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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

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**DEVELOPMENT PROPOSED: ERECTION OF REPLACEMENT DWELLING HOUSE AND RETENTION OF EXISTING HOUSE AS ANCILLARY ACCOMMODATION**

**REFERENCE: 09/029/CP**

**APPLICANT: MR & MRS D. MURRAY & MR G. FROST**

**DATE CALLED-IN: 20 FEBRUARY 2009**

**RECOMMENDATION: APPROVAL**



**Fig. 1 - Location Plan**

**SITE DESCRIPTION AND PROPOSAL**



**Fig. 2 Cottage from road (South)**



**Fig. 3 Cottage from road (East)**



**Fig. 4 Cottage and site to rear from North**



**Fig. 5 Site looking North East**

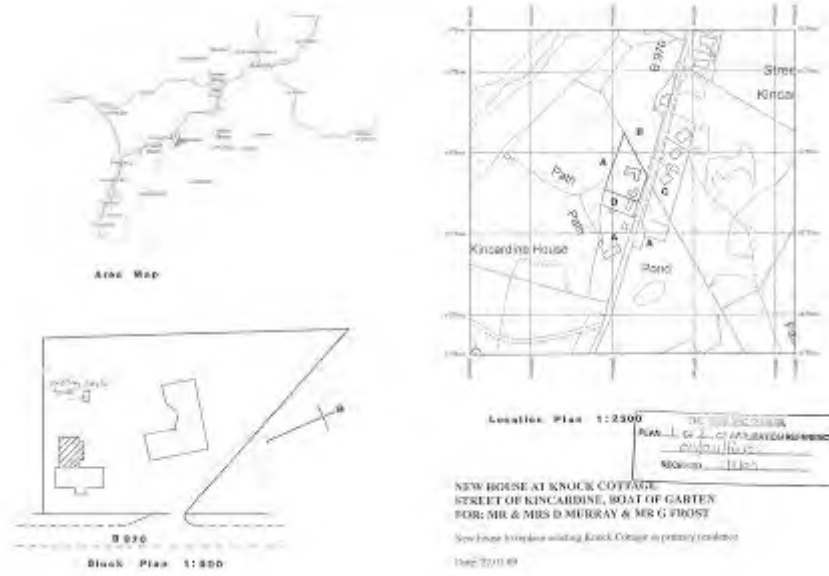


Fig. 6 Proposed Site layout

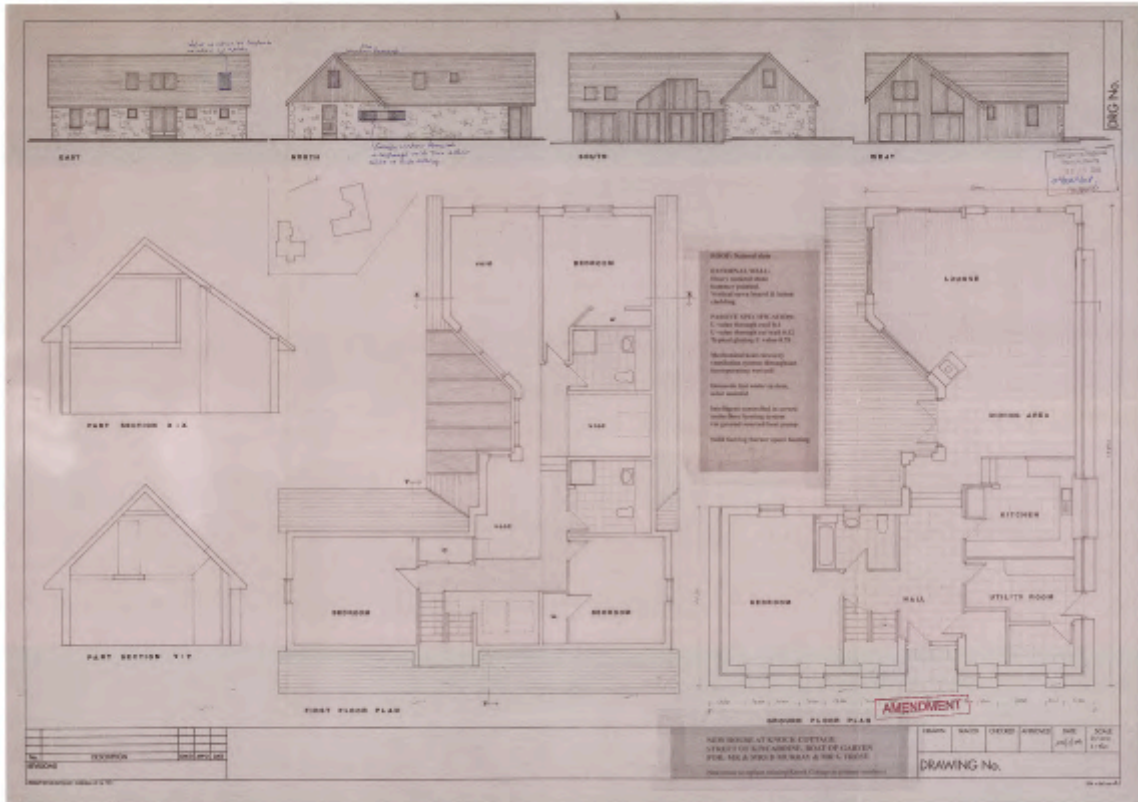


Fig. 7 Proposed house

## **SITE DESCRIPTION AND PROPOSAL**

1. The site is a former croft house on a site measuring approximately 0.23ha. The existing cottage is close to the road and is probably the most characterful original house remaining at Street of Kincardine. It comprises a single storey cottage of traditional proportions and appearance. The walls are white harled. The original roofing material has been replaced with felt tiles. The cottage has been extended with a rear wing in the past.
2. The site is adjacent to a further similar but more substantially built cottage to the South and an open field at Mullingaroch Croft, to the North. Designated Ancient and Semi-natural woodland to the West drops down a slope to the River Spey and there are a modern house and fields to the East.
3. The River Spey SAC and SSSI is proximately 90 metres to the rear. The site is entirely outwith the 1:200 flood risk area.
