
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE AT LAND OPPOSITE EASTER CULREACH COTTAGE, NEAR NETHY BRIDGE.
(OUTLINE PLANNING PERMISSION)

REFERENCE: 04/388/CP

APPLICANT: MR & MRS J. BARNETT, 1 SCHOOL ROAD, DULNAIN BRIDGE, INVERNESS-SHIRE PH26 3NX

DATE CALLED-IN: 13 August 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for outline planning permission for a new house on an area of agricultural land. The site is approximately 27 metres deep and 32 metres wide on the B970 road frontage. The proposal is for a one and a half storey house in the field opposite the Nethybridge Pottery at Culreach, by Nethybridge on the east side of the B970. Open land exists to the north and east of the site (the rear of the proposed feu). A garden hedge and a tree-lined knoll lie along the southern boundary. A small group of houses are located to the south, and share an access to the public road and there is a single house some distance to the north.
2. A new access is proposed onto the B970 road; and drainage will be to a new septic tank and soakaway or perforated pipe system. The building is proposed to have white harling walls and grey slates for the roofing. The applicants do not currently own the site.
3. **The Planning Committee will recall that this application was originally presented at the Glenlivet meeting last year with a recommendation of refusal based upon the view that the application was contrary to the restricted countryside policy of the Badenoch and Strathspey Local Plan. The Planning Committee decided to defer the application to see if potential highways concerns regarding visibility from the site could be resolved and also to see whether the applicant would be able/willing to accept a Section 75 Agreement to ensure that the house could only be occupied by people working within the Park.**
4. **A meeting has taken place at the site between an Area Roads representative and the applicants. The access to the application site has now been amended on plan so that the safety/visibility measures recommended by the Area Roads Manager can be achieved on land that would be within the applicant's control. This dispenses with the need for a Section 75 Agreement with regard to visibility splays. Percolation tests have also taken place to show that the site can be reasonably served by a septic tank. The applicant's have confirmed that they would be happy to accept a section 75 Agreement and have contacted banks to make sure that a mortgage could be obtained.**

DEVELOPMENT PLAN CONTEXT

5. Highland Structure Plan (approved March 2001) Policy H3 states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. This is to strengthen the role of the existing settlements and to safeguard the character of the countryside for both residents and visitors. In areas where communities are experiencing difficulty in maintaining population and services some housing may be acceptable. **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).

6. The site lies within the area covered by **Policy 2.1.2.3 for Restricted Countryside Areas** in the **Badenoch and Strathspey Local Plan (September 1997)**. This policy has a strong presumption against the development of new houses. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on the subsequent occupancy of such houses will be enforced, and adherence to the principles of good siting and design will be required. The site lies close to a **General Countryside Area, Policy 2.1.2.1**, where new housing will normally be acceptable subject to the suitability of access, and other criteria, including siting and design. **Policy 2.1.2.3 Housing Groups** considers that a strong presumption will be maintained against the development of further ad-hoc clusters of houses in the countryside. In exceptional cases, there may be limited opportunities to consolidate or round –off certain existing housing groups. This policy considers that such applications should be submitted in detail and show what arrangements are intended to screen or enhance the housing group’s amenity and appearance.
7. 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 within the open countryside will be exceptional, to avoid the sporadic development of housing in the countryside particularly in areas of development pressure.
8. **Latest National Guidance in the form of Scottish Planning Policy 15 “Planning for Rural Development” (February 2005) in para 22 considers that small clusters of houses in areas outside of settlements could be feasible in many places meeting a demand which has hitherto been unsatisfied. However, parameters should be established as to the numbers of houses that might be allowed in any given area. Such parameters should be developed through the Local Plans process.**

CONSULTATIONS

9. Highland Council Planning have commented under the Council’s scheme of delegation. It is stated that the site lies within an area where the Adopted Local Plan applies a policy of strong presumption against the development of housing unless essential for land management or related family and occupational reasons. The B970 defines the division between this zone of restricted policy and a zone of more relaxed general policy extending westwards as far as the Speyside Way. Within the latter zone,

the Adopted Local Plan states that single houses outwith recognised settlements will normally be acceptable subject to suitability of access, availability of essential services, generous spacing from adjoining development, and concurrence with the principles of good siting, design and appropriate landscaping. Since the Local Plan was adopted, Craigmore Wood has been designated as an SPA, which lends weight to policies that hold development back from the fringes of the designated area.

