
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLING AND STABLE BLOCK; USE OF LAND AS AN EQUESTRIAN CENTRE, FIELD EAST OF B970, OPPOSITE BALLIEMORE, NETHY BRIDGE

REFERENCE: 04/109/CP

APPLICANT: ALASTAIR AND INGRID KENDALL

DATE CALLED-IN: 12 MARCH 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is to the east side of the B970, approximately 1 kilometre north of Nethy Bridge, opposite Balliemore, Abernethy Church (listed building) and Castle Roy (Scheduled Ancient Monument). The site consists of an open field that is understood to be part of an agricultural holding. There are no buildings on the site. The Allt Mor burn, flowing into the Spey, forms the southern/south eastern boundary of the site, beyond this is the Abernethy Outdoor Activities Centre and the Golf Course. To the east of the site is a dwelling known as Milton. The site itself is largely grass and slopes upwards from the B970. The applicant's currently run an established trekking business at Alvie called "Adventures on Horseback" which has built up into a small but profitable business. It is considered that there is both a market and seasonal need to develop the business, however circumstances dictate that the business is unable to expand because the current facilities are leased on an annual grass let. The proposal provides justification in the form of a business plan and a strong analysis of the local market, which indicates opportunities in the tourist market for trail riding holidays. The proposal's intention is to offer trail riding facilities for a small group of 6 people each week, the accommodation consists of 3 private en-suite bedrooms upstairs, catering will be "family style" in the large dining room. It appears that the applicant's would live at the house and manage the business from it.
2. In physical terms the proposal consists of house/guest accommodation with equestrian facilities, accessed mid way along the site frontage with the B970 with the access track leading towards the south eastern side of the field. The structures would consist of a four-bedroom house on 12.5 acres of grazing land to be divided into four paddocks. A barn is proposed containing 4 loose boxes, tack room and feed room and an outdoor ménage. The house would be on the south side of the area to be developed, would be two-storey (first floor in roof space) with a central ridge height of 7.4 metres. The house is primarily designed along a rectangular footprint with a through gable providing a central feature on each main elevation. Other materials would include timber panelling with stone features for external facings and a slate roof. The barn would be situated to the north of the parking area and measure 37 by 30 metres with a ridge height of approximately 8.5 metres. The barn would be of a steel framed portal construction with timber facings and profiled roof with translucent sections allowing light into the barn. A ménage is proposed to the east of the barn measuring 45 by 25 metres and would be enclosed by post and rail fencing. The area enclosed is drained and filled to a depth of 6 inches with an all weather-riding surface.

DEVELOPMENT PLAN CONTEXT

3. Policy G2 (Design for Sustainability) of the Highland Structure Plan states that developments will be assessed on the extent to which they, amongst other things, impact on resources such as habitats, species, landscape, scenery and are in keeping with the local character and the historic and natural environment. Policy H3 (Housing in the Countryside) states that new housing and conversions of non traditional buildings in the open countryside will not be permitted, unless it can be demonstrated that they are required for the management of the land and related

family purposes. Policy L4 of the Highland Structure Plan indicates that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

4. Policy T2 (Tourism Developments) states that the Council will support high quality tourism development proposals, particularly those which extend the tourism season, provide wet weather opportunities, spread economic benefits more widely, are accessible by means other than private vehicles and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
5. Policy T3 (Self Catering Tourist Accommodation) states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition
6. Policy 2.1.2.3 (Restricted Countryside Areas) of the Badenoch and Strathspey Local Plan states that there is a strong presumption against the development of houses within the Restricted Countryside Area. 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. The Local Plan under Policy 2.1.2. (Housing in the Countryside) also states that new houses in the countryside should be sited to reflect the characteristic scatter of established development.
7. The Badenoch and Strathspey Local Plan allocates certain sites for housing. However, the site proposed by this application lies outwith these allocations, to the north of the village beyond the Golf Course. The Local Plan states that the Council will safeguard Castle Roy and its immediate environs and ensure adequate separation from overhead transmission lines. One of the principles of the local plan seeks to avoid encroachment of development onto open land outwith Nethy Bridge.
8. National Planning Policy Guidance 5 Archaeology and Planning states that Scheduled Ancient Monuments are of national importance and that it is particularly important that they are preserved in situ with an appropriate setting and goes on to state that developments which would have an adverse effect upon the integrity of their settings should not be permitted unless there are exceptional circumstances.

CONSULTATIONS

9. The Nethybridge Community Council agreed that while it had no comments on the plans for the development, they were minded to point out that they felt an equestrian centre open to the public (e.g. not private) could add to the visitor appeal of the village.

