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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 CONTROL)

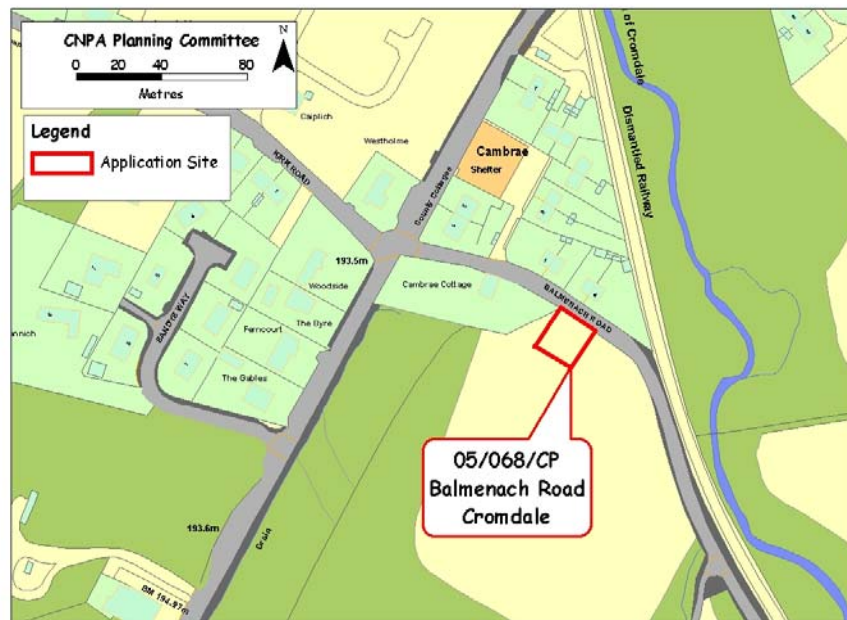
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**DEVELOPMENT PROPOSED:** ERECTION OF NEW DWELLINGHOUSE  
AT BALMENACH ROAD, CROMDALE  
(OUTLINE PLANNING PERMISSION)

**REFERENCE:** 05/068/CP

**APPLICANT:** MR. & MRS. MICHAEL C. MACDONALD,  
BLACKMILL FARM, KINCRAIG, PH21  
1NG.

**DATE CALLED-IN:** 25<sup>TH</sup> FEBRUARY 2005



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Outline planning permission is sought for the erection of a dwelling house on a site which is located in an area of agricultural land, a short distance to the south east of the main settlement area of Cromdale. The site rises from the level of the public road in a westerly / south westerly direction. The land is currently used for arable purposes and is open and exposed, although the area of the field in which the site is proposed is located adjacent to existing residential properties to the north west / west, situated at lower ground levels. To the east of the proposed site is the remainder of the field, and there has been a recent refusal of planning permission on a parcel of that land (ref. no. 05/074/CP refers). The land immediately opposite the currently proposed site accommodates semi detached two storey dwelling houses.
2. The proposed site area is located on the perimeter of the settlement of Cromdale in an area which is essentially open countryside. The front boundary of the proposed site consists of a wire fence, with a small grass margin outside of this adjacent to the carriageway of the public road.

## DEVELOPMENT PLAN CONTEXT

3. **Highland Structure Plan 2001 Policy H3** states that housing will generally be within existing and planned new settlements. New housing in the hinterland of towns, as defined in the Plan, will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. Elsewhere, housing in the countryside of an appropriate location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services. **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) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.
4. 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 hinterland of towns but in the open countryside outwith defined settlements, 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). Outwith the hinterland of towns, where some housing development may be permitted to support the viability of rural communities, individual applications would be subject to other Structure Plan policies, in particular those aspects relating to infrastructure, siting and quality of design and materials.

5. **The Badenoch and Strathspey Local Plan (September 1997)** – the proposed site is located on land which is allocated for “forestry / restraint” and where **Policy 3.10.3 Development Restraint** applies. It is the general policy that such lands will be safeguarded from development, unless essential for agricultural purposes, in the longer term development of the village, proper infrastructural provision and local amenity.

