
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSED: OUTLINE PERMISSION FOR THE ERECTION OF A DWELLING HOUSE ON LAND BETWEEN DREGGIE BURN AND DREGGIE ROAD, GRANTOWN ON SPEY.

REFERENCE: 06/247/CP

APPLICANT: ANDREW MCLEOD, 51 STRATHSPEY DRIVE, GRANTOWN ON SPEY, PH26 3EY.

DATE CALLED-IN: 14TH JULY 2006

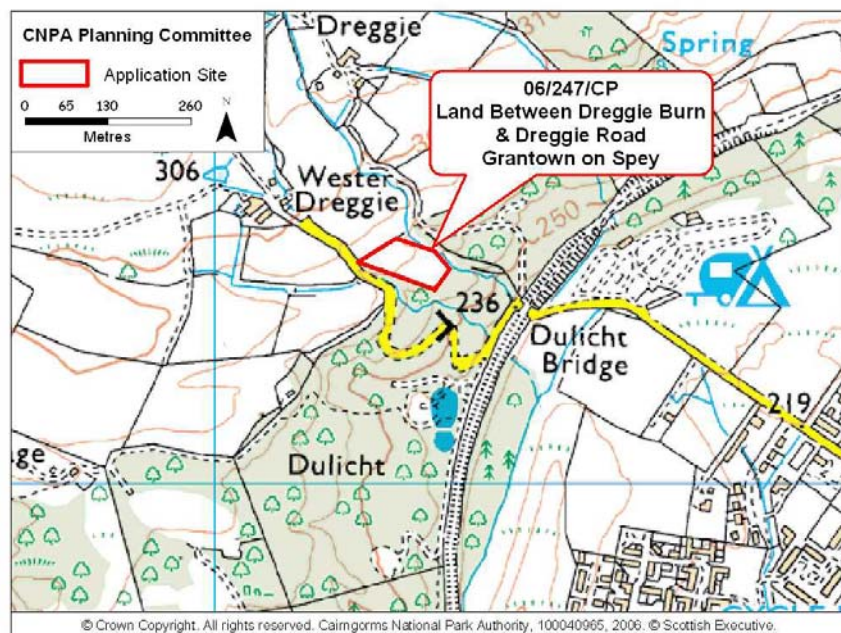


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the erection of a dwelling house on land at Dreggie to the east of Grantown on Spey. The area is accessed from a minor public road which leads from Seafield Avenue, uphill through a series of bends. The public road terminates approximately 160 metres to the north west of the site at Dreggie House, with a number of access tracks leading to areas beyond that such as Easter and Wester Gorton and Gorton Hill.
2. The proposed site extends to approximately 1.9 acres and lies to the east of the public road. The site boundaries are not contiguous to the public road with a minimum separation distance of 16 metres. The intervening area between the subject site and the road accommodates a drain, with relatively steeply sloping banks either side. Access to the site from the public road can only be gained by crossing the drain. As this application is for outline permission the detail provided is limited to the identification of the site boundaries and an indication of the proposed site layout.



Fig. 2 : eastern area of site, overlooking Grantown on Spey



Fig. 3 : west / north western area of site, approx. location of access drive

3. The subject site is currently in use as agricultural land, with details on the application form identifying its existing use as cattle grazing. It is set in an elevated position, with the ground level of the land to the south and east dropping off quite significantly. The land to the rear (north / north west) rises to a higher elevation. The subject site is generally rectangular in form, extending in a north west to south east direction. The land within the site boundaries is effectively divided into two sections, as evidenced by the line on the site layout plan indicating the top of an embankment. The upper area of the site is the most elevated, and forms a level plateau. It is within this area that the footprint of a dwelling house has been identified, as well as the proposed access drive which traverses approximately 60 metres from the public road¹ to the dwelling house, in relatively close proximity to the north western (rear) site boundary. Approximately 15 metres of the access drive shown occurs outside the site boundaries. The access crosses an existing burn in this area and a proposed culvert is identified on the site layout plan. The lower area of the site occurs to the south east of the embankment, with the land continuing to fall beyond the site area. The site layout plan shows the lower section of the site accommodating the proposed septic tank and associated perforated pipe soakaway for foul water, as well as accommodating the proposed pit soakaway for surface water.
4. Although a contoured site layout plan has not been submitted, the actual site plan is shown in the context of surrounding lands and includes bench marks / spot levels. The indicative plan identifies the house at approximately the 283 metre contour, and illustrates that the land to the south east / south drops off quite significantly. The former Grantown on Spey railway line is located approximately 130 metres to the south east of the site, at a contour level of 236 metres, thereby representing a 37 metre decrease in ground levels over the 130 metres from the site.
5. No indication has been provided of the type of dwelling house design proposed, although information contained in the application form describes external walls having a "stone, timber, block and wet harling" finish, under a slate roof covering. The indicative footprint shown on the site layout plan shows a main block, with smaller projecting additions to the front and rear of it, one of which is assumed to represent the proposed domestic garage. A timber fence or stone wall is detailed as the form of boundary enclosure. The foul drainage proposals involve the use of a septic tank draining to either a soakaway pit or perforated pipe system. Water supply is proposed to be taken from the public supply.

