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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** NEIL STEWART (PLANNER, DEVELOPMENT CONTROL)

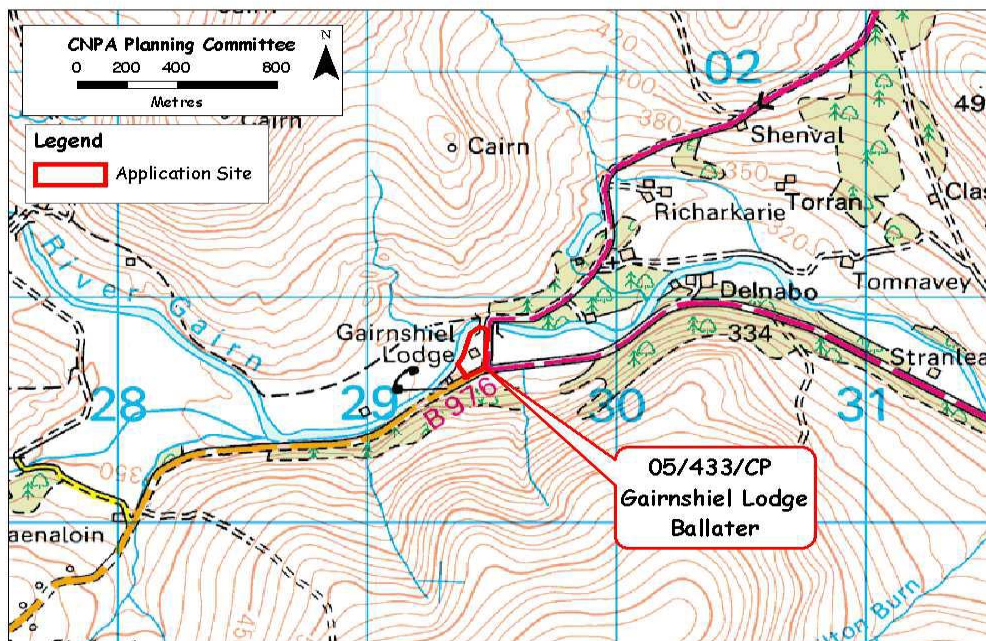
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**DEVELOPMENT PROPOSED:** FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND ERECTION OF SINGLE 15M HIGH WIND TURBINE, GAIRNSHIEL LODGE, BALLATER

**REFERENCE:** 05/433/CP

**APPLICANT:** MR. & MRS. GRAY, c/o ROBB KEIR DESIGN, BRIGEND, BRIDGEVIEW ROAD, ABOYNE, AB34 5HB

**DATE CALLED-IN:** 21 OCTOBER 2005



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This planning application relates to a proposal for the erection of a new dwellinghouse and a 15m high wind turbine at Gairnshiel Lodge which is located in a prominent position at the junction of the B976 Ballater to Gairnshiel road and the A939 Gairnshiel to Corgarff road. **(Fig. 1).**



**Fig. 2. Gairnshiel Lodge from the B976 to its south boundary**

2. Gairnshiel Lodge is a former Victorian hunting lodge built in 1764. It is of stone and slate build (2 and 3 storeys) but it has had several additions and alterations over the years **(Fig.2)**. It sits in approximately 5 acres (2ha) of ground which is bounded by stone walls to the roadsides on its east and south sides but is open to the north where the grounds are enclosed by the River Gairn. To the immediate north east is the Gairnshiel Bridge which is a Category "A" Listed Building (national importance). There is a row of mature Scots Pine within the grounds close to the road on the south side and the remnants of a pond to the west side of the site. The Lodge sits as part of a group of buildings at the locality, which include several traditional houses and converted outbuildings. The group has a cohesive identity formed by their traditional construction of stone and slate.**(Fig. 3)**. Prior to the applicants purchase of the property, the Lodge had been used, for some years, for hotel type visitor accommodation purposes.
3. For the last few years, Gairnshiel Lodge has been used by the owners as a tourist accommodation business. It has been available for exclusive hire by small private parties/groups for short breaks, primarily weekends. The accommodation comprises 12 bedrooms for guests, a formal lounge, dining room, games room and kitchen. The guests are

fully catered for during their stay. The business has operated on a booking basis only where the whole property is hired out. It has therefore not been operated on the traditional guest house use basis where rooms can be booked separately.