## CONSULTATIONS

6. **The Area Roads and Community Works Manager** of Highland Council has stated that he is unable to recommend approval of the application, and refers in his report to the “less than satisfactory” condition of the public road fronting the plot and that fact that piecemeal development should therefore be discouraged. It is detailed in the report that any development in the area would necessitate significant road improvements, including positive drainage measures, the provision of a roadside footpath and parking bay along the frontage of the site, and an extension of the existing street lighting and 30mph speed limit speed restriction.
7. **Highland Council Planning Officers**, under delegated powers, have stated that the proposed development is contrary to the Development Strategy for the village of Cromdale as contained in the current Badenoch and Strathspey Local Plan. Furthermore, the report also refers to the fact that the proposed development may be considered premature prior to the preparation of the Cairngorm National Park Authority’s Local Plan.
8. The fact that the proposed development site is located on land which is between the existing settlement area of Cromdale and land to the south which is allocated in the current Local Plan for Business / Industry is also alluded to in the report. However, notwithstanding the fact that the proposed site may have been considered a “natural infill opportunity” had the Business / Industry land been developed, the final comments of the Highland Council refers to the prominent and exposed nature of land in the area and consequently the fact that the proposed development would be “visually intrusive”.

9. **Cromdale Community Council** were notified of the application. No response has been received to date.

## REPRESENTATIONS

10. The development proposal was advertised in a locally circulating newspaper on 24<sup>th</sup> February 2005. One letter of representation has been received, from Ms. Rona Milne of Balmenach Road. She states that she is “slightly concerned” for three reasons –
- (i) The fact that access to the proposed site may impact on a location on the opposite side of the road where she currently parks her car, and refers to the fact that the road is quite narrow at that point. The author does however acknowledge that she has no “right” to the space;
  - (ii) Reference is made to the fact that the proposed plot is at a considerably higher level than Ms. Milne’s house, and she therefore has concerns regarding the potential of direct views from the proposed property into her first floor bedroom;
  - (iii) The fact that she cannot “recollect these developments being on the ‘Local Plan’”.

## APPRAISAL

11. The application as proposed, is for a new house within a field, which currently appears to be used for agricultural purposes. It should be noted that another planning application on the land has recently been refused permission by the Cairngorms National Park Authority, where outline permission was sought for the erection of a dwelling house and garage on a portion of land within the same field, located in close proximity (but not adjacent) to the east / south east of the currently proposed development site (ref. no. 05/074/CP refers).
12. The applicants case for a house in the area was investigated through the issuing of a letter on 23<sup>rd</sup> March 2005 to ascertain whether or not the proposed development could be considered on the grounds of “operational need” i.e. required for the purposes of agriculture or another rural land use which requires on site provision of a dwelling house. In the event that such a case was being put forward by the applicant, the letter also advised that further details would be necessary in respect of the proposed siting, ground levels and finished floor levels, and access arrangements.
13. In the course of a telephone conversation with the applicants agent, Mr. Bell, on 8<sup>th</sup> April 2005 and in subsequent written correspondence received on 9<sup>th</sup> May 2005 (copy attached) it transpired that an opportunity had arisen for the applicants to purchase a site at this location in order to provide a dwelling for themselves. They have no particular linkages to the area for work or family reasons. Mr. Bell

stated that they were local to Badenoch and Strathspey (their present address is in Kincaig, although details of property ownership are not known), originating about 20 miles from the site. The applicants are not involved in any agricultural practices or other forms of land management on the land on which the site is proposed, nor do they have ownership of the surrounding land.

