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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by:** NEIL STEWART (PLANNING OFFICER,  
DEVELOPMENT CONTROL)

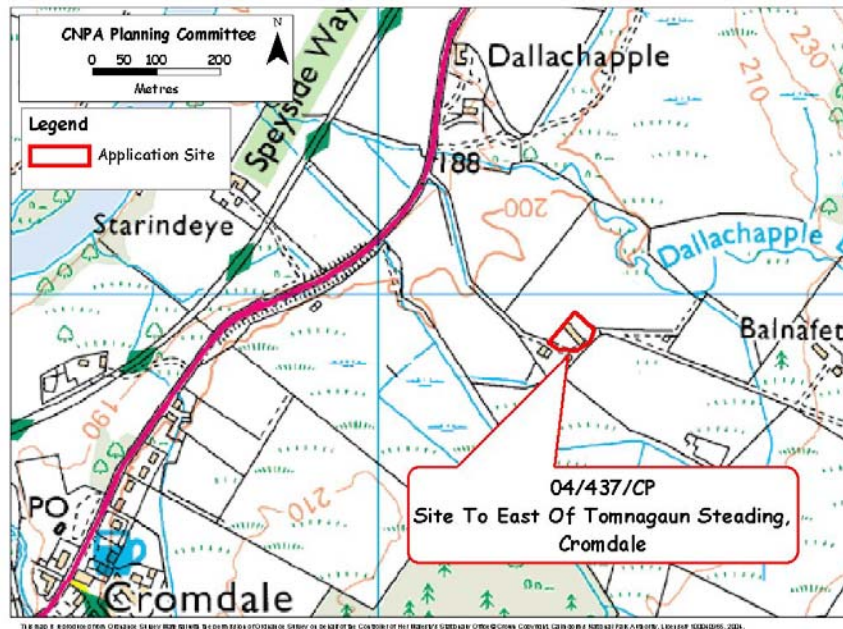
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**DEVELOPMENT PROPOSED:** USE OF LAND FOR SITING OF A  
RESIDENTIAL CARAVAN AT  
BALNAFETTACH, CROMDALE, MORAY  
(FULL PLANNING PERMISSION)

**REFERENCE:** 04/437/CP

**APPLICANT:** MR B CASSELLS, PER RAVENSCROFT  
DESIGN, MAIN STREET, NEWTONMORE,  
INVERNESS-SHIRE, PH20 1BA

**DATE CALLED-IN:** 10<sup>TH</sup> SEPTEMBER, 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application is for the temporary siting of a residential caravan on land adjacent to a redundant steading building at Balnafettach, Cromdale. The steading lies in flat, open, agricultural countryside to the east of the A95 approximately 1km to the north-east of Cromdale. The steading, which is located adjacent to the access track to Balnafettach which leads from the A95 Trunk Road, has planning consent for conversion to residential use, dating from February 2000, and the applicant has carried out some initial excavation works on the site, in order to prevent this permission from lapsing. The caravan is already on the site and has been for sometime. The application is therefore retrospective. It is to be occupied by a seasonal itinerant worker on the farm owned by the applicant. The application form seeks permission for a period of three years. However, following discussion with the applicant, it is likely that the need may only be for one more summer season.
2. The steading consists of a long single storey building and the caravan is located on its north side. The caravan has a connection to a water supply, and a septic tank and soakaway have been installed. There is a traditional occupied dwellinghouse (Tomnagaun) located to the south west of the steading. This is not in the ownership of the applicant.

## DEVELOPMENT PLAN CONTEXT

3. **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 difficulties in maintaining population and services. It must also be of an appropriate location, scale, and design. **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 compatibility with service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; and maximisation of energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources). **Supplementary Development Plan Guidelines (2003)** provides more detailed guidance on housing in the countryside and in particular land management criteria for residential development. It states that justification for new houses promoted on an agricultural basis will be judged against both a functional test (scale and nature of the enterprise) and a financial test (viability of the enterprise).

4. The site lies in an area defined in **The Badenoch and Strathspey Local Plan (September 1997) under Policy 2.1.2.1 (General Countryside Areas)**. This policy permits single houses outwith recognised settlements in General Countryside Areas subject to meeting certain criteria relating to siting, design, service provision, access and amenity.