10. A previous planning application on this site is referred to by the Planning Service, which was refused in 1987 by the Divisional Planning Committee for the following reasons –

- *The formation of a new vehicle access for this dwelling on a fast open stretch of public road would be likely to introduce a traffic hazard to the detriment of road safety at this point.*
- *The proposal would result in an undesirable addition to the existing scattered development in an area of landscape value; it would increase the number of dwellings at Culreach to a number beyond that which the landscape is able to absorb without detriment to the amenity of the area, and the proposal would thereby be contrary to the Planning Authority's Policy on Housing in the Countryside.*

11. A Scottish Office Reporter dismissed an appeal against this refusal in 1988.

12. **Highland Area Roads and Community Works Manager** has commented that a number of special requirements should be provided as part of the development

- a combined access / service bay at the point of site access at a specified construction standard,
- fencing set back from the road edge,
- visibility splays (3metres x 150 metres in each direction) with no obstructions within these splays above 1 metre in height,
- any gates set back at least 3.5 metres from the road edge,
- at least 2 parking spaces within the site and a turning area,
- no water discharge onto the road from the site.

13. The Manager states that the above conditions can be satisfied in engineering terms, but control of the land necessary to meet the conditions has not been investigated and will require to be determined. **Subsequently, a meeting has been held with an area roads representative with a revised access showing that the required splays can be achieved without the need for a Section 75 Agreement.**

14. The **Natural Resources Group** have indicated that the site is close to the Craigmore Wood SPA, which is important for capercaillie breeding habitat in the north west corner of the wood. The proposal is unlikely to have any impact on the capercaillie population.

REPRESENTATIONS

15. The application was advertised in the local newspaper. Five letters of representation (attached at back of report) have been received each objecting to the proposed development. The nature of the objections cover the following aspects,

- supporting the reasons for refusal as given by the Scottish Office in March 1988 (a new access on a fast open road to the detriment of road safety, and an undesirable addition to scattered development in an area of landscape value),
- previous refusals on this site,
- Culreach should be protected from further development (and growth into a village, or creating ribbon development),
- the area is currently sparsely populated, and further intrusion would detract from the setting and rural nature of existing properties, and the character of the locality,
- contrary to the local development plan,
- the B970 at this point is used for fast overtaking and can be hazardous,
- the existence of a business site entrance opposite (a Pottery),
- limited visibility at the site access due to hedging and a dip in the existing road,
- site not large enough to provide adequate landscaping to integrate the development into the surroundings,
- impression that National Park would prevent more house building in the countryside,
- the precedent for others to also apply for planning permission,
- the ownership of the site by a Cairngorms National Park Board Member.

16. The applicants have submitted a letter of support with the application (attached at back of report), stating that the site is a brown field site within a hamlet of 5 residential properties and a business site

- the development does not constitute ribbon development,
- this is an affordable house site for building a family home,
- the applicants work locally, in Grantown on Spey and in Aviemore.

APPRAISAL

17. The key issues to assess here relate to the principle of a house on this site in relation to development policies, and the particular merits, or demerits, of the application site in terms of amenity and road access.

18. In terms of the planning policies for this area, the site is located in countryside where there is a strong presumption against individual new houses. The site is close to a number of settlements where the Local Plan has identified sites for general housing needs. There is pressure for house sites in the Park area for a reasonable cost, but this does not constitute a reason for departing from the adopted Local Plan policies. In areas such as this, where there are strong development pressures for individual

houses, national and strategic advice is that new houses should only be approved for exceptional reasons. The locations of employment for both of the applicants are within recognised nearby settlements, and are not exceptional. The applicants' personal needs do not relate to the site or the management of any adjacent land. In principle therefore, the case for a house on this site cannot be supported.

