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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)

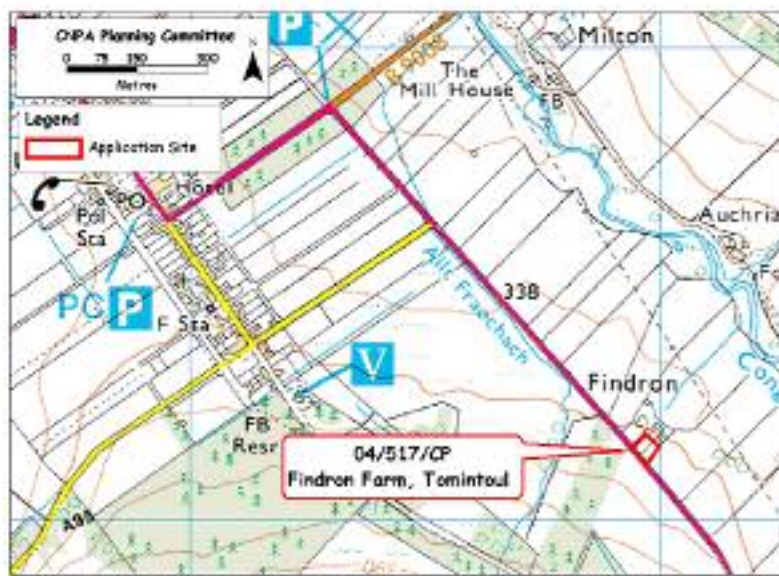
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**DEVELOPMENT PROPOSED:** ERECTION OF NEW DWELLINGHOUSE,  
AT FINDRON FARM, TOMINTOUL,  
BALLINDALLOCH. (FULL PLANNING  
PERMISSION)

**REFERENCE:** 04/517/CP

**APPLICANT:** W & E TURNER, PER MRS T  
BOARDMAN, PINNACLE DESIGN,  
ESTACARNY, CULTS DRIVE,  
TOMINTOUL, BALLINDALLOCH, AB37  
9HW

**DATE CALLED-IN:** 5 NOVEMBER 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application is for full planning permission for a new 3 bedrooled dwellinghouse and garage within the boundaries of the farmhouse and associated farm buildings at Findron Farm, which is located adjacent to the A939 Tomintoul to the Lecht road approximately 1km to the south east of Tomintoul. In addition to the farming enterprise, the applicants run a bed and breakfast business from the farmhouse and the proposed house is to function as self-catering accommodation for visitors. However, it is has been stated that the house may revert to permanent residential use when the applicants retire. The site for the new house is part of open ground to the front of the farmhouse, and adjacent to the main road frontage. The site slopes down from the main road towards the farmhouse.
2. Following extensive negotiations with the applicant's agent, amended design drawings have been submitted which show that the building will be roughly T-shaped and single storey. The garage is integral to the building. Finishing materials are slate, white washed wet harl to match the existing farmhouse, and timber framed windows. There is timber cladding to the porch. Existing hedging around the present farmhouse garden will be retained, other than where the new house and access are to be located, and new hedging will be planted along the roadside boundary. Trees exist close to the junction with the A939 within the new site and these are shown as being retained. The new house is set back from the A939 by approximately 11 metres, which is the same distance as an existing agricultural building on the north side of the farm access.
3. Access is via the existing farm access onto the A939, and for drainage it is proposed to use a new septic tank and mound soakaway.

## DEVELOPMENT PLAN CONTEXT

4. In the **Moray Structure and Local Plan, Policy S/H4 (House Building in the Countryside)**, states that in this area there is a presumption in favour of house building within rural communities as defined in the plan; or where it involves the re-use, replacement or rehabilitation of existing buildings; or on well located and designed sites in the open countryside. Such development must conform with the provisions of **Policy S/IMP1 (Development Siting, Layout and Design)**. This policy requires new development to be sensitively sited, designed and serviced and it should meet certain criteria relating to these matters.
5. **Policy L/HC3 (New Houses in the Countryside)** requires applications to respect the traditional pattern of settlement in the countryside. The policy advises that in terms of siting it should be positioned sensitively along with a group of buildings such as a farm steading; it should be

integrated sensitively with the existing land forms so as to blend unobtrusively with its surroundings; and it should avoid changing the character of the area creating a suburban style grouping or ribbon development. All proposed boundaries should be features such as a dry stone dyke, a hedgerow or a mature woodland, designed to integrate the proposal within the rural setting. **Policy L/HC5 Gable/Roof Pitch Parameters** sets out definitive guidance on the shape and proportions of gables and roof pitches for new houses. **Policy L/IMP3 (New Building Design)** also sets out detailed design guidance on design of new buildings in general.