4. The existing cottage has been regularly used by the applicants family as a holiday home for over 35 years. It has not been let out. It is proposed to erect a replacement house to the rear of the existing cottage. The proposed house is of a traditional design intended to emulate a converted steading. The house would be single storey with accommodation in the roof space. Four bedrooms and three bathrooms would be provided. The drainage system will be upgraded to modern standards. The same access as existing would be used. It is proposed to retain and restore the original front part of the existing cottage and use it as ancillary games and hobbies rooms.

## **DEVELOPMENT PLAN CONTEXT**

### **Cairngorms National Park Plan 2007**

5. Strategic objectives for Landscape, Built and Historic Environment include; ensuring that development complements and enhances the landscape character of the Park; with new developments within settlements and surrounding areas complementing and enhancing the character, pattern and local identity of the built and historic environment.

### **Highland Structure Plan 2001**

6. **Policy G2 (Design for Sustainability)** considers that proposed developments will be assessed on the extent to which they are compatible with service provision, are accessible by public transport, cycling and walking, maximise energy efficiency, make use of brown field sites, existing buildings and recycled materials, impact on individual and community residential amenity, impacts on landscape, habitats, species, cultural heritage, promote varied, lively and well used environments and contribute to the economic and social development of the community.

**Policy L4 (Landscape Character)** states that there is a desire to maintain and enhance present landscape character in the consideration of development proposals.