**Fig. 3. Gairnshiel Lodge and adjacent buildings from the north**

4. The proposal is to construct a new dwellinghouse for the operators of the business, within the grounds of the Lodge, on the west side. (**Fig. 4**) The house which is four bedroomed, is one and a half storey with finishes of slate and horizontal timber cladding. (**Fig. 5**). In addition, it is proposed to site a 15m high (to hub) wind turbine at a position on the immediate east side of the line of Scots Pine (**Fig. 6**). The turbine which would be for domestic use only, is to be constructed with a galvanised steel (dull grey) tower and wood epoxy (matt black).



**Fig. 4. Site of House from the B976**



**Fig. 5. House Elevations**

5. The applicants request for a house has been submitted on the basis of a need to reside, with their young family (3 children), at the site, in order to operate and develop the business efficiently. They originally lived in the building, taking up 2 rooms. However, for personal family reasons, they moved out to rent a house over 10 miles away near Dinnet. Latterly, the rooms have been used by live-in staff.



**Fig. 6. Site of Turbine Adjacent to Trees (House Site Beyond)**

6. For information purposes, in May 1999, Aberdeenshire Council granted full planning permission to previous owners, for the erection of a detached 2 storey slate, granite and harled building within the grounds, to accommodate hotel annexe accommodation (3 small residential units, and garaging space for 5 vehicles (S990270PF). This application was approved, subject to a condition which restricted the use of the building to ancillary purposes allied to the former hotel use, and where it could not be disposed separately from Gairnshiel Lodge. This permission was never implemented, and lapsed in May 2004.
7. **This application is brought before you in slightly unusual circumstances. The applicants have now sold the business and the property, and no longer reside in the area. Despite requests for the application to be formally withdrawn, no such undertaking has been made. It is therefore necessary to bring the application forward for determination.**

## DEVELOPMENT PLAN CONTEXT

8. In the **Aberdeen and Aberdeenshire Structure Plan (NEST) 2001-2016, Policy 12, (House Building in the Countryside)**, states that there will be a presumption against new houses except for a new house which is essential to the efficient operation of an enterprise which is itself appropriate to the countryside. Within the Rural Housing Market Area, erection of a single new house within an existing cohesive group of at least five houses may be permitted where the development provides a material improvement to local public infrastructure and which is accessible to local services by public transport, foot or bicycle. Local Plans are to define the exact nature of a 'cohesive group' using criteria such as landscape character and the existing pattern of development. **Policy 19 (Wildlife, Landscape and Land Resources)**, states that development that would have an adverse effect on a Natura 2000 site will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social, environmental or economic nature. In addition, development that would have an adverse effect on an Area of Landscape Significance will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest.
9. In the **Adopted Aberdeenshire Local Plan 2006, Policy Env\1 (International Nature Conservation Sites)**, advises that development likely to have a significant impact on a Special Area of Conservation and not directly connected with or necessary to the conservation management of the site, must be the subject of an Appropriate Assessment. It will only be permitted where the Appropriate Assessment indicates that it will not adversely affect the integrity of the site; or there are no alternative solutions; and there are imperative

over-riding reasons. **Policy Env\5B (Areas of Landscape Significance)** states that development within an AoLS will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. In all cases, the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping, will be required.

