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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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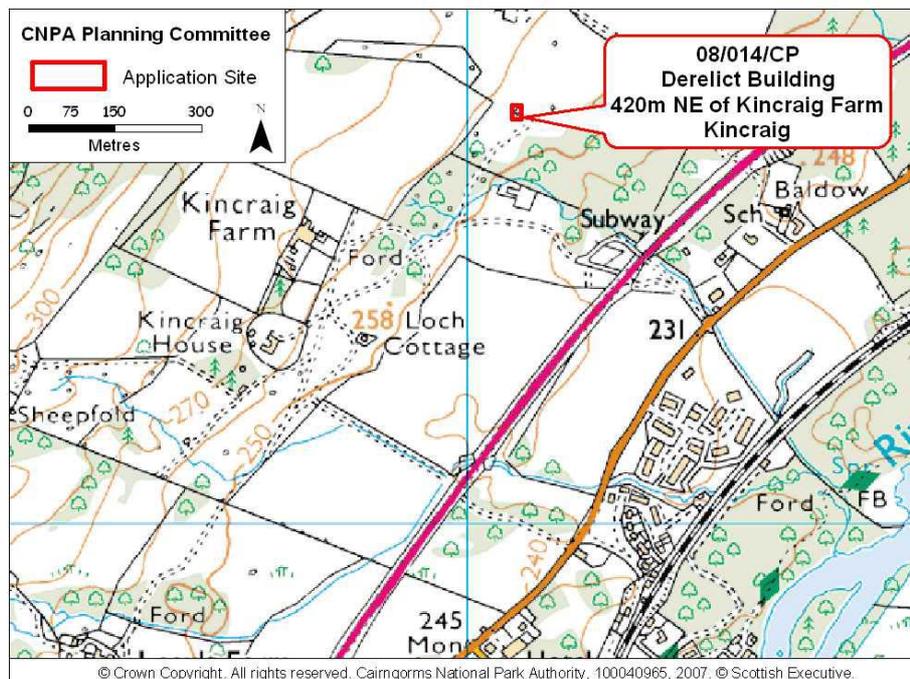
**DEVELOPMENT PROPOSED: DEMOLITION OF EXISTING BUILDING AND  
ERECTION OF HOUSE, 420 METRES  
NORTHEAST OF KINCRAIG FARM,  
KINCRAIG (FULL PP)**

**REFERENCE: 08/014/CP**

**APPLICANT: JOHN FORBES-LEITH**

**DATE CALLED-IN: 25 JANUARY 2008**

**RECOMMENDATION: REFUSAL**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site lies on the west side of the A9 approximately 1 kilometre north of Kincaig and is visible at a distance from the A9 (see fig 1). The site would generally be accessed from the B9152 just north of Kincaig where an access lane goes through a tunnel under the A9. A track then leads towards Kincaig Farm past a modern agricultural building and the site is then accessed along a green track which runs up to and beyond the existing building. It would also be possible at times to access the A9 directly from the site.



**Fig 2. Distant view of site/building from east**



**Figs. 3 and 4 front and rear elevations of building to be removed.**

2. The building proposed for replacement stands on flat ground with rising ground to the rear. There is some wet ground to the rear of the building. The existing building is of a traditional stone construction with a cement fibre sheet roof and is in a relatively poor condition. A timber roof structure is in existence with lums at

either end. The building is depicted on the first edition Ordnance Survey map of 1876. The building was understood to have been at one time used as accommodation for farmworkers. The building has been used for agricultural storage in recent years.