6. The applicant currently resides with his parents in the family home in Grantown on Spey and planning permission is being sought by him for the proposed dwelling house and garage on the basis of it becoming his permanent residence. The applicant does not have any connections with the management of land in the area. He is employed as an engineer with an Inverness based firm. The applicant has an option to purchase the proposed site from the landowner² subject to a grant of planning permission.

DEVELOPMENT PLAN CONTEXT

Highland Structure Plan 2001

7. **Policy H3** of the Structure Plan 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.
8. 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 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.

² Mr. Fergus Laing of Craggan Farm, Grantown on Spey.

Badenoch and Strathspey Local Plan (1997)

9. The subject site is located on land that is outside the settlement boundary of Grantown on Spey as identified in Settlement Inset 3 of the **Badenoch and Strathspey Local Plan**. The Landward 'Housing in the Countryside' strategy identifies the land in question 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 such 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.

CONSULTATIONS

10. The **Area Roads and Community Works** division of Highland Council have assessed the proposal and in their response state that they are unable to recommend approval of the application. The road serving the site is described as being of a relatively poor standard in terms of both its construction and geometry. The road serves very few dwellings at present and is given low priority with regard to maintenance, particularly winter maintenance. Consequently any further development likely to result in increased vehicular usage of the road is not favoured.



Figs 4 and 5 : views to the east and west respectively at the proposed site entrance



Fig. 6 : access road leading to the Dreggie area

11. The consultation response from **SEPA** provides comment on three aspects of the development proposal – foul drainage arrangements, surface water drainage arrangements and culverting of a watercourse. With reference to foul drainage issues, the primary interest of SEPA is in the protection of surface waters and groundwater. Guidance is provided on minimum distances to ensure protection of surface water - 10 metres from soakaway to watercourse and 50 metres from soakaway to well or abstraction; and also minimum distances to ensure the protection of groundwater – 1 metre from the bottom of distribution pipes of soakaway to seasonally highest water table. The response from **SEPA** states that the proposals for foul drainage “are acceptable if the minimum distances can be achieved.”
12. On the issue of surface water drainage, it is stated that **SEPA** expects all development proposals, both rural and urban, to adopt Sustainable Drainage Systems (SUDS) drainage measures in line with PAN 61 “Planning and Sustainable Urban Drainage Systems.” Advice is provided in the response that measures for small-scale applications could comprise simple devices such as separate land soakaways, if the site conditions are appropriate, or alternatively a filter trench without a pipe prior to discharge if not.
13. The response from SEPA notes that the site layout plan shows a proposed culvert outwith the application site and uncertainty is expressed over whether or not this forms part of the proposals for this application. In the event that the proposals form part of the application, SEPA require the provision of further details of the proposed crossing in order to fully assess the impact of the proposal. Guidance from SPP7 is quoted where it is stated that “culverts are a frequent cause of local flooding.....watercourse should not be culverted as part of a new development unless there is no practical alternative.” Reference is also made to NPPG 14 – Natural Heritage, which encourages developers to “seek alternatives to extensive culverting or canalisation, as these greatly reduce the ecological and amenity value of watercourses and culverting can also increase the risk of flooding.” **SEPA** also warn in the response that inappropriate enclosure of watercourses in culverts devalues efforts to reduce pollutant inputs to watercourses and to improve the chemical, biological and physical quality of Scottish running waters.
14. The CNPA’s **Natural Heritage Group** examined the proposal, particularly from a landscape perspective. In discussing the locational context the response notes that the proposed site is located high upon the hillside to the west of Grantown on Spey. It is noted that the site is a pasture field which is flat for the most part, but dips away on the eastern and northern sides towards wooded slopes. It is described as being elevated and close to the top of the hillside, with wooded slopes on lower ground to the east and north of the site. The site offers extensive views over Grantown on Spey and further across Strathspey

and conversely the site is highly visible and clearly seen from around Grantown and the surrounding area.

15. In detailing the implications of the proposed development on the area, the response from **NHG** states that a structure would be seen as the only built development within the context of the woodland and the hillside itself. It describes its main impact as being upon the character of the wooded hillside and its contribution to the setting of Grantown and states that “the introduction of a building here would take away the undeveloped ‘natural’ quality of the wooded hillside.” The changes to the character of the area would not be positive and the development is described as being contrary to the first aim of the National Park, and consequently the response from the **Natural Heritage Group** recommends refusal of planning permission on landscape grounds.
16. **Grantown on Spey Community Council** was consulted on the proposal. However, to date no response has been received.