10. **Policy Hou\4 (New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park)**, states that the erection of a single new house in the Countryside will be approved, in principle, if; (a) it is for a full time worker in an enterprise which itself is appropriate to the Countryside; (b) the presence of that worker on-site is essential to the efficient operation of the enterprise; (c) there is no suitable alternative to a new house e.g. through conversion of an existing building or properties for sale or rent in the area, which could fulfil the required function; (d) the proposed house is within the immediate vicinity of the worker's place of employment; and (e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire). **Policy Hou\5 (Cohesive Groups in the Rural Housing Market Area)** allows for new housing where; (a) the site would enable the new house to form an appropriate addition to an existing cohesive group of at least five houses; (b) the site is accessible to local services by public transport, foot, or bicycle; and (c) any material improvement to local public infrastructure made necessary by the development would be secured. Detailed guidance on the interpretation of this policy is contained in Appendix 3.
11. **Policy Inf\4A (Foul Drainage Standards)**, states that developments proposing private drainage infrastructure it is demonstrated that it can be provided without negative impacts on amenity, public health, and the environment. **Policy Inf\7 (Renewable Energy Facilities – Wind Energy)** refers to both wind farms and individual domestic wind turbines. It states that such proposals will be approved, in principle, if they are located, sited and designed in accordance with certain criteria, including (amongst other things), the proposal not having an adverse impact on sites of importance to natural heritage, international, national, or local landscape significance, and areas of ecological importance. **Policy Gen\2 (The Layout, Siting & Design of New Development)** sets out criteria to be adhered to including (amongst others); it respects the character and amenity of the surrounding area; it displays a high standard of design, materials, textures and colours that are sensitive to the surrounding area; it respects the characteristics of the landscape in which it will be situated; it takes account of energy efficiency; and it respects important public views. It must also comply with the design guidance set out in Appendix 1.
12. **For information purposes only, the Cairngorms Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** puts forward 7 priorities for the National Park. One of these is “Conserving and Enhancing the Park’s Biodiversity and Landscapes”. Work within this

priority includes enhancing the Park's landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is "Making Housing Affordable and Sustainable". Work within this priority includes increasing supply and accessibility, promoting effective co-ordination and co-operation, and improving the quality and sustainability of design. **Please note the Draft Park Plan is not a land use development plan and carries no material weight at this stage.**

13. **Again, for information purposes only, the CNPA consultative Draft Local Plan**, locates the site in a **General Policy 1 Area**. This states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. **Policy 4 (Landscape)** advises that development that is likely to have an adverse impact on the special landscape qualities of the National Park, including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character, will not be permitted.
14. **Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries, proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and is currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or 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 based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an existing group of at least three houses; or be sited to complement the existing pattern and character of development. **Policy 12 (Foul Water Drainage)** advises that development will be permitted where private infrastructure can be installed and used without adverse impacts on public health, other existing users, or the wider environment and is to a standard agreed with SEPA. **Policy 21 (Energy from Renewables)** states that support is given to the development of community or domestic small-scale/micro renewable energy projects.

## CONSULTATIONS

15. **Aberdeenshire Council's Transportation and Infrastructure Service** have no objections or comments to make.
16. **Aberdeenshire Council's Environmental Health Officer**, stated that based on the noise assessment data provided by the wind turbine

company, he had no objections to this part of the proposal. However, the applicant was requested to provide information to demonstrate that the private water supply was adequate in terms of quality and quantity. Further to the submission of information, he advised that he is content with the quantity of the supply. However, previous water samples taken at Gairnshiel Lodge had shown that the existing UV filter may not have been properly maintained.

