
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT PLANNING OFFICER (DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE ON LAND ADJOINING 'WOODSIDE', GARLYNE, NETHY BRIDGE. (FULL PERMISSION)

REFERENCE: 04/366/CP

APPLICANT: MR & MRS MURRAY, C/O A. W. LAING LTD., 110 HIGH STREET, GRANTOWN ON SPEY, PH26 3EL

DATE CALLED-IN: 30 JULY 2004

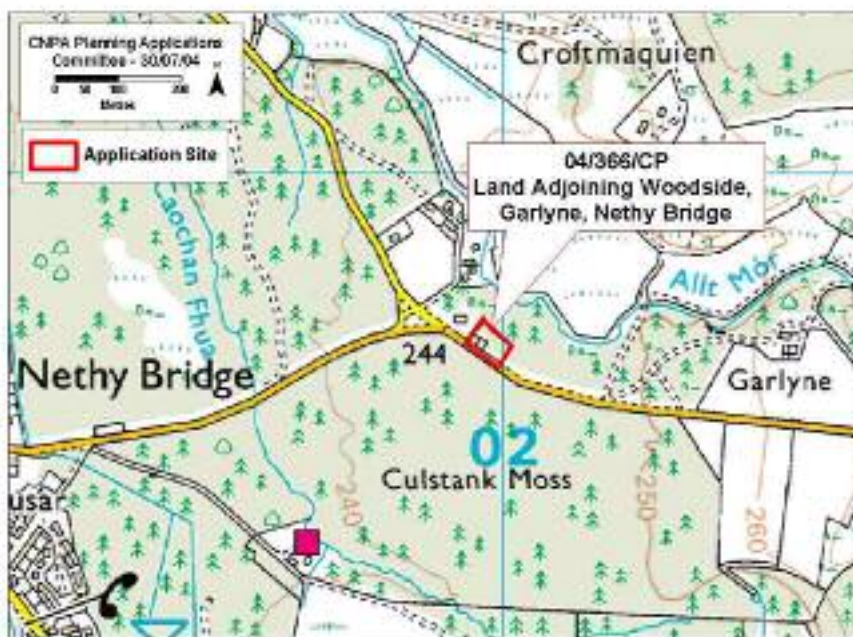


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for full planning permission for a new house on an open area of ground adjacent to an existing single storey house – Woodside. The application form claims the new house site to be garden ground, but the area is fenced off from Woodside, is hardcored, and has been used for some years as a yard for parking lorries associated with a transport business. The site is outwith the settlement of Nethybridge, on its east side, adjacent to the minor road between Nethybridge and the A939.
2. The proposed dwellinghouse is one and a half storey in design, with harled walls, concrete roof tiles and timber faced dormers. The house is to be located at the rear of the site. Semi-mature trees line the rear (north-east) boundary of the site.
3. An earlier application for a house on the site was considered by Highland Council Area Planning Committee. It is understood that members had no objection to the proposal providing that the goods vehicle haulage license could be revoked and the lorry parking area sited elsewhere. Design changes were also requested and the application being considered here is understood to be largely in line with suggested changes.

DEVELOPMENT PLAN CONTEXT

4. In the **Highland Structure Plan (approved March 2001) Policy H3** 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. **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).
5. The site lies within the area covered by Policy 2.1.2.3 for Restricted Countryside Areas in the **Badenoch and Strathspey Local Plan (September 1997)**. This policy has a strong presumption against the development of new houses. Exceptions will only be made where a house is essential for the management of land and 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 site lies close to a **Dispersed Communities policy area. Policy 2.1.2.4** to the north, where new housing will normally be acceptable subject to detailed siting and design. The application site lies between – to the west, the settlement of Nethybridge where land is identified for development in accordance with the Structure Plan; and to the east the Dispersed Communities area around Blairgorm.

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).

CONSULTATIONS

7. **The Area Roads and Community Works Manager** has commented that the site serves as a licensed vehicle operating centre, and that the current licence will have to be revoked before any development takes place. The applicant may be able to maintain sufficient parking and manoeuvring space for safe operation of the related transport business, but this would need to be clearly demonstrated. At the entrance to the site a combined access/service bay would require to be constructed, or the service bay would not be required if off road parking and manoeuvring space for a larger vehicle can be provided within or close by the curtilage of the property. Parking and manoeuvring space for at least 2 vehicles should be provided on the site, such that all vehicles may enter and leave the site independently in forward gear. Appropriate visibility splays are required, but it has not been established if all the ground for the splays is in the control of the applicants.
8. A further response from the **Area Roads and Community Works Manager** considers that generally he would stand by his earlier response. However, if the applicant can clearly demonstrate that the recommended conditions can be satisfied whilst maintaining sufficient parking and manoeuvring space for safe operation of the related transport business, there would be no strong objection to the current vehicle operator's licence being retained.
9. **Highland Council Planning** have commented that the site has had an unauthorised business use, "which due to its age is probably immune from normal Enforcement". "As well as the visual impact of an articulated lorry being parked up in a small rural enclave of housing, there is a traffic safety and road maintenance issue. The road network in the vicinity of the application site was scarcely suitable to take modern goods vehicle traffic when the use became established and since then there have been at least two increases in maximum permitted lorry size and weight."
10. "With the exception of the lorry parking issue, the new proposal appears to be more in line with what Members of the Area Committee were seeking in terms of house scale, form and finishes when they considered a previous application, although it is disappointing to note that once again this Architect shows timber linings on dormer haffits."

