

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

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

**Prepared by:** MARY GRIER (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

---

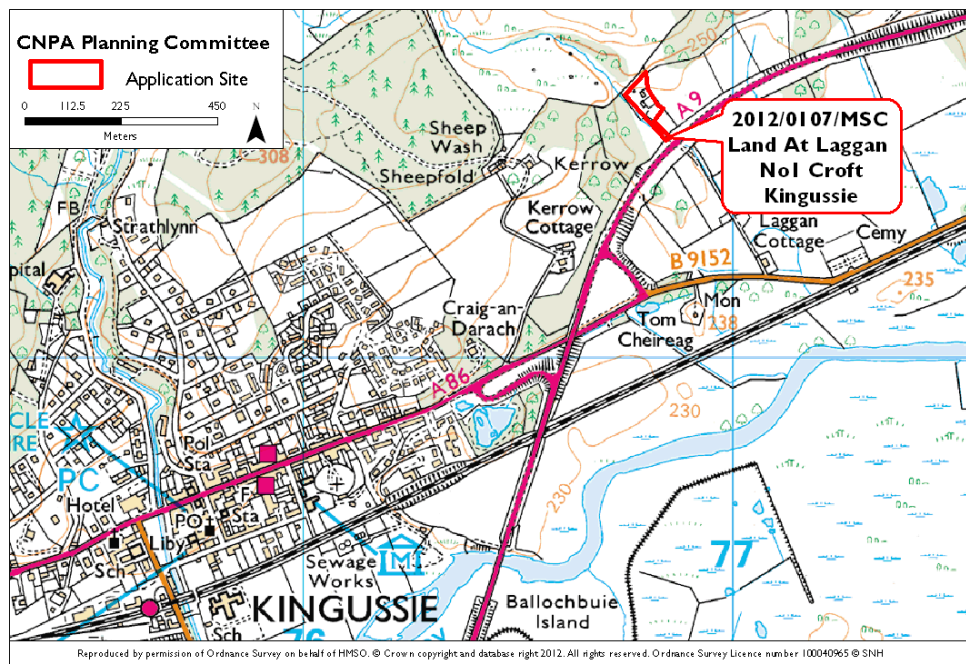
**DEVELOPMENT PROPOSED:** APPROVAL OF MATTERS SPECIFIED IN CONDITIONS FOR THE ERECTION OF A DWELLING HOUSE ON LAND AT LAGGAN NO. 1 CROFT, KINGUSSIE

**REFERENCE:** 2012/0107/MSC

**APPLICANT:** MS. N BYRNE, CHAPEL PARK FARM, KINGUSSIE C/O MR. BILL YOUNG, SCOTFRAME

**DATE CALLED-IN:** 13 APRIL 2012

**RECOMMENDATION:** APPROVE WITH CONDITIONS



Grid reference: 276282 801595

Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. This application seeks approval of matters specified in conditions for the erection of a dwelling house. The development is proposed on land at Laggan No. 1 croft, which is located off the A9 trunk road a short distance to the north east of Kingussie. The subject site is approximately 50 metres off the A9 and is accessed by an existing private access track off the trunk road. The track leads to the site and also serves a yard area which is located immediately to the south east and which contains a small storage buildings. An existing stone wall partially separates the subject site from this area. Other small buildings, some of which were stone built structures, previously existed on the site, but have recently been demolished and there is evidence of clearance work being undertaken in preparation for building. A chicken run also currently exists close to the south western site boundary – this would be removed during the course of construction activity.
2. Planning permission in principle was previously granted by the CNPA for the erection of a dwelling house on the subject site (CNPA Planning ref. no. 10/106/CP refers).<sup>1</sup> In the course of that application the applicant provided evidence to demonstrate that the new dwelling was required in conjunction with the operation of the croft. The applicant subsequently entered into a Section 75 legal agreement to ensure that the house is occupied by persons engaged in managing the croft.



**Figs 2 and 3: proposed site as currently existing**

3. The current planning application is the 'follow up' application, seeking approval of matters specified in the original conditions, chief of which is the house design and detailed site layout. The proposed dwelling is a U shaped form, with reference made in supporting documentation to the intention that it would reflect a steading. A number of design amendments have been made in the course of this current application, in order to better achieve an appropriate design expression of the steading concept. Other than the U form, the original design was more reflective of a generic bungalow, being somewhat suburban in appearance, and not designed to take account of the rural location and unique features of the subject site or its visibility from

---

<sup>1</sup> The CNPA Planning Committee resolved to grant planning permission in principle in October 2010, subject to the completion of a Section 75 legal agreement. The applicant subsequently requested a change in the terms of the drafted Section 75 legal agreement arising from VAT issues. The CNPA agreed to this in May 2011, with the Section 75 amended to include the 'cascade' mechanism. The legal agreement / planning obligation was subsequently completed in February 2012 and the decision notice was issued in March 2012.

surrounding areas, including from the southern approach of the A9 trunk road. In addition to the proposed dwelling, a detached garage, again of a generic design more commonly associated with a suburban area, was proposed adjacent to the dwelling, with the effect of further elongating the potential appearance of the built elements on the site.