17. **Ballater & Crathie Community Council**, have stated that the proposed wooden house and turbine sets a precedent for building in this location and that the existing cottages are of granite or other stone. The materials proposed are not in harmony with the environment. The visual impact will not be pleasing. Wind turbines are not popular in an area of scenic beauty such as this and would detract from the view of the historic bridge. The majority of Community Councillors at the time voted against the proposal. **(A copy of this response is attached as a representation).**
18. **The CNPA Economic and Social Development Group**, states that like the majority of businesses in the Park, Gairnshiel Lodge is a small business, mainly a husband and wife operation and therefore living close by is important for them to be able to provide the level of service their customers are seeking. A number of accommodation businesses have closed down in Ballater recently, and as a result a sustainable increase in bedspaces in the area would be potentially of benefit (the new house it is argued would release staff bedspace in the Lodge). It is recognised though that this is not significant to the wider Deeside tourism accommodation picture. Nevertheless, the release of additional bedspace could have significant economic benefits to the viability of the business as an ongoing tourism operation. Indeed one of the main objectives of the Sustainable Tourism Strategy is to “strengthen and maintain the viability of the tourism industry and the contribution that it makes to the local economy.” The fact that the business has been in operation since circa 2001, has had several positive press articles, and has established repeat business in the region of 50%, suggests that there is a tourism market for their weekend product. However, in terms of assessing quality, the Lodge has made a commercial decision not to be a member of the VisitScotland Quality Assurance Scheme. With regard to the turbine proposal, there is no specific information on tourists views on the visual impact this would create but visitor survey information suggests that around one fifth of all visitors in the Park visit Ballater. It is likely therefore that the route past Gairnshiel is a fairly popular one with tourists. The turbine will be seen by a lot of visitors in the Park.
19. **Aberdeenshire Council’s Environment Planner (Natural Heritage)** has no comments.
20. **The CNPA’s Landscape Officer** has advised that the total height of the proposed turbine will be approximately the height of the Scots Pine



adjacent to it but that the blades would be visible above the trees when viewed from the Glen floor and certainly from the surrounding hillsides. There are concerns that the close proximity to the trees and the fact that the trees run across the Glen mean that they will significantly impair the efficiency of the turbine. As a result, there would be a strong temptation to remove the trees. This would reduce the quality of the setting of the group of buildings here and have a negative impact upon its character. It is also felt that the overall size and height of the turbine are inappropriate for this relatively small Glen and the tight arrangement of the built features within it. The proposed house is a large timber construction with a large area of glazing. It is certainly very different in size, massing and design to the current vernacular in the settlement. It would be closer to the adjoining properties than the Lodge itself and so would relate more directly with these. As a piece of architecture it is not without some merit. However, within the context of this small community, the size, materials and design would be discordant and is therefore viewed as inappropriate. It will dominate to an unreasonable degree and detract from what is a harmonious group of buildings. If the turbine resulted in the removal of the trees then the impact of the house would be very much more visible.

21. In addition, the **CNPA's Landscape Officer** advises that that both the proposed house and turbine would have a significant impact upon the quality of the setting and result in deterioration in the quality of the area's character. This is viewed as contrary to the first aim of the Park. The conclusion is that the details of the proposal would introduce a discordant element into the Glen and the settlement of Gairnshiel. Consequently, they are unacceptable. However, by redesigning the house and utilising alternative technologies the original objectives might still be achieved.
22. **SNH** have stated that they do not consider that the turbine would have significant, negative landscape or visual impacts. This is because the turbine is domestic in scale and would be located close to the buildings of the settlement rather than more prominently on a slope or higher ground. It would also be sited next to trees. Their view is that it is unlikely to be intrusive in views from the bridge or nearby roads due to their alignment and the trees in the area. In relation to other matters, it is stated that the proposed house lies around 20m from the River Gairn which is part of the River Dee SAC, which is identified for its important populations of otter, freshwater pearl mussels and Atlantic salmon. Earlier this year, freshwater pearl mussels were introduced to this watercourse as part of a project being carried out by the CNPA. One of the locations for the reintroduction is nearby. Their advice is that there is insufficient information to determine whether the proposal is likely to have a significant effect on freshwater pearl mussels or salmon. In order for this to be determined, **SNH** recommends that the applicant is asked to provide a construction method statement and that advice is sought from SEPA on the effects of sewage disposal from the dwelling. The construction method statement should clearly set out how the

dwellinghouse will be constructed and measures that will be in place to prevent any release of silt into the watercourse. It should also consider timings of works. SNH's advice is that salmon are most vulnerable to the effects of siltation between 15 October and 1 June. Freshwater pearl mussels are sensitive to the effects of pollution and **SNH** note that the applicant proposes a new septic tank and soakaway. **Until the required information is submitted, SNH objects.**

23. **SEPA** has no objection to the use of a septic tank and soakaway, provided that an assessment of the suitability of the ground conditions for this purpose based on the British Standards, is carried out, and the results are found to be satisfactory. The assessment of the ground conditions should be carried out **prior** to the planning permission being granted. As a follow up, in relation to the concerns raised by SNH, provided, if the porosity tests are successful, **SEPA's** view is that there would be no implications for pollution to the River Gairn and its protected species.

