area Roads Manager has requested visibility splays and a passing place at the entrance to the site. It should be possible to achieve this on ground to the front of site without any significant interference with the stone boundary wall. SEPA are happy with both foul and surface water drainage arrangements. The water supply is to be drawn from the public supply and Scottish Water has raised no objection to this.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

35. The site is located on an area that is partly lawn and partly gravelled and no trees will be affected. The building will be visible from the south but will form part of the group of buildings and be set within an existing stone boundary enclosure. In cultural heritage terms the key aspect is the effect of the proposal on the 'C' listed Insh House. As mentioned in the report the building is approximately 50 metres from the house with the holiday cottages and some trees in between. I am of the view that the proposal has little effect upon the listed house. In addition the stone and timber materials for the new house appear entirely appropriate to the area.

Promote Sustainable Use of Natural Resources

36. The proposal performs particularly strongly with regard to this aim and it is clear that the applicant intends a highly sustainable building project.

Promote Understanding and Enjoyment

37. The proposal would have little impact on this aim, but importantly it will not preclude the continued use of the holiday cottages and part of the caravan area.

Promote Sustainable Economic and Social Development

38. The proposal would result in a high quality house built along low carbon principles but would also ensure the continued economic use of the cottages.

RECOMMENDATION

That Members of the Planning Committee resolve to **GRANT** Full Planning Permission for the erection of a house on land to the west of Insh House, Kingussie subject to the following conditions:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The house shall not be sold separately from the two holiday cottages indicated within the red- line site. The cottages shall be used as holiday cottages and shall not be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed one month. Occupation shall be restricted to use by persons requiring to stay in the area for recreational or vocational purposes and not for reasons of work, business, retirement or study.
3. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. The proposal shall be developed as a zero/low energy building design and shall be developed in accordance with the drawings/ background information to include ground source heat pump, solar water heating panels, recycled roofing materials and photo-voltaic panels unless otherwise agreed by the CNPA.

5. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the CNPA acting as Planning Authority before any work commences on site.
6. Adequate space shall be incorporated to allow two car parking spaces and adequate space for both vehicles to leave the site independently in forward gear.
7. Adequate visibility splays and service lay-by from the site onto the access road to be agreed between the applicants, Highland Council Area Roads Manager and the CNPA. The agreed details shall be implemented prior to the first occupation of the dwelling hereby approved.

Andrew Tait

Date 29 August 2008

planning@cairngorms.co.uk

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.