6. The site lies within an **Area of Great Landscape Value**. **Policy L/ENV7 (AGLV)** states that development will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area.
7. **Policy S/ED8 (Tourism Proposals)**, generally supports the provision of new facilities which contribute to Moray's role and image as a tourist area and **Policy L/ED16 (Tourist Facilities and Accommodation)**, favours proposals for holiday accommodation with applications being subject to the same guidance and advice as applies to housing in the countryside for siting and location. Landscaping measures are important, and developments built as holiday accommodation should be retained for that purpose and not permitted to become permanent residences. Conditions will be applied to planning consents in order to control this aspect. **Policy L/IMP7 (Drainage Impact)** states that if public sewers are not available, alternative forms of treatment of foul drainage may be considered and must meet with the approval of SEPA.

## CONSULTATIONS

8. The original proposal was for foul drainage to be connected to the existing private drainage system which would then be shared with the existing farmhouse. On this basis, **SEPA** initially indicated objection to the proposal as they do not consider that shared private foul drainage arrangements are appropriate particularly for maintenance and resolution of any problems (ie. separate drainage systems should exist for the present house and this new dwelling). Following this objection, the applicants carried out percolation tests. However, the ground conditions were found to be unsuitable for a standard soakaway and an engineer, has now designed a mound soakaway system. SEPA have no objection to this provided it meets with the Building Control Regulations. From a discussion with **Moray Council's Building Control Department**, they have confirmed that a mound soakaway system is acceptable in principle, in terms of Building Regulations, and that the engineer used by the applicant is on their list of approved engineers/contractors for designing such a system.

9. **Moray Council's Environmental Health Manager** requested more details on the private water supply for the development. However, the applicants have amended their proposals and now propose to connect to the mains supply which runs to the south west. Following a discussion with a representative of **Scottish Water**, it has been confirmed that this public supply route, which serves Tomintoul, is available for connection. **Moray Council's Contaminated Land Officer** asked for more details about the potential for contamination of the land where the new house is to be sited. Following the supply of further details, the Contaminated Land Officer now has no objection to the proposal but suggests the imposition of a planning condition.
10. **Moray Council's Transportation Manager** has no objections, subject to planning conditions relating to adequate visibility at the access and on site parking provision.
11. The **CNPA's Outdoor Access Officer** has confirmed that the development does not affect any access routes

## REPRESENTATIONS

12. No representations have been received.

## APPRAISAL

13. This application has to be viewed as a new house in the countryside but also as a business development opportunity. The development therefore falls within a number of relevant policies.
14. In terms of a new house in the countryside, the proposal fits, in principle, with current Moray Structure and Local Plan policy. Policy supports the principle of single houses in this area, subject to appropriate siting and design. The overall policy strategy recognises that in remote parts of rural Moray, outwith areas of commuter pressure, the development of small scale housing is essential in order to sustain communities both socially and economically. The areas to the south and east of the Moray Council area, including those within the National Park, are identified as areas where this less restrictive approach applies. It is also the case that proposals for holiday accommodation in such areas fit, in principle, with Moray Council policy, subject to the same siting and design criteria.
15. Nevertheless, the site now lies within the National Park and this is therefore a material consideration, and requires to be part of the assessment. In this respect, it is necessary to consider the aims of the Park (in particular, in this instance, the fourth aim), consistency of decision, and precedent for other similar developments in the future. With the proposal representing self-catering holiday accommodation in

the first instance, in order to retain it as such, I feel it is necessary to impose restrictions that the house is used for self-catering holiday purposes only. However, in order to allow the applicants to retire to the house at some point in the future, restricting occupancy to a farm worker or someone retiring from the farm, would also be appropriate. I feel this is justifiable in terms of the fourth aim of the Park because it would restrict the occupants of the proposed development to people who are going to be contributing economically to the community.