## REPRESENTATIONS

24. Several letters of representation have been received. Seven letters raise objections (including the one from the Community Council, and 4 from one address). Three letters in support have also been received. In addition, there is the applicant's agent's initial letter of support. The issues raised include:

### Objections

- *Concern about the appropriateness of a timber dwelling in the context of the existing granite build properties adjacent.*
- *Concern about the visual impact of the turbine and the house on the area which is of unique beauty, historic interest and is popular with walkers and tourists.*
- *Concern about the precedent that the proposal would set for the construction of modern timber buildings in an area where no new building has taken place for perhaps 100 years.*
- *The house should be single storey, in keeping with other neighbouring houses and steadings adjacent.*
- *Being within 20 metres of an adjacent property, concern about the impact of the house on the amenity of neighbours and the potential for noise pollution from the turbine.*
- *There is no justification for the house – there is ample accommodation within the Lodge itself – opportunities to extend the Lodge should be looked at first if there is actually a need to stay on site at all.*

### Support

- *The proposal should be welcomed because it is a beautiful house design, which will be powered by an environmentally friendly method.*

- *People such as the applicants, with a young family, should be encouraged to set up home and a business in an otherwise unpopulated area.*
- *The Lodge has caused problems in the past and has changed hands several times over a short period of time – the business is flourishing, generating local activity and benefiting the community – a house to support this is unavoidable.*
- *The applicant's business is desperately needed in the area because of the loss of hotels in Ballater – it helps supports other businesses.*

25. **Copies of all representations are attached to this report.**

## **APPRAISAL**

26. **The first matter that I wish to draw your attention to, is the fact that the applicants no longer own Gairnshiel Lodge nor the business. They, and their family, have moved to Suffolk. It came to our attention in March 2006 that the property was on the market. When this was queried, the applicants stated that this was their contingency plan if the application was unsuccessful. Nevertheless, there were still outstanding matters of concern at that time, not least the statutory objection from SNH and concern about the justifiable site specific need for a house. A meeting took place where the matters were discussed. The requirements for moving the application forward towards a determination were set out. Further to this, no further information was received and we were informed in July 2006 that the applicants had sold the property. Despite a subsequent request to clarify how they wished the application to be dealt with, nothing further has been received. In order to bring the matter to a conclusion, and despite the fact that the applicants seem to no longer have an interest in the application, it is necessary to provide a recommendation and seek a determination from the Committee. The matters discussed below though appear academic in the circumstances.**
27. The issues requiring consideration include the principle of a house in this countryside location in terms of actual site specific need, the visual impact and appropriateness of the house design, the visual and landscape impacts of the turbine, and the impact on the international natural heritage interests of the adjacent River Gairn SAC.

### **Principle**

28. The site is located in a countryside area in the Aberdeenshire Local Plan (ALP). New single houses may therefore only be supportable if there is a clear demonstration that the house is required for the efficient operation of an enterprise. The applicants provided information on the nature of the business, and their involvement in the day to day

operation. For ease, I have attached extracts from their letter.  
**(Attachment 1.)**