REPRESENTATIONS

17. No representations have been received in respect of the proposed development.

APPRAISAL

18. The proposed development is essentially for a dwelling house in a restricted countryside area. The key issue to assess in this application is the principle of a dwelling house on this site in relation to development policies. The assessment will also reflect on other issues such as general siting, visual impact, amenity, road access and the precedent that such development may set.
19. In terms of planning policies the site is located in a Restricted Countryside Area, where there is a strong presumption against individual new houses, unless it can be demonstrated that it is required for the management of land and related family purposes. The applicant cannot make a case in this regard. As referred to in paragraph 6 of this report he currently resides in Grantown on Spey and is involved in engineering work. He has no connection with land management practises in the area. He has an option to purchase the proposed site subject to the granting of planning permission and it is his intention to build a house to serve as his place of permanent residence.

20. The principle of a new dwelling house at the proposed location is unacceptable as it fails to comply with the planning policies applicable to this Restricted Countryside Area. The applicant has no land management needs and the choice of site for a place of permanent residence is derived from personal preferences to reside at this location, and the willingness of the landowner to offer for sale the piece of land.
21. Aside from the principle of a dwelling house in this restricted countryside area, there are a number of other concerns also associated with the proposal. It is not possible to comment on design issues at this outline stage. However, as regards the proposed siting given its elevated nature and the high degree of visibility from the surrounding area, a development on the proposed site, regardless of any design which may be proposed, would have the potential to form an obtrusive and prominent feature in this rural landscape, and it is not therefore considered to demonstrate compliance with standard siting and design objectives.
22. Also, as detailed earlier in this report the **Area Roads and Community Works** section of Highland Council have also been unable to recommend in favour of the proposal, expressing concerns regarding the condition and geometry of the existing minor road serving the area. In addition to the comments made by the Area Roads and Community Works section, it is also pertinent to point out that the provision of access to the site would necessitate the construction of some form of bridge over the existing burn. The works would occur outside the identified site boundary and no details of the extent of work necessary has been submitted. The indicative access arrangement shown on the site layout plan indicates the site access emerging to form a junction with the public road at a point where there is restricted visibility of on coming traffic, particularly traffic approaching uphill from the south. In connection with the access arrangement, as detailed in earlier sections of this report some concern has also been expressed by **SEPA** in relation to the proposed culverting of the watercourse.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

23. Although there are no natural heritage designations, a new dwelling house on this elevated and prominent site, together with the formation of its access which requires the culverting of a burn, will have negative impacts on the character and quality of this part of the rural landscape of the National Park and would potentially set a precedent for additional development which could further erode the character of the area. It would not therefore promote the conservation or enhancement of the natural heritage of the area.

Promote Sustainable Use of Natural Resources

24. No details of the proposed new building have been provided and it is not therefore possible to assess compliance with this aim.

Promote Understanding and Enjoyment of the Area

25. It is considered that the development would have the potential to adversely affect the enjoyment of the views and the special rural characteristics of the area by the general public. In addition the location of the proposed development would be likely to promote uncertainty and confusion about the quality standards operated by the National Park in such a prominent and visible location.

Promote Sustainable Economic and Social Development of the Area

26. The development proposal represents an unjustified dwelling house in the countryside, which is not required in connection with any land management issues. The location of the proposed dwelling house in open countryside remote from the settlement of Grantown on Spey and community / educational / retail facilities is not considered to assist in the promotion of sustainable economic development.

RECOMMENDATION

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

Refuse Outline Planning Permission for a new dwelling house and garage on land between Dreggie Burn and Dreggie Road, Grantown on Spey for the following reasons:

1. The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Scottish Planning Policy 15- Planning for Rural Development, Highland Structure Plan Policy H3 (Housing in the Countryside), Development Plan Policy Guidelines 2003 and the Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless there are particular circumstances and special needs in relation to land management. The proposed dwelling house and associated garage is not required by the applicant for the purposes of land management or related family or occupational reasons, and if approved 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.

2. The proposed development has the potential to become a prominent feature on an elevated site in this rural landscape, where there is a high degree of visibility of the subject site from the surrounding area. The proposal therefore fails to adhere to good principles of siting and design and would be detrimental to the visual amenity, quality and overall character of the local landscape. As such it would be contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001), and would detract from the enjoyment of the special rural qualities of this area by the general public, would be injurious to the landscape character of the area and would therefore be contrary to the aims of the Cairngorms National Park.

3. The proposed development is dependant for access upon a road which is of a poor standard in both construction and geometry, and which is of low priority in terms of maintenance. Further development in the area, giving rise to increased vehicular usage of the road would therefore be inappropriate.

4. Access to the proposed site can only be gained by creating a crossing over an existing burn. The area from which access would be taken is outside the identified site boundaries and the details submitted are insufficient to determine the impacts of such a crossing, in particular the impacts of potential culverting of the watercourse. The development may therefore have the potential to impact on the chemical, biological and / or physical quality of running water in this area.

Mary Grier
planning@cairngorms.co.uk
21st August 2006

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.