### **Highland Council Development Plan Policy Guidelines 2003**

7. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

### **Badenoch and Strathspey Local Plan 1997**

8. **Policy 2.1.2. Housing in the Countryside** states that single houses will require to be located in harmony with the landscape; compatible with the scale and character of local buildings and designed to a high standard with particular emphasis on proportions, roof pitch, fenestration and materials.  
**Policy 2.1.2.3 Restricted Countryside Areas**, identifies a strong presumption against house development at specified locations where service restrictions become necessary. Street of Kincardine is identified as a location where drainage, ground conditions and access are considered to be suspect. Exceptions will only be made where a house is essential for the management of land. The occupancy of such houses will be restricted and enforced and good siting and design will be required. The site appears on the settlement plan for Boat-of-Garten where it is defined as amenity and forestry where restraint will be exercised, other than houses where an essential need can be demonstrated (**Para. 5.10.4**). The site is well beyond the confines of Boat-of Garten and countryside policies apply.

## **CONSULTATIONS**

9. **Scottish Water:** No objection but it is noted that there are no public sewers in the vicinity.  
**Scottish Natural Heritage:** has been consulted regarding bats and the close proximity of the site to the SAC to the rear. The comments are awaited at the time of writing, but verbal comments indicate the need for a licence to disturb the bat roost in the old cottage roof and conditions regarding the timing of the works.  
**Scottish Environmental Protection Agency:** has been consulted on the drainage proposals and comments are awaited at the time of writing.

Subject to SEPA confirmation, satisfactory means of drainage to a new system has been demonstrated.

**Highland Council Planning Service:** gave pre-application advice about the policy position and the need for a restriction on the use of the existing cottage.

**Boat of Garten Community Council:** no objection

**Heritage and Landscape Management:** comments awaited at the time of writing.

## REPRESENTATIONS

10. In a statement in support of the application, the applicant refers to a survey that has shown that the existing cottage requires significant upgrading but this is not feasible (to provide satisfactory habitable accommodation). The cottage is high maintenance, with damp, rot and a roof structure that requires replacement. The front section is stone built but with unusually thin (350mm) walls whilst the rear section is a substandard timber, chicken wire and render construction. Renovating the existing structure to current Building Regulations standard would be uneconomic and might not even be possible. The family has considered demolition and replacement but has a strong desire to retain the heritage of the original section of the building (and is keen to restore it to its original character). This would screen more contemporary aspects of the new building, included to give light and passive solar gain.
11. Copies of the statement and the Structural Engineers report are attached.

## APPRAISAL

### Principle of Development

12. Highland Council Policy Guidelines on replacement houses in open countryside are specific in the context of this application and houses will only be permitted when they involve the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished).
13. Under Policy 2.1.2.3 of the Badenoch and Strathspey Local Plan, Street of Kincardine is defined as a Restricted Countryside Area where drainage, ground conditions and access are considered to be suspect. There is a strong presumption against house development and exceptions will only be made where a house is essential for the management of land. The occupancy of such houses will be restricted and enforced and good siting and design will be required.

14. The replacement house is not a new unit of accommodation as envisaged by policy 2.1.2.3 but the policy is relevant to the extent that the proposed house and its drainage requirements are bigger than the existing house. A satisfactory new system of drainage is likely to improve on the old system and the existing access, serving one house, will continue to be used. It is not necessary to restrict the occupancy of the new house when the old house was not restricted. The proposal accords with the terms of Policy 2.1.2.3 of the local plan.

### **Replacement of the Old Cottage**

15. It is proposed to replace the old cottage as it does not meet the requirements of modern living, on economic or environmental grounds. The structural survey finds that the internal walls of the front section would require stripping back to the bare walls internally and relining. All floors should be removed and replaced with concrete incorporating a water-proof membrane. The light weight roof structure should be completely removed and replaced with a similar light weight construction clad in corrugated iron. The thin stone walls are unsuitable for a heavy roof with slates. The foundations are non-existent. In his opinion, the cost of restoring the original cottage to meet the Building Regulations for habitation would be exorbitant and may not be practicable.
16. The builder reports that the external harling is patchy, modern in places and should be removed. It should be replaced with a consistent traditional harl, painted white. In addition to the engineer's comments, he reports that retrofitting the level of insulation necessary to meet current best practice on energy saving would significantly reduce the internal floor space and overload the roof structure. The existing rear wing is substandard and incapable of renovation. They have considered a renovation and new rear extension similar to the cottage next door but this has been discounted due to the difficulties of renovating the front part of the existing cottage, it being far less substantial than its neighbour and the potential impact of a long extension down the boundary with the neighbour. It is concluded that the cottage should be replaced with a new house repositioned in the garden and that a sufficient case has been made in terms of Highland Council Policy Guidance 2003.

