
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED:

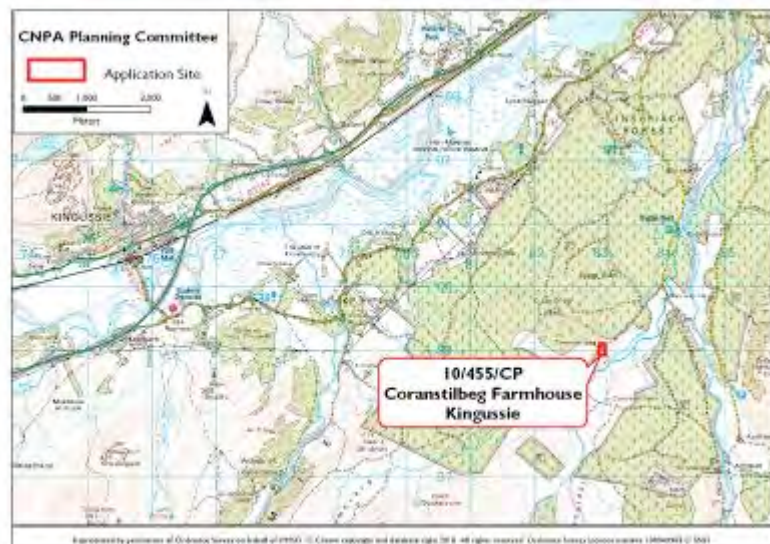
PLANNING PERMISSION FOR THE REMOVAL OF EXISTING DISUSED FARMHOUSE AND REDUNDANT BUILDINGS, AND ERECTION OF A NEW DWELLING HOUSE FOR AN ESTATE EMPLOYEE ON THE SITE OF THE OUTBUILDINGS AT CORARNSTILBEG, KINCRAIG, KINGUSSIE

REFERENCE: 10/455/CP

APPLICANT: MR. THOMAS MACDONELL, GLENFESHIE ESTATE, GLENFESHIE LODGE, KINCRAIG, C/O GROVES -RAINES ARCHITECTS LTD., EDINBURGH

DATE CALLED-IN: 7 JANUARY 2011

RECOMMENDATION: APPROVE WITH CONDITIONS, SUBJECT TO A PLANNING OBLIGATION



Grid reference: 283055 799060 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The proposed development is on land at Corarnstilbeg, which is part of Glen Feshie Estate. The proposed site extends to approximately 1.66 hectares and includes a disused dwelling house and a group of steading type agricultural buildings. The structures are divided by an access track running through the centre of the site. The track is part of an established Right of Way. Ground levels alter across the site, gradually descending from the vicinity of the disused dwelling house towards the lower lying agricultural building. The site is generally open, with views outwards towards the mountain range to the east and north east. The proposed site is approximately 1.3 kilometres from the nearest public road, which is a minor road that leads northwards to join the B970 public road.
2. Planning permission is sought for the demolition of the disused farmhouse and the redundant farm buildings and the erection of a new house, which is intended to accommodate an estate worker (the applicant, who is the Estate Factor). The disused farmhouse is a one and a half storey painted stone building which has not been permanently occupied since the 1970's. The group of agricultural buildings are located on the opposite side of the track and consist of a mix of painted stone and timber buildings, predominantly with corrugated metal roofs.



Fig 2: Disused dwelling



Fig 3: farm buildings

3. The proposed new dwelling is a two and a half storey structure, with single storey wings either side, creating a U shape which would enclose a forecourt on three sides. The dwelling has a floor area of 462 square metres¹ and is intended to reflect large traditional estate farmhouses of the 18th and 19th century. The two and a half storey central element of the dwelling displays a classical symmetry with the centrally positioned entrance and vertically proportioned single windows either side. The central area of the dwelling would accommodate a drawing room, dining room and library on the ground floor, with the southern single storey wing accommodating a kitchen, utility room, larder and plant room, while the northern single storey wing is proposed to include a room which is denoted as either a bedroom or a study. A double garage and store room area are also proposed in this wing. Three bedrooms, as well as bathroom facilities are proposed on the first floor of the main area of the dwelling, with a stair case providing access to two further rooms in the attic space.

¹ Excluding the attic space.