## CONSULTATIONS

5. The **Area Roads and Community Works Manager** has no comment to make.
6. **Highland Council Area Planning & Building Control Manager**, under delegated powers, has stated that the caravan would only constitute "permitted development" (development not requiring planning permission) if it was being occupied as a site hut by persons engaged in the actual building work involved in converting the steading. This does not appear to be the case. He also states that the steading conversion was not approved on the basis that it would be occupied by an employee of Balnafettach Estate.
7. **SEPA** have commented that they would not object to the application, provided that the proposals for foul drainage meet the Building Regulations (in particular in relation to distances between the soakaway and water) and that this should be confirmed in writing by the Council. They advise that issues relating to foul drainage should be resolved prior to determination of the application.
8. The **Trunk Roads Network Management Division** have advised that a condition be attached to any consent, requiring that the caravan be removed when the steading conversion has been completed and is in liveable condition.

## REPRESENTATIONS

9. None received.

## APPRAISAL

10. The critical issues for this application are the need for the caravan in this location, how this equates with planning policy for the area, the appropriateness of the structure and the acceptability of the drainage and access proposals.

11. The applicant, in response to requests for more information, has stated that the caravan is for a seasonal farmworker occupying it on a regular basis from June to September each year. There may also be other times that the caravan would be used by farm labour but for shorter periods, typically one week. The adjoining steading has permission for conversion and extension to a 4-bedroom family sized house and this permission, due to initial groundbreaking works for the extension being carried out before it lapsed, appears to remain extant. The applicant has stated that this house will be completed when finances are available, and that the most likely short term use of it would be to accommodate a farmworker. However, there are no conditions restricting occupancy of this proposed house to someone employed on the farm. It is also likely that, due to its size and nature, it would not be constructed with a view to temporary occupancy by a seasonal farmworker in the longer term. The caravan is not for temporary accommodation for someone during the construction of the house either. The requirement for and existence of the caravan is therefore not related, in planning terms, to the proposed house. Its acceptability, in principle therefore, like the need for a new house in the countryside, is dependent, in the main, on the land management justification of need at the location.
12. The applicant has advised that the farm, which extends to some 425 acres of bare land, was bought 4 years ago when the Old Revack Estate was broken up. They have therefore had to effectively create a farm from the land. Two years ago the applicant entered into an Environmentally Sensitive Area Scheme and a Woodland Grant Scheme. These schemes have required them to fence off significant areas and manage and enhance the natural Scots Pine Woodlands (14ha) on the farm. The farm is operated by the applicant and his wife as the main labour, but as a result of these schemes, there has been seasonal help when required. From a further discussion with the applicant, the farmworker is a young person, who is an agricultural student, who lives in Newtonmore but who does not have a driving licence. In general, his tasks include, fencing, tractor work, and some work with the cattle herd on the farm.
13. I am aware that the caravan has not been regularly occupied since the end of last summer and that the farmworker will be taking occupancy when his college year ends in June. While there may be a short term advantage for some help on the farm during the summer months, on the basis of the information submitted, my assessment is that there is no essential land management need for an additional residential unit of accommodation, even on a short term temporary basis. The functional test, stated in Highland Council's Policy Guidelines of 2003, states that *"it will be necessary to establish that one or more workers are 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."* In this instance, although the applicant is providing the chance for a young person to

gain experience, while benefiting from some extra help during a busy time, it has not been demonstrated in terms of the above policy, that there is an essential need to have someone, in addition to the applicant and his wife, residing on the farm, even on a temporary basis. In this instance, the need for the accommodation relates to the personal circumstances of the person who is to occupy the caravan over the summer months rather than essential land management justification. Essentially, even if there it can be argued that there is a need for some extra help on the farm during the summer, this does not require additional 24 hour on-site presence. I therefore cannot support the proposal in terms of land management justification.

