
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

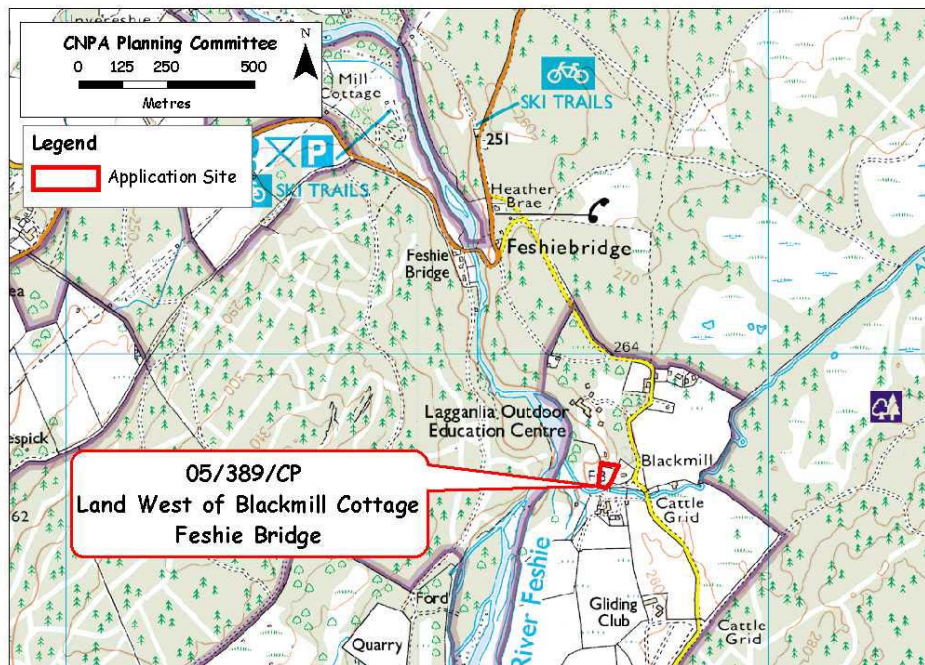
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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLING (RENEWAL OF OUTLINE PLANNING PERMISSION), LAND WEST OF BLACKMILL COTTAGE, FESHIEBRIDGE, KINGUSSIE

REFERENCE: 05/389/CP

APPLICANT: MR R B COCHRAN

DATE CALLED-IN: 9 SEPTEMBER 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located just to the south of the Lagganlia Outdoor Education Centre in Glen Feshie. The site sits on a flat piece of ground below an embankment immediately to the south of a bungalow known as Tigh an Tearlach. The site is close to the confluence of the Allt a Mharcaid with the River Feshie and the unmade track, which accesses the existing bungalow, runs alongside the burn. This track would be used to access the proposal site.



Fig. 2 Development site in fore-ground

2. The application is in outline form and sought the renewal of an outline planning consent for a single detached house on the site. The outline expired on 3 October. Given this the proposal is effectively a fresh application for a new dwelling. The boxes relating to drainage are not ticked on the application form. However, I assume that foul drainage would be via septic tank and previous investigations show that ground conditions were suitable for the formation of a soakaway.
3. There has been a history of planning consents for a single dwelling on the site dating back to 1989. The consents were granted to the previous owners of the site

DEVELOPMENT PLAN CONTEXT

4. **Highland Structure Plan 2001, Policy H3** states that housing will generally be within existing and planned new settlements. New housing 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 in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character. **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.
5. 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 in 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). In relation to land management criteria the **Development Plan Policy Guidelines** stress that "new housing will only be regarded as essential where it is related to material planning considerations" and that the "personal preferences or financial circumstances of any individuals involved are not material planning matters." It further details the fact that any proposal for new housing in the countryside associated with land management activities "must demonstrate that a sequential approach to identification of the need for that house has been followed", and this should involve consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing dwelling house.
6. **The Badenoch and Strathspey Local Plan (September 1997)** – the subject site is on land that has been identified in the Local Plan as a restricted countryside area. Accordingly, section 2.1.2.3 of the Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in all sensitive areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required. Section 2.1.2.5 of the plan considers that in exceptional cases, there may be limited opportunities to consolidate or round-off certain existing housing groups. However, such proposals should be submitted as full

applications, indicate what arrangements are intended to enhance or screen the group's amenity or appearance and indicate any proposed measures to remedy existing access or other infrastructure problems.