Fig. 4: Proposed elevations

4. A range of traditional building materials would be used in the new dwelling house. External walls would consist of salvaged natural stone rubble and lime mortar limewashed or lime harl, with dressed stone used on quoins, sills and chimney coping. Double glazed timber sash and case windows are proposed. Cast iron conservation style rooflights are proposed. Natural welsh slate is proposed as the roof finish, and this is intended to be salvaged, and made up with new as required. All rainwater goods would be cast iron and painted black. External doors and joinery would be timber boarded or panelled. Windows and doors would be painted off-white and dark green respectively in order to reflect the colours of Glenfeshie Estate.
5. The proposed dwelling house would be sited in the approximate position of the existing agricultural steading buildings. The latter structures collectively occupy a plan area of 320 square metres and include a workshop, feed store, hay store, sheep housing, wool store and general store / machinery area.

Design Statement

6. A Design Statement has been submitted in support of the planning application. It notes that Corarnstilbeg Farm is already a long established settlement site, despite only the agricultural steading building remaining in use in recent years. Justification is provided for the proposed demolition of the disused farmhouse and the agricultural buildings. Past investigations into the condition of the farmhouse have determined that it is in a poor state, requiring significant structural and damp proofing works. The siting of the dwelling exacerbates the damp problems, being positioned on a cut into a steep bank above the existing access track. The Design Statement indicates that the repair of the building would be unviable. Following its demolition, it is proposed to salvage materials for use elsewhere on the Estate. The ground on which it is sited would then be regarded and replanted in order to match the surrounding land.
7. The agricultural steading is also proposed for demolition on the basis that the buildings are not compatible with modern farming. The current working of Glenfeshie Estate is considered to be more appropriately met “by replacing obsolete and sub standard buildings of no intrinsic or historic value with functional buildings of appropriate design.” Through a separate notification for agricultural buildings, the applicants intend to construct a new replacement agricultural building, at a location which would be hidden from view and “situated within an existing plantation between the proposed site and the junction of the access track with the public road through Inshriach Forest from

Kincraig.” The new building would serve agricultural working at Corarnstilbeg Farm and the wider Glenfeshie Estate.

8. The Design Statement discusses the proposed new dwelling under a number of topic headings.

Landscape: it is stated that the landscape at Corarnstilbeg has the potential to accommodate a house of the scale proposed. The footprint of the proposed dwelling would be similar to the steading complex that it would replace. This site is also relatively level and would not require cut and fill. The proposed dwelling would be set approximately 2 metres below the site of the existing dwelling and when viewed from an easterly direction the new structure would be seen against the base of the land.

Access driveway: the proposals utilise the existing farm access, with the only new addition being a small section of driveway leading from the existing access into the proposed forecourt, thereby avoiding the need for significant areas of new hard standing.

External lighting: The proposed dwelling house design includes all major access doors being positioned in the courtyard elevations and as a result external lighting would be mainly confined to this area. It is intended that the forecourt arrangement would contain any light and would shield the landscape from the light source from most viewpoints.

Boundary treatments: the boundary of the domestic site would be contained by an iron stock / deer proof fence. It is noted that the boundary around the site is a ‘free form shape’ and the appearance of this will be further modified by changing levels across the site area. The installation of cattle grids and gates is also proposed on the driveway to the north and south of the property. Such measures are not intended to adversely impact on public access to or through the Corarnstilbeg farmlands. The current development proposal also makes provision for an alternative path route which would skirt the western boundary of the site. The creation of this permanent path diversion would ensure that access could be maintained in the area at all times, including during the build process. The existing ‘Right of Way’ would also remain available for access but would involve crossing the domestic site and opening and closing two gates.

Tree planting and shelter belt: The Design Statement notes that the application site is largely devoid of any tree planting, although some areas of woodland exist beyond the site. It is suggested that some new landscaping associated with the proposed dwelling would be desirable, in particular species associated with the Caledonian Forest and the Cairngorms National Park. Species listed in the Design Statement include alder, birch, willow, hazel, holly, juniper, oak, rowan, hawthorn, blackthorn Scots Pine and “other appropriate tree species consistent with the Glenfeshie Woodland Model.”