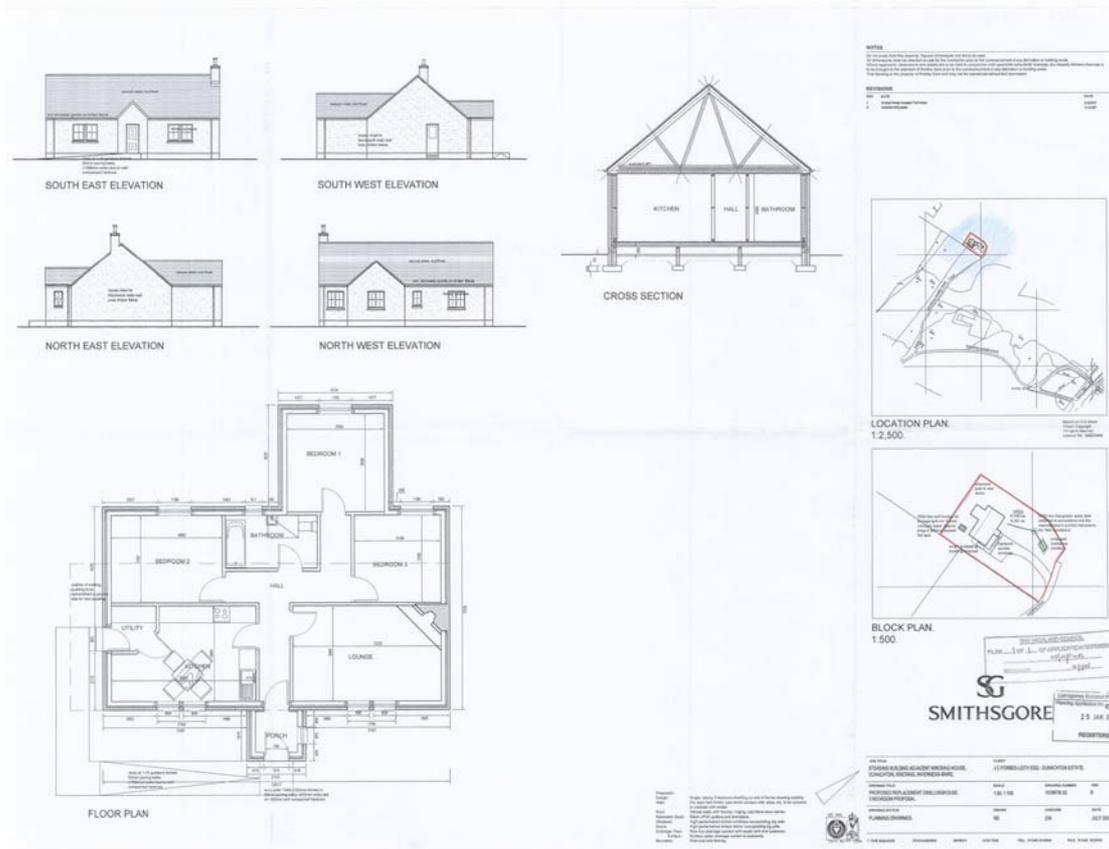


Fig 5 Proposed new house

- This is a full planning application which seeks to demolish the existing building and construct a modest single storey, three-bedroom dwelling with a render finish and natural slate roof. A parking and turning area would be positioned to the front of the dwelling. Drainage would be to a septic tank and soakaway. For layout and design details see fig 5 above

## DEVELOPMENT PLAN CONTEXT

### National Guidance

- At national level, **Scottish Planning Policy 3 (Planning for Housing)** (February 2003) considers design in new housing developments to be an important issue when planning for housing development in both urban and rural areas. Planning Advice Note 44 (Fitting New Housing Development into the Landscape) (March 1994) states that "In seeking to protect and enhance the

quality of the environment, developers should aim for a high standard of design and landscaping in new housing development." Particular emphasis is given to the shape, layout and form of the development and its impact on the surrounding area; the choice of materials, with colours and textures that complement development in the locality; well designed schemes that respect both the local environment and the landscape setting.

5. **Planning Advice Note 67 (Housing Quality) (February 2003)** emphasises the essential role that the planning process can play in ensuring that the design of new housing reflects a full understanding of its context in terms of both its physical location and market conditions; the design of new housing reinforces local and Scottish identity; and new housing is integrated into the movement and settlement patterns of the wider area. It refers in the main to more urban housing developments but it nonetheless emphasises the importance of general issues such as landscape and visual impact, topography, building height, relationship with adjacent development, and views into and out of a site.
6. **Paragraph 13 of NPPG 14 Natural Heritage** recognises that the scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside.