7. The **Preliminary Draft for Consultation of the Cairngorms National Park Local Plan** is about to be published. The starting point for the plan is 3 general policy areas from 1-3 with ascending importance in terms of site sensitivity. General Policy 1 relates to areas that are not identified by policy areas 2 and 3. Policy Area 2 relates to a range of features including Sites of Special Scientific Interest, National Nature Reserves and National Scenic Areas. General Policy Area 3 relates to areas that are particularly sensitive in environmental terms such as SAC's (Special Areas of Conservation) and SPA's (Special Protection Areas).
8. The site is located within a **General Policy 2 Area**. This policy considers that development will only be permitted where it is demonstrated that there is no alternative and: the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.
9. **Policy 38 Proposals for Housing Outwith Defined Settlements** considers that outwith established settlement boundaries proposals for new houses will be favourably considered where the proposal complies with at least one of the following:
 - the applicant has lived and/or worked in the area for at least 3 years, and are currently un-/inadequately housed. Proof of residency and or work status will be required.
 - the proposal can be justified to house workers of long-term economic activity, which is specific to that locality, with a fully reasoned case why housing elsewhere is not suitable. Permission shall be restricted by a Section 75 Planning Agreement/occupancy condition to remain as essential worker housing in perpetuity, or resort to an agreed tenure of affordable housing where the employment use is no longer required.
 - the proposal is for a new house, which will be linked by a Section 75 Agreement to the active management of a crofting/agricultural unit, or other land based industry that requires to be based in that locality.
10. In each case the application must be for a single house for permanent occupation and must either join an existing group of at least 3 houses, or must be sited and designed to complement the existing pattern and character of settlement in that locality.

CONSULTATIONS

11. **Highland Council Area Roads Manager** has some concerns with further development at this location given the remoteness of the site and the generally poor standard of the public road network in the immediate area. However, should members be minded to approve the current application it is recommended that conditions relating to parking and manoeuvring shall be provided in or close by the property so that each vehicle may enter and leave the property in forward gear, that the access to the site shall be upgraded as required to allow safe and convenient access for an emergency vehicle and that the new property should be free from the effects of a 1:200 years flood event.
12. **Scottish Natural Heritage** notes that the site is located within the National Scenic Area. However, SNH have no objection to the proposal in principle providing conditions are attached to any consent to ensure that the house does not exceed one and a half storeys and that trees around the site are retained to provide screening for the new property.
13. **SEPA** have no objection in principle to this proposal but note that foul drainage is to be dealt with by means of a septic tank. An assessment of the suitability of ground conditions for this purpose should be carried out by means of percolation tests. Such tests should take place prior to the determination of the application.
14. **Highland Council Archaeologist** has been consulted upon the proposal and has no comment.
15. **Kincraig and Vicinity Community Community** note that this application is seeking renewal of previous outline planning applications and no adverse comment is made.

REPRESENTATIONS

16. A letter from the applicant is attached.

APPRAISAL

17. The two main issues here relate to the principle of a dwelling at this location in terms of the development plan context, and more detailed issues relating to the potential site impacts of the development.
18. In policy terms the site is located within an area designated as restricted countryside by the Badenoch and Strathspey Local Plan. In such areas there is a presumption against new dwellings unless they can be justified for the purposes of land management. In this instance

no land-based case has been put forward, however, there is a history of planning consents at the site.

19. Planning consents for a single house at this site date back to 1989 and approval of a reserved matters application was granted in June 1990. This lapsed in April 1994. Outline consent was granted in 1997 and because of renewals made this consent was extant until the beginning of October this year. I can find no evidence that a land based case was used to justify these earlier consents.
20. While recognising the planning history of the site, it should also be recognised that planning policy for housing in the guise of Policy H3 of the Structure Plan and Policy 2.1.2.3 of the Badenoch and Strathspey Local Plan both presume against dwellings in this location unless a land management case is put forward. While I have sympathy with the circumstances of the applicant, it is clear that the policy response to the proposal is refusal. While the planning history of the site is a material consideration it should be noted that the circumstances relating to the site have changed. Firstly, the outline consent has now expired. Secondly the Cairngorms National Park has been created, and thirdly the River Feshie is now a Special Area of Conservation. In my view none of these new considerations indicate towards granting a consent that would depart from a strong policy stance against the proposal.
21. In my view the proposal does not meet the housing groups policy as set out in the Badenoch and Strathspey Local Plan. While there are houses nearby the only dwelling that the application has a visual connection with is the applicant's existing bungalow. In addition it is not clear what infrastructure improvements the application would allow. The access to the site and the applicant's house could be upgraded but this would not result in any benefit beyond that to the applicant. Any improvement to the access could also result in disturbance to the tributary of the Feshie. In any case, when Highland Council Planning Committee last considered the application it was not approved on the basis of the housing group policy, but was granted on the basis that the site had a history of consent's for a house.
22. The Cairngorms National Park Preliminary Consultation Draft is about to be published. As a starting point this document has 3 general policy tiers. This site is located in an area that relates to general policy 2 in terms of its environmental sensitivity. This is largely because the site lies within the Cairngorms National Scenic Area. The site is also close to a General Policy 3 Area, which relates to the most sensitive environmental areas (in this case the River Feshie SAC and its adjacent tributary).