Fig. 6: Existing buildings and limited existing vegetation

9. The Design Statement also highlights some of the sustainability credentials of the proposed new building, stating that it has been designed with thermal insulation values that improve on the building regulation technical standards by at least 15%. Water supply is proposed to be from a borehole. A treatment plant is proposed to deal with foul water disposal.

Applicant's case

10. A case has been advanced which indicates that the proposed new dwelling is required in connection with the land management of Corarnstilbeg Farm and the adjacent Glen Feshie Estate lands. The Estate wish to establish a pedigree herd of Highland Cattle at Corarnstilbeg and have started gathering appropriate stock. This enterprise is considered to require an on site presence.
11. The Estate Factor is responsible for the overall management of Glenfeshie Estate, including the farm at Corarnstilbeg. Factor accommodation is currently a small apartment within Glenfeshie Lodge. This existing accommodation is considered to be inadequate in size for use by the Factor and in fulfilment of certain duties, including hosting meetings. Only limited office space is available within one of the Estate barns at present to host meetings. It is also highlighted in supporting information the existing location of an estate worker's accommodation within Glenfeshie Lodge restricts the optimum use of the Lodge as a commercially let sporting lodge or meeting the owner's requirements. The development of new accommodation for the Estate Factor on land adjacent to where the land management function is being undertaken is described in the supporting information as being preferable and beneficial to the agricultural management of the Estate and to its commercial viability.

12. Details have been provided on the history of Glenfeshie Estate and the current management strategy. Glen Feshie Estate has been recognised as a key shooting destination since the early 19th century.² Deer on the Estate were kept at high, unsustainable levels and ultimately has a detrimental impact on the ecology of the Glen, particularly native pine woodlands in the Caledonian Forest. The current management strategy has been developed to regenerate the Estate and restore it to prominence. Supporting information details the 4 main areas of the strategy as deer management, regeneration and expansion of forests, enhancement of natural heritage conservation strategies, and sustainable sporting and recreational activities. Further detail on each of the four areas of the strategy is provided in the supporting information.
13. The supporting statement suggests that there is appropriate justification for the “construction of an appropriately sized and located new residential dwelling for the Factor of Glen Feshie in order to ensure ...conservation and regeneration work can continue for the benefit of the wider National Park area.” Reference is made to the proposed new dwelling ensuring a permanent management presence on the Glen Feshie Estate, providing appropriate reception facilities for those involved in conservation projects, and would guarantee 24/7 observation and supervision of the Estate on the ground. The supervision element includes supervising the Estate team, as well as visitors and improving visitor management. It is indicated that such tasks are being compromised at present due to the fact that they are being “managed from an 8 sq. ft. office in a barn, and in affect, a cramped apartment in Glen Feshie Lodge.”
14. Written confirmation has been provided to verify that the applicant has taken legal advice on the matter of potentially entering into a Section 75 legal agreement to restrict the occupancy of the proposed new dwelling house to Estate workers and their dependents and also restricting the sale or lease of the property separate from Estate lands. The Estate confirms that it is aware of the implications of such an agreement and is willing to enter into a Section 75 legal agreement, including occupancy restrictions and restricting the sale or lease of the dwelling separate from the 136 hectare landholding at Corarnstilbeg Farm.

Bat Survey

15. Following advice received from **Scottish Natural Heritage**, the applicant was required to provide a bat survey. The survey was received on 16th May 2010. The former farmhouse, as well as the farm buildings were surveyed inside and out. No signs of bats or roosts were evident in the farm buildings. There was evidence of a small quantity of bat droppings in the farmhouse. Although no bats were seen and the survey results concluded that this area may be a non breeding transitional roost used early and late in the season. The bat survey report concluded that a license from the Scottish Government would be required in order to permit demolition or development.

² Circa 1815, under the direction of the Duke of Gordon.

Site History

16. Glenfeshie Estate Ltd. acquired the site and associated lands at Corarnstilbeg Farm in 2009. Prior to that the previous landowner made two applications for housing on the land. Full planning permission was granted by Highland Council in 2006 for alterations and extensions to the former farmhouse (Highland Council planning ref. no. 06/199/FULBS). The extension included a substantial new wing positioned to the west of the existing structure, in a contemporary style and in marked contrast to the more traditional property. However, following the granting of planning permission, the practicalities of the development were assessed and it was found as a result of the damp related damage that any refurbishment work would effectively necessitate the complete demolition of the ad hoc extensions to the rear of the property and “near complete removal of the main structure.” In addition the project would also necessitate considerable groundworks to the rear of the property in order to form field drains to ensure protection of the new dwelling.