10. Further comment is made that consideration should be given to the potential for erosion of the local path network from increased equine use.
11. The Environmental Health Officer of Highland Council has no adverse comments to make.
12. The Area Planning and Building Control Manager is unable to recommend approval of the application until it can be demonstrated that a reasonable means of access can be provided to link the site to the B970 public road. The current proposed access causes significant concerns, given the limited visibility available at the proposed junction with the public road. Ideally visibility spays of at least 3 metres by 150 metres should be provided and maintained. An alternative access to the north is suggested.
13. Scottish Environmental Protection Agency (SEPA) comment as follows:-
14. Foul drainage: No objection providing there is no public sewer within reasonable distance, the proposal meets Part M of the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990, that the soakaway will be at least 50 metres from any abstraction used for drinking water, food processing or farm dairy purposes, and that Building Control colleagues are satisfied with the proposals. Such issues should be resolved prior to determination of the application.
15. Surface water drainage. A Sustainable Urban Drainage System (SUDS) is suggested by means of separate soakaways. However, due to a lack of information on this aspect SEPA objects until further information is provided that demonstrates the surface water drainage of the development is acceptable.
16. SEPA is satisfied that single soakaways are suitable for roof water from both the residential accommodation and stables. However, as the development is of a non-residential nature two levels of treatment are considered best practice. A filter strip, or filter drain followed by soakaway, for example may be suitable at this site.
17. SEPA recommends range of Pollution Prevention Guidance and Techniques.
18. Highland Council Archaeology Unit make no comment.
19. Economic and Social Development consider that the proposal is well thought out and is unlikely to impact negatively on other horse riding businesses within the park.
20. Scottish Natural Heritage has no objection to the application but does comment that the site lies close to the Craigmore Wood SPA and the River Spey candidate SAC. SNH considers that it is unlikely that any qualifying features will be affected significantly by the proposal. SNH recommend that if the applicants wish to use Craigmore Wood SPA for horse riding they should consult with the RSPB who own the site regarding routes and timing of use. SNH also point out that the development is close to Castle Roy, a notable historic site and consider that the

development will affect the landscape as viewed from Castle Roy and therefore the historic context for this monument.

21. The Natural Resources Group reiterate comments from SNH regarding the SAC and SPA in relation to riding activities and also consider that if fenced in livestock are unlikely to have any effect upon the Allt Mor Burn. In addition, comments are made that the buildings are likely to be highly visible, and impact upon the landscape surrounding Castle Roy and Abernethy Church.

REPRESENTATIONS

22. A total of six letters of response have been received (copies are attached) from members of the public. Concerns raised include the following:-
23. Potentially dangerous access, close to the access to Balliemore on the opposite side of what is considered a narrow road. The only potential access from the site for riders is directly onto the B970 which only just permits two way working and is curved, near a narrow bridge over the Allt Mor and also gives access to the car park for the adjacent church and Castle Roy, it is considered that this combination could result in potential dangers for both riders and passing traffic. In addition, to gain access to quieter roads it is considered that the riders would have to stay on the road for half a mile or so before being able to access quieter roads. One writer points out that the adjacent access to the property known as Milton is not a right of way and riders would not be permitted on it.
24. The ridge height of the buildings at 7.5 metres for the dwelling and 8.5 metres for the stable block would result in the buildings being undesirably prominent in the landscape, particularly as the field rises above the B970. The buildings/ménage are considered out of character with the area and would diminish the character of the adjacent Victorian farmhouse, the listed parish church and the Scheduled Ancient Monument of Castle Roy. One writer suggests siting the buildings to the south in a fold of land, rather than right in the centre of the open ground.
25. The buildings proposed lie within a narrow cone of vision when seen from Balliemore and it would be better if the buildings were positioned further north in the field.
26. The outfall from the proposed septic tank cuts across the line of a private water supply
27. One writer considers that this is exactly the sort of proposal for any village in the area and would provide a leisure facility appropriate to the national park and depending on management one that could greatly benefit the local community, particularly the youngsters of the village. The writer is greatly in favour of the principle of this type of development in Nethy Bridge. However, the writer considers that the field provides exactly the wrong location as the undisturbed contours provide a classic setting and visual context for Castle Roy and Abernethy Old Kirk which is essentially considered part of one of the best loved views of the Cairngorms ranges from this part of the strath.