REPRESENTATIONS

11. The applicants' agent has indicated that the current owner of the site has operated his own transport business from the premises, parking lorries on the site from 32 years ago. An operator's license was granted some 15 years ago (with permission for 3 units and 4 trailers). There has also been permission for Carntyne Transport to park 2 units in the last 2 years. Mr Murray (Senior) no longer has his own transport company, but he and his son both work for Carntyne Transport. The new house is for I. Murray (Junior), who with his family still lives in the family house (copy of letter attached at the back of the report).

APPRAISAL

12. The issues relating to this site are the principle of a new house site in the countryside, and the subdivision of an existing area of ground which has been and it is understood is still being used for commercial purposes.
13. In policy terms there is no support for the erection of a new house on this site. The site is only a short distance from Nethybridge and any sporadic new house developments on the outskirts of settlements is contrary to planning principles as set out in national guidance, the Structure Plan and in terms of the Restricted Countryside Areas Policy in the Local Plan. There are no special circumstances that require another house on this ground associated with the transport operations on the yard area adjacent to Woodside. There is already a house adjacent to the business site, which provides any necessary security cover. The Local Plan directs new house needs to the main settlements such as Nethybridge, and to within the Dispersed Communities identified in the Local Plan (in Policy 2.1.2.4), such as the area around Blairgorm to the east. To encourage new housing in the countryside between two relatively close by recognised communities would create a precedent for other sporadic developments along the roadside, to the detriment of the rural character of the countryside.
14. There are already 2 houses together with a road frontage in this locality. If approved, this development would create a third, resulting in ribbon development along this rural road.
15. The site for the new house is part of the open, flat area of ground that has been used for a business, and which is still licensed for the parking and storage of a number of large vehicles (and trailers). Comments from Highland Council suggest that the business operation has been unauthorised in planning terms, and that the local roads are not suitable for this nature of business at this site. The business has apparently continued for many years. The current application does not remove the business use from the site, but continues the situation as at present, and adds an additional domestic feu within the present open yard area. The new house site is to be located at the rear (north) end of the site, facing out onto lorry parking and turning area along the roadside. It is not at all clear how the site is to be divided up to provide the private garden ground, or where car and pedestrian access to the house is to be provided, or where space for garaging and turning within the house site can be located – separately from the lorry business. To have pedestrians

(including young children potentially) crossing a lorry parking and turning yard, to access a house site is not acceptable in planning terms. It is also not desirable to have a shared access for a domestic feu, with a commercial lorry parking and turning yard, especially in an unlit rural location when lorry movements may be over 24 hours and 7 days a week. Limited vehicle maintenance and cleaning may also occur within the yard. The present arrangement where the associated house (Woodside) is fenced off from the open yard, where each have separate accesses, and there is a lot of space for parking, storage and manoeuvring of vehicles, provides a safer physical separation of residential and business land uses.

16. In this case, Highland Council has seen some benefits in the removal of goods vehicles from this isolated site. I would tend to support this view and would point out that the existence of a goods vehicle operators licence on the site is a material consideration in the determination of this application. A house could be considered as an exception with the earlier rehearsed policy arguments (see para 13) set aside if the goods vehicle operating licence could be revoked in the interests of good planning. However, the applicant wishes to retain the licence as well as build a house at the site, which would form a poor relationship in physical and visual terms and would not meet the requirements of Policy G2 of the Highland Structure Plan in terms of siting.
17. While I have no particular concerns in relation to the general design and form of the house proposed, a slate or a slate type material may provide a better alternative to the concrete roof tiles proposed and the front entrance door to the house would benefit from greater emphasis, perhaps by means of a small pitched roof porch.
18. In conclusion, the proposal is not considered acceptable in terms of principle and detailed layout. The application is recommended for refusal, as it is contrary to countryside policies in the Structure and Local Plan. In addition, the incorporation of a residential feu within an open yard, where large vehicles will continue to be parked and manoeuvred, is not considered to result in compatible land uses in such close proximity.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

19. The development of a new house on an open area of ground in this location could result in ribbon development in the countryside, which will have a negative impact on the natural and cultural heritage of the area. Even if the dwelling proved acceptable its setting behind what would appear to be a lorry parking bay would seem wholly inappropriate in terms of layout design principles.

Promote Sustainable Use of Natural Resources

20. No details have been submitted regarding the use of any sustainable materials.

Promote Understanding and Enjoyment of the Area

21. The development proposal does not contribute to this aim.

Promote Sustainable Economic and Social Development of the Area

22. The proposal involves the subdivision of an area of ground that has been used for the operation of a business. The location of a residential feu within a lorry parking area is not advisable in safety and planning terms. Housing sites are catered for (identified for development) in the Local Plan, but the provision of business sites such as off-street commercial parking bases are not so common. The continuation of an adequate open yard for parking and turning is to the benefit of current users who live locally.

RECOMMENDATION

23. That Members of the Committee support a recommendation to: **REFUSE full planning permission to erect a new dwellinghouse at Land adjacent to Woodside, Garlyne, Nethybridge**, for the following reasons.

(i) That the development is contrary to the Highland Structure Plan, 2001, Policy H3 for Housing in the Countryside, which aims to protect the countryside from sporadic, non-essential housing development. If approved, the proposal would encourage other sporadic developments in the countryside to the detriment of the character of the countryside and the amenity of this part of the National Park area.

(ii) That the proposal is contrary to the Badenoch and Strathspey Local Plan, 1997, Policy 2.1.2.3 covering Restricted Countryside Areas, where there is a strong presumption against the development of houses, other than for exceptional circumstances. The proposed development fails to meet any of the exceptional circumstances, and if approved would encourage other visible sporadic developments along minor rural roads, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

(iii) That the development of a new residential property within an area that is being used for the parking and manoeuvring of commercial vehicles is considered to conflict with the amenity and safety of the inhabitants and visitors to the new property, to the detriment of public safety.

Andrew Tait

Date 11 November 2004

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