17. In 2007 the owners applied for full permission for a new dwelling house on land 54 metres to the east of the former farmhouse. The application was called in for determination by the CNPA (ref. no. 07/239/CP refers). Details were again provided in that application to demonstrate the impracticalities of renovating the disused farmhouse. The proposed new dwelling was a one and three quarter storey dwelling house, of traditional design. An Operational Needs Assessment, prepared by the Scottish Agricultural College, was submitted in support of the applicant’s case for a new dwelling house at this location, based on a land management need. The proposal was considered by the CNPA Planning Committee at a meeting in July 2007, with the Committee resolving to grant planning permission, subject to the completion of a Section 75 legal agreement restricting the occupancy of the dwelling to the applicants or any person employed (or last employed) in land based management activity on the 136 hectare landholding at Corarnstilbeg and also restricting the sale of the dwelling house separate from the landholding. The recommendation which was accepted by the Planning Committee also included a condition that the existing abandoned farmhouse be demolished and that the ground be regraded and seeded. Following some initial work in drafting a Section 75 legal agreement, the applicant chose not to pursue this and subsequently sold the land to the current owners. The planning application was formally withdrawn in 2010.

DEVELOPMENT PLAN CONTEXT

National Policy

18. **Scottish Planning Policy³ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
19. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
20. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
21. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

³ February 2010

22. Economic development: Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
23. Housing: **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In discussing the 'Location and Design of New Development' the SPP advises that redevelopment of urban and rural brownfield sites is preferable to development on greenfield sites.
24. Rural development: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the "aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
25. Landscape and natural heritage: The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
26. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Plan (2007)

27. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
28. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.
29. The National Park Plan includes a number of strategic objectives in relation to housing, including
- Increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park;
 - Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and communities living there; and
 - Improve the physical quality, energy efficiency and sustainable design of housing.

Structure Plan Policy

Highland Council Structure Plan (2001)

30. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.

31. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
32. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
33. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
34. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

35. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
36. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.

37. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
38. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
39. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
40. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

41. Policy 16 – Design Standards for New Development: this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
42. Policy 22 – Housing developments outside settlements: the policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities. Under the heading of ‘Other housing outside settlements’⁴ the policy indicates that such housing will only be permitted where –
- (a)** The accommodation is for a worker in an occupation appropriate to the rural location; and
- The presence of the worker on site is essential in order to provide 24 hour supervision of the rural business;
 - There is no suitable alternative residential accommodation available, including reuse and conversion of other buildings on the site; and
 - The proposed dwelling is within the immediate vicinity of the worker’s place of employment;
- or**
- (b)** the dwelling is for a retiring farmer or crofter, on land managed by them for at least 10 years, or for a person retiring from another rural business, where their previous accommodation is required for the new operator of the farm, croft or business.

Policy 22 also advises that where relevant such proposals will be secured through planning condition or legal agreement.

43. Policy 34 – Outdoor access: development which improves opportunities for responsible outdoor access which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged. Development which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

⁴ This refers to all housing, other than ‘affordable’.

Supplementary Planning Guidance

44. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

45. The guide highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
46. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

CONSULTATIONS

47. Highland Council’s **Contaminated Land** section assessed the planning application. Reference is made in the consultation response to the site being used for agricultural purposes and in light of this the applicants were required to complete a ‘Redevelopment of Agricultural Buildings and Farm Steadings’ questionnaire. Following receipt of this it was recommended that a condition is attached in the event of the granting of planning permission, requiring that an assessment of potential contamination is undertaken and submitted for the agreement of the Planning Authority prior to the commencement of development. In the event that contamination is found, details would be required of measures to treat / remove contamination in order to ensure that the site is fit for the use proposed.
48. Highland Council’s **Environmental Health Officer** noted that the proposed site would be served by a private water supply and consequently requested that the applicant provide evidence to demonstrate that the supply would be adequate for the proposal.⁵ In response, information was submitted by the agents including a quotation for a trial borehole for a new water supply and reference was made to the substantial cost of this investigation. The agent queried on behalf of the applicant if the “planning process could proceed with the successful outcome of such a borehole test as a condition of planning.”