APPRAISAL

28. The site lies within a Restricted Countryside Area where new dwellings are not normally allowed without a land management justification. In essence, the justification for the house is the equestrian centre. Therefore, what is being considered is a combined application for a house in open countryside that is being justified by the equestrian business, including holiday accommodation that the house would provide for visitors. Justification has been provided in the form of a business plan, which has been submitted as supporting information with the application. Policy H3 of the **Highland Structure Plan** (Housing in the Countryside) as reflected in Policy 2.1.2.3 (Restricted Countryside Areas) of the **Badenoch and Strathspey Local Plan** considers that new housing and conversions of non-traditional buildings in the countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes. In this case, the justification for the proposal has been based upon an equestrian tourism business, one that does not have an existing link to the management of this piece of land which is understood to be part of an agricultural holding. Given this, the proposal cannot be considered as relating to the management of the land but is related to the management of a future, brand new business at the site, which while being well thought out, justified and presented does not result in a reason for departing from the prevailing policy context of restraint in areas of open countryside. Recent policy guidance in the form of the Scottish Executive's Consultation Draft on Planning for Rural Development makes direct reference to this type of development, which the agent refers to. The paper offers advice that in less populated areas there should be greater scope for more innovative planning policies and that Scottish Ministers see considerable potential for encouraging diversification, distinctiveness and individuality e.g. delivering tourism projects including equestrianism.
29. This approach is noted. However, it should also be noted that this document is at the consultation stage only so only limited weight can be ascribed to it and conversely more weight should be ascribed to the existing, operational development plan framework. (The Structure Plan and Local Plan). In addition, while sections of the document are referred to on economic diversification this section of the document does not make direct reference to allowing residential uses, contrary to policy to justify economic diversification. In addition, tourism (T4) policy within the **Highland Structure Plan** considers that tourist accommodation will only be granted on the basis of the development not being used for permanent residential accommodation.
30. Several concerns are made by objectors regarding the landscape impact of the proposal on an elevated piece of ground, which is located close to the Scheduled Ancient Monument of Castle Roy and the listed Abernethy Church. The site is at a slightly higher level, across the B970 from the Church and Castle and the height of the buildings at 7.5 metres for the house and 8.5 metres for the stable/ barn, would have a significant visual impact. These buildings would be prominent in the context of both the general landscape and would be likely to detract from the primacy of these historic buildings, particularly in views across the strath from the A95. Because of this, the proposal is not considered to accord with General

Policy 2 (Design for Sustainability) of the Highland Structure Plan, which makes particular reference to the effect of planning proposals upon landscape, scenery and cultural heritage. This is reinforced by Policy L4 of the Plan, which considers that regard should be made to the desirability of maintaining and enhancing present landscape character. In addition to the above, the Nethybridge chapter of the Badenoch and Strathspey Local Plan sets as one of its main principles for Nethybridge the protection of the village setting, notably the adjoining semi natural woodlands, open land and river edges. It is contended that the proposal fails to adhere to this basic principle by not protecting that open land.

31. The scale of the buildings, and in particular the stable/barn at a height of 8.5 metres would be particularly intrusive and it would be better if the height of this building could be considerably reduced, or even broken down into smaller elements with greatly reduced ridge heights. This would help to reduce the bulk of the building as well as its scale, which at present is considered unacceptable.
32. The design of the house is based upon a largely rectangular footprint with first floor accommodation utilising the roofspace with velux windows on one slope and a pair of dormers either side of a central gable feature which runs through the building with a gable feature on each main elevation. The roof slopes down well beyond the facing walls to create a covered veranda walkway. A wide range of materials is proposed by the application. However, the combination is reminiscent of existing materials in the area with natural stone detailing and vertical timber panels. No particular objection is raised in relation to the design of the house. However, its scale is considerable and in combination with the barn may well be detrimental to the local and wider landscape
33. The Area Roads and Community Works Manager of Highland Council has responded on the application and raises objection on the grounds of highway safety given the limited visibility at the junction of the proposed access with the public road. Ideally, it is considered that visibility splays of at least 3 metres by 150 metres should be provided and maintained at the point of access to the site, but the visibility available would appear to fall some way short of these requirements. The Area Manager suggests that by moving the access northwards, improved visibility in each direction could be provided, but this may involve a considerable amount of earthworks, and possibly the setting back of the roadside fence lines.
34. Given the above the Area Manager feels unable to recommend approval of the application. Should members wish to approve the application then it is recommended that a decision be deferred to allow an alternative, safer access route to be negotiated between the applicants and the Area Roads Manager, although any resulting additional landscape impact from visibility splays would also have to be considered.
35. SEPA have been consulted on the proposal and have provided a wide range of comments relating to both foul and surface water drainage. In basic terms SEPA have no objection to the proposal providing that the proposal is acceptable to Building Control Officers.