14. Policy H3 (Housing in the Countryside) of the Structure Plan does permit some new housing in countryside areas, subject to appropriate location, siting and design and where it supports communities experiencing difficulty in maintaining population and services. Policy 2.1.2.1 (General Countryside Areas) of the Local Plan also allows for single residential properties outwith recognised settlements subject to meeting criteria on siting, design, service provision and access. Structure Plan Policy G2 (Design for Sustainability) also seeks to ensure that developments maximise energy efficiency in terms of location, layout, design and utilisation of renewable sources of energy. Policy L4 (Landscape Character) seeks to maintain and enhance the landscape character of the countryside.
15. Although, the caravan is partially screened by the steading, the location is flat open countryside. The applicant has stated that there are some functional reasons for siting it here. These include, the use of the steading as screening, the lack of available space for the caravan and its soakaway at the existing group of farm buildings, and the fact that the farm is a Health Level 2 farm with a closed herd, which needs a high level of bio-security. Being located outwith the "closed" area, visitors to the occupier of the caravan would not need to enter the bio-secure area. While acknowledging these factors, I do not view the siting of a caravan in this open countryside location as a suitable form of accommodation in principle, in terms of its general visual and landscape impact, its design, or in the creation of a suitable sustainable living environment which maximises energy efficiency. This is especially so when there is no essential land management need and it is not of such significance that it could be viewed as helping to support the wider community. In this respect, I take the view that the siting of the caravan, in this location, does not accord with the Structure and Local Plan policies detailed in paragraph 14 above.
16. In terms of access, the thrust of the Trunk Roads Authority's response is that they are content to permit the caravan, but only as a temporary expedient. If the development was found to be acceptable, in principle, it could only be approved as a temporary situation. In relation to drainage, the caravan is connected to a septic tank and soakaway which has been installed as part of the approval of the planning

permission for the adjacent steading. Although no building warrant has been applied for, the Building Control Service of Highland Council have advised that the soakaway design provided by the engineers at the time of the steading permission would work, even though the ground conditions were not particularly good. They also advise that, bearing in mind the caravan is a temporary situation, only occupied in the summer months, they feel there would be nothing to gain by threatening enforcement action because of the lack of a building warrant at this stage. I see no significant concerns arising therefore from the access or drainage situation.

17. While a very short-term temporary permission could be considered, I would be concerned about the precedent that this would set for other similar developments in the National Park. While there may be some short term advantage to the applicant and the proposed occupier of the caravan, I do not feel that this carries enough weight to overcome the over-riding policy contraventions that the proposal creates. I therefore recommend refusal and subsequently, the authorisation of the Committee to proceed with enforcement action to remove the caravan.

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

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

18. Although there are no natural heritage designations or sites of cultural heritage interest in the locality, the siting of this caravan structure, due to its general nature and appearance, in this open countryside location, does not conserve or enhance the natural or cultural heritage of the area.

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

19. The occupation of a caravan, even on a temporary basis does not meet with sustainability objectives in terms of use of natural resources, maximising energy efficiency and providing a suitable quality living environment .

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

20. The proposal does not raise any issues in this respect.

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

21. The siting of the caravan for occupation by a farmworker, will provide some advantages to the operation of the farm. However, it has not been demonstrated that there is an essential need for that worker to reside on site, even on a temporary basis.

## RECOMMENDATION

22. That Members of the Committee support a recommendation to:
- a. **Refuse Full Planning Permission for the Siting of a Residential Caravan, at Balnafettach, Cromdale, for the following reasons:**
    1. **The proposal fails to comply with Highland Council Structure Plan Policy H3 (Housing in the Countryside) in that it represents the creation of a residential unit of accommodation in a countryside area, where it has not been demonstrated that there is an essential land management justification.**
    2. **The proposal fails to comply with Highland Structure Plan Policies H3 (Housing in the Countryside), L4 (Landscape Character) and G2 (Designing for Sustainability), and Badenoch and Strathspey Local Plan Policy 2.1.2.1. (General Countryside Areas). In this respect, the siting of the caravan, in this open countryside location, is deemed to be inappropriate and unacceptable in terms of its visual and landscape impact, its design, nature and appearance, and its suitability for creating a sustainable living environment which maximises energy efficiency.**
  - b. **Authorise Enforcement Action for the Removal of the Residential Caravan within a Period of 3 Months from the date of the Enforcement Notice.**

**Neil Stewart  
12 May 2005**

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