⁵ This required a report from a suitably qualified professional, to include details of the source, the flow rate, an assessment of the sufficiency of the supply, and statement to the effect that the supply will be installed in accordance with current water byelaws.

Highland Council's **Environmental Health Officer** has responded that he has no objection. Given the isolated rural location of the proposed new dwelling house, the **Environmental Health Officer** does not anticipate that the sinking of a borehole would impact negatively on other private water supplies in the area. He is satisfied that the yieldtest for the borehole could be carried out prior to the commencement of the development.

49. In a response from Highland Council's **Archaeology Section** it was noted that the farmhouse and steading which are proposed for demolition are depicted on the Ordnance Survey 1st Edition map. The response from the **Archaeology Section** suggested that the applicant give consideration to retaining the buildings as part of the application, either by conversion or by utilization as an outhouse for the proposed new house. Where this is not possible it is recommended that a full and professional building recording is completed prior to any demolition.
50. Advice was sought from **Scottish Natural Heritage** in relation to the subject of bats. It was advised that a survey was required, particularly in respect of the disused dwelling house which is proposed for demolition, as it was considered that bats could be present either as hibernacula or as a summer maternity roost. The farm buildings were considered to be less likely to accommodate bats.
51. The bat survey was recently carried out and submitted to the CNPA on 16th May 2011. **SNH** considered the information and provided a re-consultation response. While describing the bat survey as thorough, reference is made to a lack of information on mitigation and a Species Protection Plan. Accordingly, **SNH** recommend that this information is required as part of a suite of supporting information for any license application to the Scottish Government to permit the disturbance of bats.
52. The consultation response from **Kincaig and Vicinity Community Council** expresses support for the application in principle. The Community Council submission asks that "if it is deemed necessary to link the house to the land, that this be done by way of a planning condition and not by a Section 75 legal agreement." A further point raised in the consultation response from the Community Council is the 'Right of Way' path through the site, which is described as being used by cyclists and walkers, and perhaps riders. It is advised that any diversion of this needs to be to the necessary standard.
53. The CNPA's **Ecology Officer** considered the proposal and commented that the proposed dwelling house is to be built on the site of the current agricultural buildings, and as such there would be limited works on the surrounding area, which is currently rough pasture. It was also noted that the existing access track would be used and this would also reduce any other impacts on the surrounding habitats. The **Ecology Officer** concludes that there are no significant ecological issues pertaining to this development. It is recommended in the event of the granting of planning permission that swift nest boxes or bat boxes should be incorporated into the design of the house

or erected onto the outside of the house, in order to enhance the conservation value of the site.

54. The CNPA's **Landscape Officer** has provided comment on the proposal in the context of landscape and visual amenity. The area is described as being a large scale, largely open landscape, with swathes of conifer woodland enclosing a shallow glen and screening views from the public road. The **Landscape Officer** comments that sporadic farm settlements are characteristic of the area, although most are now redundant or ruined. The area is generally open to views from the east on estate tracks and the higher open hill ground.
55. In discussing the principle of removal or replacement of existing buildings, it is noted that the estate architecture of the glens and straths is a key characteristic of the Park landscape. Where the removal of something which had a landscape value in its own right is proposed to be replaced with a new feature, there is a need to ensure that there is a net long term gain to landscape character. The **Landscape Officer** considers that the proposed new farm house will over time go from being a new build in the landscape to being a functional and positive landscape feature.
56. Although the proposed new dwelling is large, it is considered that a building of this stature and form could sit comfortably in this large scale and simple landscape. The proposed building would sit on the site of the current agricultural buildings and there would not be a requirement for cut or fill. Although there are currently few trees surrounding the proposed site, the **Landscape Officer** comments that the nature of fluvial gravels in the area together with the lie of the land lends itself well to the establishment of tree cover and integrating a building into the site. The landscaping which has been proposed in support of the application is considered generally appropriate.
57. In order to ensure that the proposed development complements and enhances the landscape character of this part of the National Park the **Landscape Officer** concludes with a number of recommendations –
 - Removal of the portico feature, which is described as overly ornate and its replacement with a traditional porch design which would be more commonly associated with a farm house;
 - The submission of a more detailed landscaping plan;
 - A requirement that salvaged materials from the site are used; and
 - That a record of the existing buildings is made prior to the commencement of any work in order to provide an archive of the cultural heritage of the National Park.
58. The CNPA's **Access Officer** comments that the development would straddle a long established Right of Way and credits the Estate for proposals to create an alternative route away from the proposed new dwelling house, rather than seek to extinguish or formally divert the Right of Way. The alternative route which would be created would take people away from the house and outbuildings, and this would protect the privacy of those within the new dwelling and would also address the sensitivities of walkers and other users who might be uncomfortable taking the original route so close to the new