36. In relation to surface water drainage SEPA notes that this is to be via soakaways, in effect a form of Sustainable Urban Drainage System. However, because of a lack of information on this issue SEPA objects until further information is provided that demonstrates that the surface water drainage element of the proposal is acceptable. In this instance, the level of information provided on drainage would not be sufficient to recommend approval of the application. It is suggested that should members wish to approve the application, then the proposal be deferred to allow the applicants time to provide the additional information requested by SEPA.
37. There are many positive aspects to this proposal, which has been well thought through and presented. The proposal would certainly help to promote understanding and enjoyment of the area and foster some level of economic development. However, this is considered to be at a cost to the landscape of natural and cultural heritage of the area. In addition to the park aims the development control protocol states that the CNPA will use existing development plans as the principle context for determining applications, until a National Park Plan is prepared for the Park. The policy analysis as set out in the appraisal would indicate that the proposal does not accord with the Highland Structure Plan, or the Badenoch and Strathspey Local Plan.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

38. The proposal would be likely to have a negative impact upon the natural and cultural heritage of the area, as it would introduce buildings of an incompatible scale with the prominence of the site in the wider landscape. The proposal would also have a detrimental impact upon the cultural heritage, specifically regarding the proximity of Castle Roy and the Abernethy Church.

Promote Sustainable Use of Natural Resources

39. There are no discernible effects regarding this aim, as it is unclear from the information provided where the construction materials are being sourced. SEPA have expressed concerns relating to surface water drainage and the proximity of the Allt Mor watercourse, which feeds into the Spey. However, it is likely that issues in relation to this could be overcome by additional information/planning conditions.

Promote Understanding and Enjoyment of the Area

40. The nature of the proposal as a visitor/tourism attractor would clearly contribute to promoting understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

41. The proposal would involve considerable investment and would promote the economic development of the area both in terms of its initial construction and the ongoing economic benefits of bringing investment into the area. It is unclear with regard to potential employment opportunities but it would at least represent employment for the applicants. In terms of social development some suggestions have been made by objectors that the centre should be open to local youngsters. However, the nature of the business proposal is one that is directly aimed at the tourist market.

Conclusion

42. With regard to the aims of the Park its statutory purposes seek to ensure that the four aims are achieved in a collective and co-ordinated way. The proposal can certainly be considered to be meeting two of the aims in terms of promoting understanding/enjoyment and also meets the aim of promoting sustainable economic development as the venture is based upon introducing tourists to the attractive, inherent qualities of the park. However, it is contended that the proposal would result in significant and detrimental impacts upon the natural and cultural heritage, and this being the first aim, Section 9(6) of the act provides that in relation to any matter, it appears to the CNPA that there is a conflict between the first and other park aims then greater weight should be accorded to the first aim, it is on this basis and the previous policy analysis that your officer recommends refusal of the application for the following reasons.

RECOMMENDATION

43. That Members of the Committee support a recommendation to:

Refuse Planning Permission for Erection of dwelling and stables block; use of land for equestrian centre at Field East Of B970 Opposite Balliemore, Nethy Bridge, for the following reasons:-

- i. The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Highland Structure Plan Policy H3 (Housing in the Countryside) and Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless particular circumstances are clearly identified in development plans or there are special needs in relation to land management. Neither of these exclusions applies in this instance.
- ii. The erection of the dwelling house and associated stable block and ménage are set on a prominent site would result in a detrimental impact upon the local and wider landscape and the setting of the Scheduled Ancient Monument of Castle Roy and the listed Abernethy Church when viewed across Strathspey from the A95. Approval would also act as an

unacceptable precedent for further ad-hoc, sporadic and un-planned development into a restricted countryside area that is regarded as protecting the setting of Nethy Bridge. As such the proposal fails to comply with the Highland Structure Plan Policy G2 (Design for Sustainability), Badenoch and Strathspey Local Plan Policy 2.1.2.3 (Housing in the Countryside), Policy L4 of the Highland Structure Plan (Landscape Character).

- iii. The stables and house, because of their scale, bulk, height and design on such a prominent site would not reflect or safeguard the character, identity and setting of the existing settlement and pattern of development and would therefore be contrary to Policy G2 (Design for Sustainability) of the Highland Structure Plan and Policy 2.1.2 (Housing in the Countryside: Design) of the Badenoch and Strathspey Local Plan.
- iv. The proposal fails to demonstrate that a suitable and safe means of access can be provided from the site onto the B970. The proposal would therefore be detrimental to highway safety.

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