16. In terms of siting, the new building will relate closely with the group of existing buildings at the farm. Although one small outbuilding will be removed to accommodate the new drainage system, and the site is adjacent to the A939, the new house will fit into the group of farmhouse and steading buildings, and with the existing landscape features on the site.
17. In terms of design and layout, the detailed design of the building has been amended following negotiations with the applicant. The alterations to the design were pursued to ensure that the proposal fitted the development plan policies and guidance, and to ensure the design was appropriate for this fairly prominent roadside site within the Area of Great Landscape Value, and the National Park. Changes to the roof line, window design and materials were made by the applicant to provide a more sympathetic design that is in character with the area. Retention of trees, and the additional planting of hedging to replace some removed to facilitate the development, will assist to integrate the new building into the local landscape. The site could benefit from the planting of a few additional trees to assist in the integration of the house and add to its setting. The new building is set into the site and single storey and although clearly visible from the A939, it will not appear out of place in its context.
18. Finally, all the technical issues regarding roads, drainage, water supply and contaminated land have been addressed. To conclude, I feel that support can now be given for this proposal, subject to occupancy restrictions and planning conditions.

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

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

19. The development is on land closely associated with a farming enterprise and in itself, it is not viewed as carrying any importance to the natural or cultural heritage value of the area. The wider area is though an Area of Great Landscape Value in the Local Plan. However, as described above, it will be seen within the context of the existing group of buildings at the site. Additional landscaping will also help integrate the development.

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

20. There is no significant contribution to this aim. However, the amended design does now include some use of timber cladding.

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

21. The development will bring visitors/tourists into the area to stay and enjoy the local countryside and other facilities.

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

22. The proposal will help to sustain, through diversification, the farm business at Findron Farm. By restricting the use and occupancy of the house for holiday purposes, or for an essential or retired farmworker, it is possible to ensure that the nature of the application applied for is controlled. As such, the development can be seen to be promoting this aim because the people who will benefit from the development will be those which will contribute to the economic well being of the community.

## **RECOMMENDATION**

23. **That Members of the Committee support a recommendation to: Grant Full Planning Permission for a New Dwellinghouse at Findron Farm, Tomintoul, subject to a Section 75 which:-**

- a. **restricts the use of the house for self-catering holiday purposes only (max. 6 weeks occupancy at any one time);**  
**or,**
- b. **restricts the occupancy of the house for an essential farmworker or retired farmworker at Findron Farm;**  
**and,**
- c. **prevents the disposal of the house separately from the farm unit at Findron Farm,**

#### **and the following conditions;**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That if significant unsuspected contamination is found on the site, all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with the Cairngorms National Park Authority acting as Planning Authority, in consultation with Moray Council's Contaminated Land Officer.

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed or garage erected without the prior written permission of the Cairngorms National Park Authority, acting as Planning Authority.
4. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the site without the prior written permission of the Cairngorms National Park Authority acting as Planning Authority.
5. That in the first planting season following completion of the house hereby approved, a minimum of 5 trees, shall be planted within the site. In addition, the hedging as shown on the approved site layout drawing number F-04A, shall be planted along the boundaries. Prior to the commencement of work on site, exact details of the trees and hedge planting, including siting, numbers, species (which shall be native), and heights (at time of planting), shall be submitted for the further written approval of the Cairngorms National Park Authority, acting as Planning Authority. Any trees and hedging removed, or which in the opinion of the Cairngorms National Park Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees and hedging of similar size and species to those originally required to be planted.
6. Prior to the commencement of the wall rendering works, a sample panel, approximately 1 metre square, of the wet harling shall be prepared on site for the inspection and further written approval of the Cairngorms National Park Authority, acting as Planning Authority.
7. Prior to the commencement of works on site, specific details of all proposed new windows, which shall be timber framed and closely resemble traditional sash and case units, shall be submitted for the further written approval of the Cairngorms National Park Authority, acting as Planning Authority.
8. Prior to the commencement of works on site, exact details and specifications of the stain colour(s) for all external timber finishes (including the porch, garage and house doors, and window frames) shall be submitted for the further written approval of the Cairngorms National Park Authority, acting as Planning Authority.
9. That unless otherwise agreed in writing with the Cairngorms National Park Authority, acting as Planning Authority, following consultation with Moray Council's Environmental Health Manager, the house hereby approved, shall be served by the public water supply.

10. That unless otherwise agreed in writing with the Cairngorms National Park Authority, acting as Planning Authority, following consultation with Moray Council's Transportation Manager, no boundary fences, hedges, or walls over 1.0m in height and fronting onto the public road shall be sited within 2.5m of the edge of the carriageway.
  
11. That parking and manoeuvring space for a minimum of two cars shall be formed and maintained within the curtilage of the house hereby approved.

**Neil Stewart**  
**18 April 2005**

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