19. There are strong objections to the proposal with regard to the access for a new house in this location. On a higher speed section of roadway, outside a restricted speed area, the introduction of new access points can lead to additional traffic hazards for, and from, slower moving vehicles moving into and out of a site. For sites with limited parking and turning spaces, there is the additional potential hazard of vehicles reversing out onto the public carriageway. In 1988, a Scottish Office Reporter determined that *'in view of the speed of vehicles on this section of the road; the narrow carriageway, which gives no margin whatever for evasive action; and the poor visibility to the south, I consider that it would be undesirable to permit an access to be formed to serve a new house at the appeal site'*. The Reporter supported the Planning Committee's concerns on this matter.
20. As a result of my site visit, the above mentioned Reporter's considerations and the concerns raised by objectors I do have some concerns regarding a new access to the site. However, I would rely upon the technical advice given by the Area Roads Manager who raises no fundamental objection and provides a detailed range of conditions that would be required to produce a safe access at the site. **Some of these requirements would originally have resulted in some of the highway safety measures falling in areas outside of the applicant's control. However, a meeting between the applicant and an area roads representative has resulted in the access being re-located to an area within the site so that measures for highway safety can be secured without the need for influence over others land.**
21. The applicants claim that the new house would be within an existing hamlet. There are buildings across the public road, and there are other buildings on the roadside to the south of the application site. Culreach does not constitute a settlement and has no facilities for the limited number of houses in the locality. In this rural location the proposal would lead to ribbon development along the east side of the B970 road which is undesirable in amenity terms, and could lead to other similar proposals being submitted.
22. **At the previous meeting members of the Planning Committee noted that the site was just across the road from an area zoned as General Countryside (where new housing can be acceptable in principle) in the Local Plan and that a house to the north of the site in the Restricted Countryside Area had been constructed in recent times. The issue was also raised as to whether the site could be fairly considered to comply with the Badenoch and Strathspey Local Plan Housing Groups policy, which considers that in exceptional**

circumstances there may be opportunities for rounding off groups of dwellings. However, in my view the proposal does not comply with this policy, as it extends development along this side of the road and if this proposal is found to be acceptable it may become difficult to resist similar proposals on sites to the north. In addition, the wording of the housing groups policy implies that for a proposal to be acceptable it must provide benefits to the group as a whole in terms of screening (landscaping for instance) or access/infrastructure improvement. This implies that there is a problem with the existing group of houses in landscape terms, or that the group has infrastructure needs which an additional house could deliver improvements upon. These improvements (in the form of wider public benefits) would essentially be the justification for granting permission. However, in my view there is no imperative need for the landscaping of the existing housing group and I am not aware of any infrastructure problem that that an additional house at the site could solve.

23. It is still my view, that the development is not acceptable in terms of planning policy relating to new houses in the countryside. However, should the Planning Committee wish to grant permission I would recommend that any approval is subject to a Section 75 Agreement restricting the occupancy of any dwelling to people working within the park; that conditions requested by the area roads manager are applied; and that the standard reserved matters timing requirements condition is applied.

24. Paragraph 8 in the Development Plan Context section of this report includes recent Scottish Executive advice indicating that small clusters of dwellings outside of recognised settlements in the countryside could be feasible. However, whether this approach is appropriate for the National Park should be determined through the Local Plan process. The advice also considers that parameters should be set in terms of numbers of dwellings in clusters. Again, such parameters could only be set by the Local Plan process and my view is that the proposal is effectively premature given the imminence of the consultation draft of the National Park Local Plan. Because of this, an additional reason for refusal is added based upon prematurity.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

25. A new house on the roadside, unrelated to the management of the adjacent land would affect the character and therefore the cultural heritage of the countryside in this location and potentially set a precedent for further applications which could further erode the character of the area.

Promote Sustainable Use of Natural Resources

26. Details of the new building are not sufficient to assess compliance with this aim.

Promote Understanding and Enjoyment of the Area

27. The proposal has no particular relevance to this aim.

Promote Sustainable Economic and Social Development of the Area

28. This proposal contributes to the housing of a family employed locally. However, the location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

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

REFUSE outline planning permission for a new dwellinghouse on land opposite Easter Culreach Cottage, Nethy Bridge, for the following reasons,

(i) That the development is contrary to the Highland Structure Plan, 2001, Policy H3 for Housing in the Countryside, which aims to protect the general countryside from sporadic, non-essential housing development. If approved, the proposal would encourage other sporadic developments in the countryside to the detriment of the character of the countryside and the amenity of this part of the National Park area.

(ii) That the proposal is contrary 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 for exceptional circumstances. The proposed development fails to meet any of the exceptional circumstances, and if approved would encourage other ribbon developments along minor rural roads, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

(iii) **That the proposal is premature to the imminent publication of the Cairngorms National Park Local Plan Consultation Draft with particular regard to housing in the countryside policy.**

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