14. The Highland Structure Plan may permit housing in the countryside outside areas defined as “town hinterland” but only where there is compliance with other policies relating to infrastructure, siting and design. In this instance, as stated above, the siting is deemed unacceptable and to approve the development would set an undesirable precedent for other unplanned single houses on the edge of this settlement envelope. The proposed development essentially represents an ‘ad hoc’ housing application, and if granted would potentially invite even more speculative proposals in this area. In the event that a need for further housing land allocation is identified in the vicinity of the settlement of Cromdale / Balmenach, the Review of the Local Plan will provide the best opportunity to identify the most appropriate locations for any future new housing. The granting of planning permission for a residential development on the subject site at the present time would be premature and may be considered to prejudice the Local Plan preparation process.
15. In addition to the concerns regarding the principle of development on the subject site, there are also more detailed planning concerns and inadequacies which must be taken into account in this assessment. The proposed development site is on land which is bare and exposed and which is lacking in natural vegetative screening. The development would thereby result in a structure which would be visually prominent and consequently injurious to the visual amenity of the area which is on the perimeter of a small rural settlement.
16. As outlined in the consultee report from the Area Roads and Community Works section at Highland Council, there are also concerns regarding the condition of the public road fronting the proposed site, and the report also refers to the fact that significant road improvements would be required in the event that any development was to proceed in this location. In light of the existing infrastructural deficiencies and the fact that there are no proposals contained within the application for remedial works, it is considered that the development would have the potential to endanger public safety by reason of creating a traffic hazard due to the condition of the public road, the lack of a public footpath and lighting extending to the site, the potential loss of an informal vehicular parking area along the frontage of the field in which the site is proposed (which appears to be used by residents of existing properties in the vicinity), and also existing drainage problems along the south side of the public road fronting the site.

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

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

17. The proposed development is located on the perimeter of the small settlement of Cromdale, and essentially seeks to add a detached residential building in a sporadic manner, on agricultural land. It is considered that this would detract from the overall character and general landscape setting of the Balmenach Road approach to Cromdale.

### **Promote Sustainable Use of Natural Resources**

18. The development proposals do not, at this stage, make any positive contribution to this aim.

### **Promote Understanding and Enjoyment of the Area**

20. There are no positive or negative implications in terms of this aim.

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

21. The proposed house has no functional relationship with the land in this locality.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for a New Dwellinghouse at Balmenach Road, for the following reasons:

- i. That the proposal is contrary to the Highland Structure Plan (2001), Policy H3 (Housing in the Countryside), which aims to protect the countryside from sporadic, non essential housing development. The proposed development, if approved, would encourage other visible sporadic and unjustified developments on open land on the edge of this small rural settlement, all to the detriment of the character of the countryside and the amenity of this part of the National Park.
- ii. That the proposed development is contrary to the Badenoch and Strathspey Local Plan, 1997, Policy 3.10.3 covering Development Restraint areas, where it is the general policy that such lands adjoining Cromdale will be safeguarded from development, unless essential for agricultural purposes. The proposed development is not required for such purposes, and if approved would encourage sporadic linear

development on the approach roads to rural settlements, all to the detriment of the character of the countryside and the amenity of this part of the National Park.

- iii. That the proposal is premature prior to the imminent publication of the Cairngorms National Park Local Plan Consultation Draft with particular regard to housing allocations on the perimeter of settlements and also housing in the countryside policy.
- iv. That the proposed development, which would be located in an elevated and exposed position within an open agricultural field, is considered to be detrimental to the visual amenity, quality and overall character of the local landscape and may also be injurious to the residential amenity of properties in the vicinity. As such it would be contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001).
- v. That the proposed development would have the potential to endanger public safety by reason of a traffic hazard due to the substandard nature of the public road in the vicinity of the proposed site, the lack of public footpaths and lighting provision extending to the site, together with its proposed location outside the 30mph speed restriction zone, and the fact that the development would set a precedent for the creation of a multiplicity of vehicular entrances along this road.

**Mary Grier**  
**Planning Officer, Development Control**  
**12<sup>th</sup> May 2005**

**planning@cairngorms.co.uk**