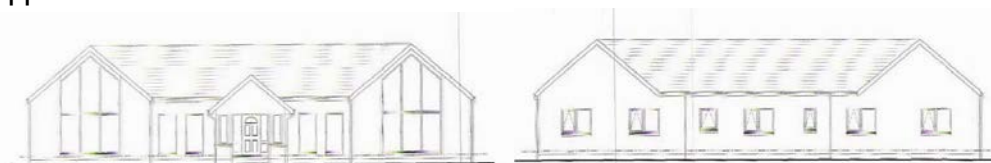


Fig. 4: Originally proposed front and rear elevations



Fig. 5: Originally proposed garage

- Following dialogue between the CNPA and the applicant and agent, a number of design amendments were made. Recently submitted information indicates that the “applicant still wishes to retain the U shaped ‘steading’ design.” Design features introduced to assist in reflecting a steading concept include limiting the gable widths to 6 metres, a 40 degree pitched roof, the use of dark grey mock slate, the addition of chimney detail on the gables and the introduction of granite on the two ‘leading gables.’ The remainder of the external walls are proposed to be finished in a traditional Scottish wet harl. Changes have also been made to the fenestration, to introduce windows with increased vertical emphasis. The formerly proposed prominent central porch has also been repositioned to a more subservient location and is proposed to be finished in larch cladding. The domestic garage has also been omitted from the proposal and a revised site layout has been submitted to demonstrate this.<sup>2</sup>

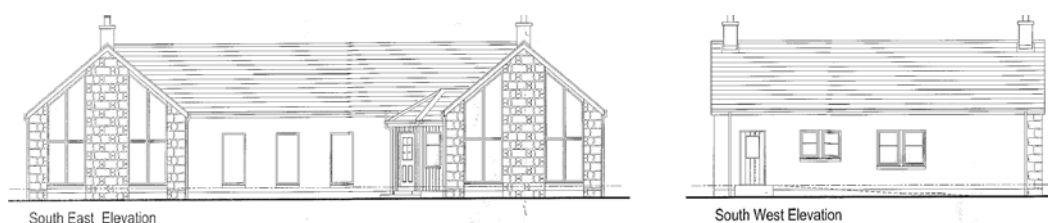


Fig. 6: Currently proposed elevations

### Site history

- As referred to in paragraph 1, the site has the benefit of planning permission in principle for the erection of a dwelling house. The applicant satisfactorily demonstrated the case for a new dwelling<sup>3</sup> in this rural location in compliance with Policy 22 (Housing Developments outside Settlements) of the CNP Local Plan and entered into a planning obligation to regulate the occupancy of the new dwelling house. One of the conditions of the planning permission in

<sup>2</sup> The CNPA did not stipulate that the garage should be removed but suggested its relocation to a less prominent location and a potential redesign to reflect a traditional outhouse rather than a suburban type domestic garage. The omission of the garage was the applicants preferred choice.

<sup>3</sup> The applicant is engaged in crofting activities on the landholding.



Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. Housing: **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In discussing the ‘Location and Design of New Development’ the SPP advises that redevelopment of urban and rural brownfield sites is preferable to development on greenfield sites.
11. Rural development: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
12. Landscape and natural heritage: The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
13. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

## Strategic Policies

### **Cairngorms National Park Partnership Plan 2012 - 2017**

14. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
- A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.
15. A number of policy priorities have been identified to help deliver each of the outcomes. Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are of particular relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development. The Plan sets out a number of means by which policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sourced materials and construction in new development; and supporting the retention and enhancement of the local character.

## Structure Plan Policy

### **Highland Council Structure Plan (2001)**

16. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
17. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
18. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as

natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.

19. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **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.”
20. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

21. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
22. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
23. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
24. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly

outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

25. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
  - use materials and landscaping that will complement the setting of the development;
  - demonstrate sustainable use of resources; and
  - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
26. Policy 22 – Housing development outside settlements : Other than affordable housing, other housing outside settlements will be permitted where
- (a) The accommodation is for a worker in an occupation appropriate to the rural location (and complies with a number of factors including the presence of the worker being essential for 24 hour supervision of the rural enterprise, there is no suitable alternative residential accommodation available, and the proposed dwelling is within the immediate vicinity of the worker’s place of employment); **or**
  - (b) The dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous ten years, or for a person retiring from another rural business where their previous accommodation is required for the new main operator of the farm, croft or rural business;<sup>5</sup> **or**
  - (c) the development is sited on rural brownfield land.