residence. The **Access Officer** has examined the method statement which has been submitted in support of the planning application, in conjunction with the new pathline which has been identified.

59. The location of the new section of alternative path is considered acceptable. The **Access Officer** however suggests that further information is provided in order to ensure that the new path is constructed to an acceptable standard. Information includes details of ditching proposals and a cross section showing the path construction.

REPRESENTATIONS

60. No representations have been received in respect of the development proposal.

APPRAISAL

61. There are a number of issues to consider in the assessment of this planning application, including the case for a new dwelling house in the context of Local Plan policy on housing outside settlements; the siting and design of the proposed dwelling; the landscape and cultural heritage value of the existing buildings which would be demolished in order to facilitate the new structure; and the potential of the new building to assimilate into the rural landscape in which it is proposed.

Justification for a new dwelling house

62. Reference has specifically been made in the application description to the new dwelling house being required for an estate employee. One of the key local plan policies against which to assess the proposal is Policy 22 (Housing development outside settlements). The case advanced has verified that the dwelling house is intended as the residence of the current factor of Glenfeshie Estate. Details have been provided in paragraphs 11 and 13 regarding the factor's current accommodation facilities within Glenfeshie Lodge. In addition to functioning as a new separate residence for the factor, reference has also been made to the proposed new dwelling being used to host estate related meetings etc., which would be an improvement on current meeting facilities at the Factor's office and would offer greater opportunities for ease of access to those attending.
63. In accordance with the requirements of Policy 22 (Housing development outside settlements) an independent report has been submitted which verifies that the accommodation is for a worker i.e. the estate factor, on the Estate. The presence of the factor is essential on a permanent basis to provide supervision of all estate activities. In addition, the case advanced has adequately demonstrated that a permanent presence on the part of the estate at Corarnstilbeg Farm is essential.

Siting and design

64. The proposed new dwelling is more substantial in scale relative to the agricultural buildings and the disused dwelling house which exists on site at present. Estate Factor's houses have traditionally been of a more substantial scale and 'grand' design than typical estate dwellings and the current proposal seeks to carry on that concept. In recognising that it is intended to be an estate building of some significance, it is not practical to compare its scale and proportions to the collection of smaller, lower level buildings which have existed on the site and would be demolished as part of this development proposal. The siting and design of the new dwelling house must be considered on its own merits, without comparison with the former farmhouse and agricultural building complex at Corarnstibeg.
65. A classical design approach has been taken in creating the proposed new dwelling house, in which symmetry plays a key part. The vertical emphasis of all window openings complement the symmetry, and the two and a half storey main block is counterbalanced by identically proportioned single storey extensions at either side. The positioning of the extensions at 90 degree angles to the main body of the dwelling facilitates the creation of a courtyard area. The overall design echoes traditional estate type architecture. Bearing in mind its proposed function as a factor's farmhouse and its remote rural location, the comments of the CNPA's **Landscape Officer** regarding the inappropriately ornate detail of the proposed portico are justified. In the event of consideration being given to the granting of planning permission it is considered appropriate to address this issue by requiring that the portico be omitted and replaced with a porch detail which would be more appropriate to a rural farm house.
66. It is clear that consideration has been given to the most appropriate siting for the new dwellinghouse, with the proposed location being on lower ground than the original dwelling at Corarnstilbeg. Siting on a lower elevation offers greater potential to nestle the dwelling into the landscape and minimise its impact, particularly when viewed from higher ground to the rear. This will be further assisted by undertaking appropriate planting in the vicinity of the new structure. The fact that the new dwelling is proposed on the site of the existing agricultural buildings also curtails the working area and minimises the extent of disturbance to the surrounding agricultural ground.