29. The assessment of whether a business in a countryside area requires the construction of a house, is dependent upon the nature of the business, and how it is operated on a daily basis. Is there a specific and essential need to have a permanent on-site presence? In this case, it has been argued that the duties involved on a day to day basis, were sufficient to justify the presence of the owner living in a new house on the site. For several years, the applicants did occupy accommodation in the Lodge itself. However, as they stated, for personal reasons, they decided to move out of the Lodge, and employed live-in staff to carry out duties. Due to its location, it is understandable that the operating of the business may have been easier for the owners, if they lived in separate accommodation on site. However, it seemed to me to be the case that this desire was based on a preference, and personal circumstances, rather than a clear cut justifiable need.
30. One of the reasons for making this assessment was that the applicants were only directly involved in on site duties relating to guest needs, at weekends. The nature of the business was to cater for weekend party breaks. It was their intention to promote the midweek break market and they argued that in order to develop this, permanent accessible accommodation in the form of a house was required. If there had been a midweek operation in place and it was being successful, then in my view, there would have been a more justifiable need case. However, this midweek operation had not been proven. The established procedure in such a circumstance would have been to consider temporary accommodation on site, in order to establish that the midweek business proposals were successful and viable in the longer term. My view, in that instance, was that accommodation was available in the Lodge but that due to the personal circumstances of the applicants, this did not suit. To help bolster the applicant's case, I asked for more supporting information on the proposals for marketing/promoting the midweek break offer, such as a business case etc. This was not forthcoming.
31. The proposal was also considered under the groupings policy. However, the assessment was that, if it could be argued that there was five houses in the group, it did not meet the required accessibility and improvement to public infrastructure criteria. **On the basis of the submitted need case, I cannot recommend approval for the principle of a house in terms of planning policy.**

### House Design

32. It is the case that the grouping of buildings at Gairnshiel are characterised by stone construction. As set out by the CNPA's Landscape Officer, there is a strong vernacular identity and character

to the group of buildings at Gairnshiel. This also includes the historic Gairnshiel Bridge. The proposed house is different in character. It uses timber cladding, and while drawing on some traditional elements, such as the dormer windows, the overall appearance and character is of a more contemporary nature. In many locations, taking a more contemporary approach, particularly if it can be justified in terms of quality of design and sustainability credentials, can be acceptable. However, in all cases, it is necessary to assess the appropriateness of such an approach in its context. In this case, and taking account of representations, I was not convinced that the design proposed was an appropriate addition to this historic group.

33. However, following the meeting with the applicants, I suggested that they submit a sustainability design statement which justified the approach taken from the point of view of sustainable design and the second aim of the National Park. This could then have been weighed up against the concerns about the appropriateness of the house design in its physical context. This statement was not submitted. The CNPA's Landscape Officer, has raised concern about the house design. He feels that it is "*discordant and inappropriate*" and would "*dominate to an unreasonable degree and detract from what is, a harmonious group of buildings.*" **In the absence of other supporting information, I cannot recommend in favour of the house design in this particular location. In my view it fails to comply with planning policy.**

### Impact of Wind Turbine

34. The principle of a turbine harnessing wind energy for domestic usage at this site is welcomed in planning policy terms and in relation to the second aim of the Park. However, this does not provide an open invitation to site them in inappropriate locations where there may be unacceptable landscape or visual impacts. The site and height of the turbine was indicated on drawings. However, while welcoming the principle, I was not convinced that the sensitive location, on a main tourist route, adjacent to buildings and structures of cultural heritage interest and within an Area of Landscape Significance, was appropriate for such a "contemporary" structure. As a result of these concerns, and because it was difficult to make a full assessment of the impacts on the basis of the information submitted, I requested further visual information showing the turbine, in its context, next to the trees and the buildings, when viewed from the various approaches to the site. The applicants did not submit this information. While SNH did not raise an objection from this point of view, the CNPA's Landscape Officer, has put forward concerns. He has stated that "*the overall size and height of the turbine are inappropriate for this relatively small glen and the tight arrangement of built features within it.*" **Without additional supporting information, I cannot recommend approval of this part of the application.**

## Impact on Natural Heritage of the River Gairn SAC

35. The proposal involves the installation of a new septic tank and soakaway for the disposal of foul water from the house. SEPA, as per normal procedures, require to be assured that the ground is capable of accommodating such as system without risk of pollution. In this respect, porosity tests were required. To add to the importance of this though, is the proximity of the River Gairn SAC. SNH require to be assured that there is no risk of pollution from the foul water drainage system to the river, nor from construction works, which could subsequently have an impact on protected species, particularly fresh water pearl mussels and salmon. Without porosity tests and a construction method statement clarifying these matters, **SNH maintain a statutory objection**. The applicants were advised of the requirements, and that without this information, even if everything else was judged to be acceptable by us or the Committee, a recommendation of approval could not be given. Indeed, it would not have been possible for the Committee to approve the application without a requirement to notify the Scottish Ministers thereafter. **Despite this, the applicant declined to submit the required information and as such, I cannot recommend approval.**