### **Supplementary Planning Guidance**

27. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

### **Sustainable Design Guide**

28. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide**

---

<sup>5</sup> In either circumstances (a) or (b) of Policy 22, the Local Plan also states that “such proposals will be secured through planning condition or legal agreement.”



requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

29. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

### CONSULTATIONS

30. As an application for matters specified in conditions, where the principle of development has already been established through the granting of planning permission in principle (with that process having involved extensive consultation), the extent of consultations in this current application has been limited.
31. **Transport Scotland** : There is no objection to the development.
32. **Highland Council Archaeology Section** : The consultation response recommends that a photographic record is compiled prior to the demolition of any buildings on site associated with the former farm steading.<sup>6</sup>



Fig. 6 : Former buildings on the site (2010)

33. **Kingussie Community Council** : No response has been received from the Community Council at the time of writing this report. However, a response was received in the course of the previous application for planning permission in principle. At that time the Community Council raised no objection to the proposal and recognised the need for a house on the subject site due to the applicant being engaged in working the croft.

<sup>6</sup> The former buildings on the site have been demolished. The consultation response may have been generated following a desk top exercise, using historic ordnance survey maps, rather than an up to date site visit.

## REPRESENTATIONS

34. No representations have been received in relation to the current planning application.

## APPRAISAL

35. The principle of development has been established on the subject site. The case for compliance with CNP Local Plan policy 22 (Housing Development outside Settlements) was demonstrated in the course of the earlier application for planning permission in principle on the subject site. In addition to establishing the acceptability of the principle of a dwelling to meet the accommodation needs of the person engaged in crofting activities on the landholding, technical issues, such as the use of the existing access off the A9 trunk road, were also explored and confirmed to be acceptable.
36. Matters to consider in this planning application therefore primarily relate to the detail i.e. design and siting, and ensuring compliance with all stipulations of the earlier planning permission in principle. Although backed by higher ground to the north and some man-made higher landforms in the north eastern area, the subject site is relatively open and exposed when viewed from the southern (A9) approach and from distant areas in the south east. In the context of this degree of visibility and its rural setting, the initially proposed design raised concerns, primarily due to its generic nature and suburban design features, which would potentially be incongruous with its setting. The generic 'bungalow' concept was also significantly at odds with the requirement of condition no. 2 of the original consent, which required the new dwelling to 'reflect the traditional design and styles typical of the vernacular of the area.'
37. The changes which have been made to the design in response to the concerns raised by the CNPA can be considered an improvement on the original design. The applicant has chosen to retain the U shape footprint originally proposed and focus efforts on amending design features and materials. The changes have been detailed in paragraph 3, and the supporting detail provided by the agent puts forward the case that the changes now reflect a traditional steading. The U shape footprint certainly has origins in steading layouts, but realistically the overall design, once constructed, is unlikely to be mistaken for a traditional steading. Further revisions to the overall proportions, materials and general detailing would be needed to achieve this. It is therefore necessary to consider the design as currently proposed. In overall terms, the design amendments can be considered positive and represent a significant improvement on the original proposal. The proposed dwelling house now has the potential to blend into and potentially enhance its immediate surroundings. This could also be further improved by the provision of landscaping and this is an aspect of the development which could be secured through the use of a condition in the event of the development being approved.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

38. The scale, design and external materials of the proposed dwelling are acceptable and will not give rise to adverse impacts on the landscape. The subject site has previously accommodated croft / agriculture uses and has no known natural heritage value. The development of the house and the introduction of an appropriate scheme of landscaping may provide an opportunity to enhance the natural heritage value of this location.

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

39. No details have been provided on the sourcing of materials and it cannot be determined whether or not the proposal contributes to this aim.

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

40. The proposed development is of little relevance to this aim. However, the amendments to the proposed dwelling house design will result in a built structure which has the potential to assimilate into its surroundings, rather than being adversely prominent. In this respect, it will not detract from the general public's enjoyment of the qualities of the wider area.

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

41. The details provided in the previous associated application for planning permission in principle verified that the new dwelling would be used by a worker engaged in the croft. The development may therefore be considered to contribute towards the sustainable economic and social development of the area.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT approval of matters specified in conditions for the erection of a dwelling house on land at Laggan No. 1 Croft, Kingussie, subject to the following conditions :**

1. The development to which this permission relates must be begun within two years from the date of this permission.

**Reason:** to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of above ground construction works, samples of window frames (which shall be timber), roofing and all external wall materials shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. All agreed materials shall be utilised in the construction thereafter.

**Reason:** to ensure that the detailed finishing materials are appropriate for the building and its setting.

3. Prior to the commencement of development, a landscaping plan shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan. The plan shall include details of finished levels, areas to be seeded, and within areas of tree and shrub planting shall show the siting, numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted 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.

**Reason:** In the interests of protecting the visual amenity of the area and in order to enhance the natural heritage of the area.

4. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

**Reason:** In the interests of minimising the visual impact of the development.

5. Prior to the commencement of development specific details of the private water supply and water test results shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Highland Council's Environmental Health section.

**Reason :** To ensure that the water supply is adequate and suitable, as required by the Private Water Supplies (Scotland) Regulations 1992.

**Mary Grier**  
[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)  
10 July 2012

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.