Miscellaneous issues

67. As noted in paragraph 50, a bat survey was requested, due to the potential for the disused dwelling in particular to accommodate bat roosts. Bats are a European Protected Species and as such it is a criminal offence to capture, injure or kill a bat; intentionally disturb a bat in its roost; damage or destroy a bat roosting place; or intentionally or recklessly obstruct access to a bat roost. Licenses can however be obtained to permit activities, including demolition or development. In the case of this application, the disused farmhouse in which there is evidence of bats is not on the site of the actual new dwelling and the new construction is not dependent upon first demolishing the disused dwelling house. This allows a greater degree of flexibility in a development programme for the site being designed to satisfy any phasing terms which may be required to gain a license to allow development or demolition.

68. A license to permit disturbance to bats would only be granted by the appropriate licensing authority where three tests have been satisfied. The Planning Authority in determining a planning application is also required to consider the three tests.⁶ As highlighted in the re-consultation response from **Scottish Natural Heritage**, the bat survey presently fails to include any mitigation or Species Protection Plan. The CNPA acting as Planning Authority is not therefore in a position to grant planning permission in the absence of this information and its assessment in the context of the three tests. In recent communications with the planning agent, I have been advised that the bat specialist has been instructed to work on preparation of the required information. The bat specialist has also been in communication with **SNH** on this issue and the information is likely to be submitted imminently. Given that all other matters have been sufficiently resolved and the proposal is otherwise acceptable, delaying the determination of the application until this additional bat related information has been submitted is not considered to be the most pragmatic approach.
69. In having regard to the obligation on the CNPA acting as Planning Authority to ensure that adequate protection is afforded to European Protected Species, it is suggested in the event of the Planning Committee being minded to grant planning permission, that it is subject the Committee's agreement to withhold issuing a decision notice until the required information has been provided, it's acceptability confirmed by **SNH** in accordance with the three tests. Given that this planning recommendation also includes a requirement that the applicants / Glenfeshie Estate enter into a planning obligation to restrict the occupancy of the dwelling to an employee of the Estate and also to restrict its sale or lease separate from the landholding at Corarnstilbeg, it is likely that the time period for the preparation of that legal documentation would coincide with bat investigations and resolution of the issue.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

70. The proposed development involves the demolition of a disused farmhouse and a collection of agricultural steading type buildings. While the existing buildings could be considered to be part of the landscape and cultural heritage of this remote rural area, they are in a decaying condition and have the potential to detract from the landscape value of the area. The introduction of a new high quality dwelling, which echoes traditional estate architecture has the potential to assimilate into the landscape and over time

⁶ Test 1 – the works relate to preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
Test 2 – that there is no satisfactory alternative;
Test 3 – that the works will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

will become a functional and positive landscape feature, and could in the future add to the cultural heritage of the area.

Promote Sustainable Use of Natural Resource

71. Details have not been provided on the source of all materials which are proposed to be utilised in the development proposal, although there may be potential to use some materials salvaged from buildings which would be demolished as part of the development proposal. The new dwelling has been designed with high thermal insulation values.

Promote Understanding and Enjoyment of the Area

72. The proposal includes the provision of a section of new path in order to provide improved access opportunities for users in the area, which would avoid the need for them to traverse in close proximity to the proposed new dwelling house.
73. The proposed new building is also considered to have the potential to assimilate into this remote rural landscape and over time will become a positive feature in that setting.

Promote Sustainable Economic and Social Development of the Area

74. The proposed new dwelling will provide accommodation for a Glenfeshie Estate worker. The relocation of that worker and his family from their current accommodation within Glenfeshie Lodge may offer the potential to utilise the Lodge on an increased commercial basis and as such may generate increased economic activity.

RECOMMENDATION

That Members of the Committee support a recommendation to

- (A) GRANT permission for the removal of the existing disused farmhouse and redundant outbuildings, and for the erection of a new dwelling house for an estate employee on the site of the outbuildings at Corarnstilbeg, Kingussie, subject to**
 - (i) the completion of a planning obligation (formerly referred to as a Section 75 legal agreement) restricting the occupancy of the dwelling to Glenfeshie Estate employees (or retired employees) and their dependents and also restricting the sale, lease or any other form of disposal of the proposed dwelling house separate from the 136 hectare landholding at Corarnstilbeg Farm; and**

(ii) subject to the following conditions :

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. The dwelling house shall only be occupied by employees (or retired employees) of Glenfeshie Estate and their dependents.