23. While the Preliminary Draft of the Local Plan can only be given very limited weight at this stage, the above considerations do not justify departing from the existing Structure and Local Plan Policies. With regard to General Policy 2 there is no demonstration as to why this site should be developed as opposed to other sites outwith the General Policy 2 area. In addition, Policy 38 on Housing Outwith Settlements, which emphasises that housing, should be for local need based upon some form of land management, or some other form of long term economic activity. Evidence should also be provided to show that the applicant's are currently not housed, or housed inadequately. With regard to this issue the applicant lives at the adjacent bungalow to the site known as Tigh an Tearlach. Because of this, I have no reason to believe that the applicant is inadequately housed.
24. With regard to the principle of a house on this site the situation is similar to that of an application for a house in a restricted countryside area refused by the CNPA Planning Committee last year at Lynbreck. In that case an application expired while officers were considering it. A new owner of the site sought renewal of an earlier planning consent. As noted this application was refused and a Scottish Executive Planning Reporter upheld the decision. Because of this, there is a strong precedent for refusing this proposal (and an expectation that any appeal would be dismissed).
25. This is an outline application, so no detailed plans are available. The current access to the site is along an un-made track of a rural character. The Area Roads Manager has some doubts about further development in this remote location but doesn't specifically recommend that the scheme be refused. However, he does recommend that the access be upgraded. With regard to this issue I would note that the current access runs alongside a tributary of the River Feshie SAC and in my view any upgrading could well have a detrimental effect upon the burn. Because of this, should the Planning Committee wish to approve the scheme I would recommend that this approach is not adopted.
26. In addition to the above I am also mindful that the site is located on level ground above the River Feshie and close to the Allt a Mharcaid, while I have some concern with the issue of flooding, previous consents on the site have considered this issue and the site found to be acceptable. However, should the Planning Committee wish to grant planning permission for this development than I would recommend a condition that any reserved matters application demonstrates that the new property should be free from the effects of a 1 in 200 year flood event.
27. Overall, I can find no evidence in terms of a land management justification or the aforementioned changed policy context since the approval of the last consent at the site that would persuade me to depart from the stated development plan aims of restraint on new housing in restricted countryside areas.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. The proposal would result in an additional dwelling in a relatively remote area where no land management or local needs case has been made. The proposal would result in an additional unit in a remote area that could set a precedent for further applications of this type resulting in cumulative landscape impact upon the natural heritage. Any upgrading of the track to accommodate this additional unit may well lead to negative impacts upon the Allt a Marchaid which is part of the River Feshie SAC.

Promote Sustainable Use of Natural Resources

29. The proposal is for an additional dwelling in a remote area where there is no public transport network. The proposal does not appear to be related to economic activity in the area and as such would be a form of development that would foster reliance upon the private car as a means of transport to and from the site to access general services.

Promote Understanding and Enjoyment of the Area

30. The proposal has little relevance to this aim.

Promote Sustainable Economic and Social Development of the Area

31. No economic case has been made regarding the requirement for a house on this relatively isolated site. The development may be sold on the open market, which would not necessarily result in any social or economic gain for the locality, or the Park as a whole.

RECOMMENDATION

32. That Members of the Committee support a recommendation to: **REFUSE OUTLINE PLANNING PERMISSION for a single dwelling on land west of Blackmill Cottage, Feshiebridge for the following reasons.**
 1. That the proposal is contrary to Policy H3 of the Highland Structure Plan and 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 in exceptional circumstances, if approved such proposals would encourage the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

2. The proposal is contrary to the natural and cultural heritage aim of the Cairngorms National Park as it would set a precedent for residential development which could result in cumulative visual and landscape impact in areas where planning policy aims to restrict such development.

Andrew Tait

17 October 2005

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