### **Natural and Cultural Heritage – Retention of the Old Cottage**

17. Highland Council Policy Guidance 2003 states that where a replacement house is justified, the original should be demolished. Under the First Aim of the National Park, it is also material to consider the contribution made by the old cottage to the natural and cultural heritage of the area. The applicant and others value the cottage for its traditional appearance, as it represents the former crofting tradition of Street of Kincardine. Its retention would also best protect the bat roost in the roof space, subject to an appropriate new roof design. The applicant is prepared to carry out a restoration of the

cottage and use it for ancillary games and hobby purposes only. It is recommended that the cottage is retained, departing from the Highland

Council Policy Guidance 2003, subject to conditions concerning its restoration and use only for specific ancillary purposes and pertaining to a further bat survey and mitigation measures.

### **The Proposed House**

18. The replacement house has been designed to resemble a former steading behind the old cottage, particularly on the public elevations facing North and East. It would have a low profile with accommodation in the roof space and would be finished in stone work, vertical timber boarding and slate. It would provide family-sized accommodation but can be successfully accommodated on the site without detriment to the amenity of neighbours. It would be appropriate to the character and amenity of the area and Street of Kincardine and is intended to be built to high energy efficiency standards, therefore complies with the relevant policies of the Structure and Local Plans.

### **Conclusion**

19. The proposal combines the benefits of a well designed new house with a willingness to restore a characterful cottage that forms an important part of the local amenity and cultural heritage. This represents a departure from the Policy Advice that requires the demolition of an existing house if a replacement is proposed and justified. In this case, it is material to consider the value of the existing cottage to local amenity and natural heritage, together with its physical unsuitability for habitation, leading to a conclusion that it should be retained and its physical fabric restored, such that it can be put to an ancillary non-residential use.

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

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

20. The proposed design protects, for the long term, the character and heritage represented by the traditional appearance and prominent siting of the existing house. Steps to protect local ecology are also included.

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

21. The replacement house will include much more effective emissions reduction measures than can be achieved by renovating the existing house.



### **Promote Understanding and Enjoyment**

23. The character and amenity of Street of Kincardine as enjoyed by residents and passers by, will be upheld by the proposed retention and restoration of the original cottage.

### **Promote Sustainable Economic and Social Development**

24. No implications for this aim.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

### **Grant Full Planning Permission subject to the following conditions: -**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. From the completion of the approved house at the site, the existing cottage shall be used only as ancillary accommodation comprising a games room, hobby room and storage and shall not be used for residential purposes.
3. Prior to any works on the existing cottage or any down takings, a further bat survey shall be undertaken and submitted to the Cairngorms National Park Authority as planning authority in consultation with SNH. Any resultant mitigation measures found necessary to protect the interests of bats at the site shall be implemented in full.
4. Prior to the commencement of any works on the existing building full details of the restoration of the building including details of all finishing materials and openings and measures to protect bat access to the building shall be submitted for the approval of the Cairngorm National Park Authority as planning authority. The approved details shall be implemented in full. For the avoidance of doubt and notwithstanding the details of the application, the roof shall be finished in a traditional corrugated iron and the walls in a traditional wet harl, painted to match the existing unless alternatives are first approved in writing.
5. The approved restoration works to the existing cottage shall be completed within three years of the date of this permission.

## ADVICE NOTE

The applicant is advised that it is a criminal offence under the Wildlife and Countryside Act 1981 to disturb or destroy a bat roost without a licence from the Scottish Government. Attention to the requirements of the legislation is essential before any works on the building take place.

**Hilary MacBean**

**10<sup>th</sup> June 2009**

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