#### **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 outwith this 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.

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

8. The Landward 'Housing in the Countryside' strategy appear to identify 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.
9. The only other possible alternative designation for the site is that it is located in an area described as amenity woodland. Section 7.10.3 of the plan notes that several important landscape features of value for conservation, amenity and recreation will be safeguarded from encroachment by development. This land is effectively identified in the Development Plan Policy Guidelines (see below) as **open countryside**.

**Highland Council Development Plan Policy Guidelines (2003)**

10. The Highland Council produced Development Plan Policy Guidelines dealing specifically with 'Housing in the Countryside' in 2006. The Cairngorms National Park Authority was not consulted on the guidelines. In view of the lack of involvement in the formulation of the guidelines and the imminence of the Local Plan for the Cairngorms National Park a decision was taken by the CNPA Planning Committee in January 2006 not to adopt the 2006 Guidelines. Accordingly the **Development Plan Policy Guidelines (2003)** remain applicable in the assessment of applications called in by the CNPA.
11. 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.
12. With regard to conversions the guidance notes that housing in the countryside can be considered acceptable where it is the

conversion/reuse of a traditional building (which pertains to the architectural vernacular) where the building is substantially complete, including walls to wall head level.

### **Cairngorms National Park Plan (2007)**

13. The recently adopted **Cairngorms National Park Plan (2007)** highlights the special qualities of the Cairngorms, stating that the “Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways.” It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled ‘Living and Working in the Park’ the subject of ‘housing’ is explored. The Plan refers to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities as one of the key challenges in the National Park. Reference is also made to the quality and design of new housing which is expected to meet high standards of water and energy efficiency and sustainable design and also to be consistent with or enhance the special qualities of the Park through careful design and siting.
14. In terms of ‘Conserving and Enhancing the Natural and Cultural Heritage’ the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to landscape and the built environment which seek to ensure that development complements and enhances the landscape character of the Park; understands and conserves the archaeological record, historic landscapes and historic built environment. Strategic Objectives for woodland management include increasing the value of timber and other local forest products, strengthen supply chains and develop new markets.

### **CONSULTATIONS**

15. **Highland Council Area Roads Manager** notes that access from the A9 Trunk Road would appear to offer the most direct route to the site; accordingly the, the views of the trunk roads authority will be critical. Notwithstanding the requirements of trunk roads if the site is to be accessed by the B9152 it is recommended that

the following conditions are attached to any permission; visibility splays to be provided on each side of the access road at its junction with the B9152 public road; no water to discharge onto the public road; the need for a road opening permit is pointed out prior to any works within 2 metres of the public highway.

16. **Trunk Roads Authority** has no comment to make on the proposal.
17. **SEPA** has been consulted and has no comments to make on the proposal.
18. **Highland Council Archaeology** note that the application will impact on the remains of a small building that is depicted on the first edition Ordnance Survey map of 1876. The building appears to be in a stable condition and is considered to be an element of the historic landscape at Kincaig. The Archaeologist sees no reason why the building cannot be retained and/or restored within the application site. If it is not possible to avoid impacts on the building a visual record should be made of the building in advance of demolition. This could be dealt with by planning condition.
19. **The CNPA Heritage and Land Management (Landscape)** point out the relationship between the building and the landscape. It is considered that the proposal would have a significant and adverse impact upon the landscape around it. In addition it is visible from a wide area, though the impact will lessen with distance. However, there are enough visual receptors of sufficient sensitivity for this to be a concern. The proposal fails to comply with the first aim of the National Park and it is considered that the application should be recommended for refusal. **CNPA (Ecology)** has pointed out that there is potential for bats to be at the site and that a bat survey should be carried out prior to any positive determination of the application. There is also some evidence that barn owls have used the site, any proposal should take account of this.

## REPRESENTATIONS

20. **Kincraig and Vicinity Community Council** has no points to raise. No third party representations have been received.