Reason: in the interests of ensuring that the dwelling house remains available in perpetuity as accommodation for workers in the rural enterprise of Glenfeshie Estate.

3. For the avoidance of doubt this permission authorises the demolition of all agricultural structures and the disused dwelling house. Efforts shall be made to re-use salvaged materials from the structures and details of this shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of development.

Reason: in the interests of clarity and to ensure that the development is undertaken in accordance with the submitted details.

4. Prior to the commencement of development, a photographic record shall be compiled of all existing structures on the site which are to be demolished. A building survey shall also be compiled of all structures which are to be demolished. The photographic record and building survey shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Archaeology Section of Highland Council. The photographic record shall include views of all elevations as well as views of unusual internal or external features.

Reason: To ensure that a permanent record is compiled of existing structures and their significance to the cultural heritage of the area.

5. Prior to the commencement of development revised drawings shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, to show the omission of the portico and its replacement with a traditional porch detail appropriate to a rural farmhouse. The development shall thereafter be built in accordance with the agreed revised drawings.

Reason: To ensure that the design features assist in assimilating the overall development into the rural landscape.

6. Prior to the commencement of above ground construction works, samples of window frames, roofing and all external wall materials shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. All agreed materials shall be utilised in the construction thereafter.

Reason: to ensure that the detailed finishing materials are appropriate for the building and its setting.

7. Prior to the commencement of development, a scheme to deal with potential contamination on site shall be submitted to and agreed with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's Contaminated Land section. The scheme shall include :
- (a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted and agreed in writing with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and BS10175 : 2001;
 - (b) The measures required to treat / remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
 - (c) Measures to deal with contamination issues during construction works;
 - (d) In the event that remedial action may be required, a validation report that will validate and verify the completion of the agreed decontamination measures; and
 - (e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

Prior to the commencement of development, written confirmation that the scheme has been implemented, completed, and if required, monitoring measures are in place, all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land section, shall be required.

Reason: in order to ensure that the site is suitable for redevelopment, given the nature of previous uses and processes on the site.

8. Prior to the commencement of development, detailed drawings shall be submitted for the written agreement of the Cairngorms National Park Authority, acting as Planning Authority, to show the incorporation of bat roosting opportunities and / or swift nest boxes in the design of new dwelling.

Reason: in the interests of conserving and enhancing the natural heritage of the area.

9. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timescale for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Archaeology Section. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: in order to preserve the archaeological and historical interest of the site.

10. Prior to the commencement of development details shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's Environmental Health Officer, to demonstrate that the proposed water supply is adequate for the proposals.

Reason: In the interests of public health.

11. Prior to the commencement of development, a landscaping plan shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan. The plan shall include details of finished levels, areas to be seeded, and within areas of tree and shrub planting shall show the siting, numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted shall ensure:-
- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interests of protecting the visual amenity of the area and in order to enhance the natural heritage of the area.

12. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Reason: In the interests of minimising the visual impact of the development.

AND

- (B) Agree to withhold issuing the planning decision notice until all information required in respect of bats has been provided and confirmation has been received from SNH of the acceptability of the details.**

Advice note:

- (a) In the event that the applicant or agent require further information on how to undertake a land contamination assessment in line with the requirements of PAN 33, please contact Highland Council's Contaminated Land Officer (nicola.mackenzie@highland.gov.uk or telephone 01463 228739). Further advice is also available on the Highland Council website at <http://www.highland.gov.uk/yourenvironment/environmentalhealth/pollution/contaminatedland/>
- (b) In connection with Condition no. 9 of this permission, the report which is required should be prepared by a suitably qualified professional and should include details of the source, the flow rate, an assessment of the sufficiency of the supply for the proposed development and any existing uses, the proposed distribution system and a statement to the effect that the supply will be installed in accordance with current water byelaws.

Mary Grier

17 May 2011

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