## Conclusion

36. **This application could have been brought to the Committee for consideration earlier. However, opportunities were given to the applicants to try and overcome some of the concerns by submitting further information. While the submission of information may still not have allowed me to recommend favourably, I felt that it was in their interests, and bearing in mind that it is for the Committee to decide, to allow them the chance to provide the “best case possible” and remove at least the statutory objections. However, the applicants decided they could not wait for this and Gairnshiel Lodge, having been on the market since at least March 2006, has been sold. Without a formal withdrawal of the application, I must seek a determination, and my recommendation in this respect can only be one of refusal.**

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

37. It is submitted that the proposal would have negative implications for this aim. This is with respect to the potential for pollution to the River Gairn SAC, and the visual and landscape impact of the house and the turbine within an Area of Landscape Significance, and the built heritage of the Gairnshiel group of buildings and structures.

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

38. The use of a domestic wind turbine is positive in terms of this aim. Some sustainability design benefits may have been evident in the house design but this has not been demonstrated.

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

39. The proposal does not actively promote the understanding and enjoyment of the area. Indeed, it can be argued that because of its location in a prominent position at the junction of popular and well-used tourist routes through the Park, and near to a well-known historic feature (Gairnshiel Bridge), the proposals would have a negative impact in terms of this aim.

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

40. The provision of a house in this countryside area requires to be justified in terms of site specific business need. If adequately demonstrated, a house can be seen to be positive in terms of this aim. However, in this instance, due to the nature and operation of the business, it was not felt that an adequate case was made in line with planning policy.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

41. **Refuse Full Planning Permission for the Erection of Dwellinghouse and 15m High Wind Turbine, at Gairnshiel Lodge, Ballater, for the following reasons:**
- 1. The applicants have failed to demonstrate a satisfactory site specific need for a house for a full time worker, essential to the efficient operation of the Gairnshiel Lodge visitor accommodation business. The proposal therefore fails to comply with planning policy in relation to the provision of new houses in the countryside, as contained in adopted Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST), Policy 12 (House Building in the Countryside Beyond the Green Belt) and adopted Aberdeenshire Local Plan 2006, Policy Hou\4 (New Housing the Countryside including the Aberdeenshire Part of the Cairngorms National Park).**
  - 2. The proposed house (due to its scale, design, appearance and finishing materials), and the proposed wind turbine (due to its siting, height and appearance) are considered to be unacceptably out of character, and therefore inappropriate, in this sensitive location, which is adjacent to a main tourist route through the National Park, is within an Area of Landscape**

**Significance, and is set within a group of buildings and structures which have a collective cultural and built heritage identity. As such the proposals are considered to be contrary to adopted Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST), Policy 19 (Wildlife, Landscape and Land Resources) and adopted Aberdeenshire Local Plan 2006, Policies, Env\5B (Areas of Landscape Significance), Gen\2 (The Layout, Siting & Design of New Development), and Inf\7 (Renewable Energy Facilities – Wind Energy). In addition and in this respect, the proposals are also considered to have negative implications for the first aim of the National Park which is to conserve and enhance the natural and cultural heritage of the area.**

- 3. The applicants have failed to demonstrate that the proposal will not have impacts on the internationally protected natural heritage interests of the adjacent River Gairn Special Area of Conservation, in terms of pollution from foul water drainage, and sedimentation during construction works. As such the proposal is viewed as contrary to adopted Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST), Policy 19 (Wildlife, Landscape and Land Resources) and adopted Aberdeenshire Local Plan 2006, Policies Env\1 (International Nature Conservation Sites) and Inf\4A (Foul Drainage Standards). In addition and in this respect, the proposals are also considered to have negative implications for the first aim of the National Park which is to conserve and enhance the natural and cultural heritage of the area.**

**Neil Stewart  
14 September 2006**

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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.