## APPRAISAL

21. The basic starting point with this application relates to the principle planning policies that affect this site. The site is in a countryside location. The maps of the Badenoch and Strathspey Local Plan are a little difficult to interpret in this area but the site appears to be in the Restricted Countryside Area of the Badenoch and Strathspey Local Plan. The only other possibility is that it is located in an amenity woodland area of the Kincraig inset map of the plan. This is also an area where there is a presumption against housing unless there is a land management justification as a result of the Highland Council Development Plan Guidelines on Housing.
22. As stated the site is in a location where new housing would not normally be allowed without a land management (agricultural) justification. The application includes no such justification and none has been submitted since indication was given that the application would be likely to be recommended for refusal. Because of the lack of justification there is clear direction from planning policy that a new house in this location should be resisted. It is also important to note that land to the north of this site is indicated as a General Countryside by the Badenoch and Strathspey Local Plan. In such locations single houses can be found acceptable, in principle, subject to a range of detailed criteria.
23. The detail of the application involves the demolition of a traditional farm building. While this modestly designed house may be appropriate to some countryside areas the Highland Council Archaeologist and the CNPA Landscape Officer have described the strong connection between the existing agricultural building and its landscape setting. They would certainly prefer the building to be retained either as is or by possible sympathetic redevelopment. I am generally supportive of these views, particularly as there would appear to be no current justification for the removal of the building. A potential sympathetic redevelopment of the existing building could provide another option for the applicant. Conversions are generally supported by policy regardless of whether located in a restricted or general countryside policy area. This approach

could prove fruitful for the applicants should they choose to take it, although being a different proposal it would require a new application to be made.

24. In terms of technical issues SEPA has no objection to the drainage proposals. The Area Roads Manager has no objection in principle to the site being accessed from the B9152 in Kincaig but also points out that the site could be accessed directly off the A9. Trunk Roads have not expressed any concerns with this arrangement.
25. In conclusion there is a very clear policy basis for the rejection of this planning application in principle. In addition, there is no current justification for the loss of the building when it is considered to be an interesting component in the cultural landscape of the area which both the Highland Council Archaeologist and our own Landscape Officer place a value upon. I have no hesitation in recommending refusal of this application. This is strengthened by the fact that there may be reasonable potential for a sympathetic conversion of the building. I have spoken to both the agent and the applicant for the proposal and a willingness to withdraw this application and replace it with a conversion proposal has been indicated. The application has been placed on two previous planning agendas but has been removed before agendas went to press because of a verbal commitment to withdraw the application. However, this has not been confirmed in writing. Hence the need to bring the proposal to members with a recommendation of refusal to ensure that the application can be dealt with in a timely manner.

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

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

26. As mentioned in the main body of the report the loss of a small but important part of the cultural landscape could not be considered as according with the first aim of the Park, particularly when alternative options may be at hand. In terms of natural heritage a bat survey would have to be carried out before any positive determination of the application and mitigation measures agreed should bats be found.

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

27. There is no indication in the application with regard to sustainability measures. There is also no indication that the existing materials of the barn could or would be recycled into the new building which shows new materials.

**Promote Understanding and Enjoyment**

28. The proposal has little direct relevance to this aim.

**Promote Sustainable Economic and Social Development**

29. The proposal would add a modest house to the mix of housing stock in the area. However, there are more acceptable options available and the location of new housing should be directed by the relevant planning policy.

## RECOMMENDATION

30. That Members of the Committee support a recommendation to **REFUSE** Full Planning Permission for the demolition of an existing building and the erection of a house, 420 metres NE of Kincaig Farm, Kincaig 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), 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. It has not been demonstrated that the proposed dwelling house is required for the purposes of land management or related family or occupational reasons. If approved, the development would set a precedent for further unjustified development of this nature and 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 proposal involves the demolition of a traditional farm building and its replacement with a new house. No demonstration has been made to indicate that the building is not capable of conversion. The proposal would therefore be contrary to Policies G2 (Design for Sustainability) and L4 (Landscape) of the Highland Structure Plan and the strategic objectives of the National Park Plan (2007) which seek to ensure that development complements and enhances the landscape character of the Park.

**Andrew Tait**

**Date 17 June 2008**

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.