
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER

DEVELOPMENT PROPOSED: ERECTION OF HOUSE AND GARAGE FOR ESTATE KEEPER, LAND 190M NORTH EAST OF PITMAIN LODGE, KINGUSSIE (FULL PLANNING PERMISSION)

REFERENCE: 09/017/CP

APPLICANT: PITMAIN ESTATES, PER SMITHS GORE

DATE CALLED-IN: 12 FEBRUARY 2009

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND SECTION 75 LEGAL AGREEMENT

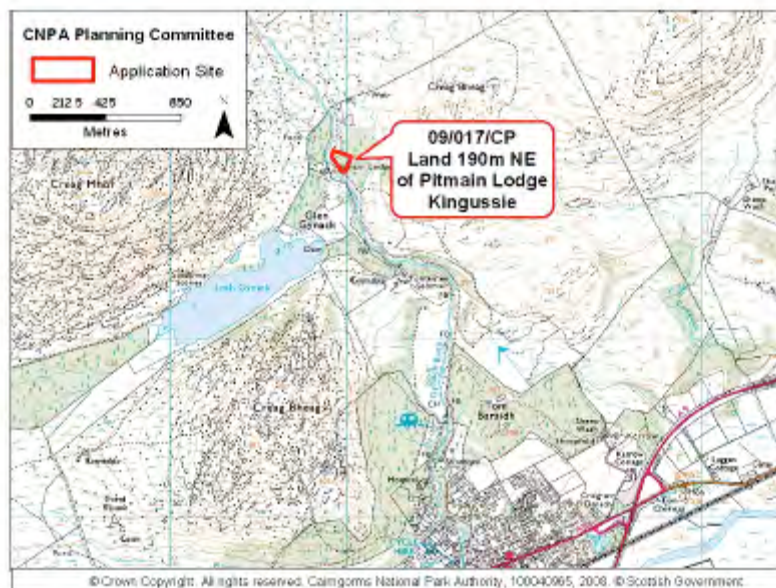


Fig. 1 - Location Plan

SITE DESCRIPTION

1. The site, within the Pitmain Estate, Kingussie, is located some 190 metres north east of the Pitmain Lodge and nearby to the existing gamekeeper's accommodation. The estate is a traditional Highland sporting estate comprising hill land; woodland and open moor over 4800 hectares providing sport shooting on a semi-commercial basis.
2. The site of the proposed house itself would be located within a commercial plantation of spruce and pine trees to be felled and forming a clearing (figure 2) of some 0.314 hectares, on level ground, adjacent to the existing access track and would be well-enclosed by trees and other vegetation. The site is positioned away from the nearby Gynack Burn and its embankments approximately 1.5 metres above the normal water level and a minimum distance of 70 metres from the burn's edge.



Fig. 2 – Existing Plantation – Proposed Site beyond clearing

PLANNING HISTORY

3. There is no related planning history for this site.

THE PROPOSAL

4. Full planning permission is sought to erect a new dwellinghouse (comprising 5no. bedrooms) of one and a half storeys with a detached double garage to the immediate rear, within the plantation to be felled forming a sufficient clearing, to the east of the existing building group. This would be for a full-time head gamekeeper employed on the estate and provide accommodation for his family and also visiting shooting clients, as required. The house would be located to the rear part of the site (figure 3 – block plan), with a garden ground, augmented tree planted area and gravelled drive and parking area formed. The house (figure 4 – elevations) would be of modern design of an L-shape configuration; with an extensive glazed and timber-clad pitched roof porch to the front, wallhead dormer windows and a single storey hipped roofed projection to the rear. It would have a slate roof, wet-harl finish,

natural stone quoins and cills and have timber windows and doors. The double garage would be clad in treated timber cladding with a slate roof and feature two separate doors. The house would be served by the existing access road and tracks and would not require any additional access tracks to be formed apart from a short gravelled drive. Surface and foul drainage provision includes the use of a biodisc treatment plant and soakaway system, while water supplies would be by private supply. Broad leaf trees would be retained where possible alongside felling the minimum area of spruce trees to ensure the proposed development would enjoy a level of light and space whilst providing for privacy and screening. An existing clearing nearby would be planted with native trees and landscaping to offset the loss of woodland.

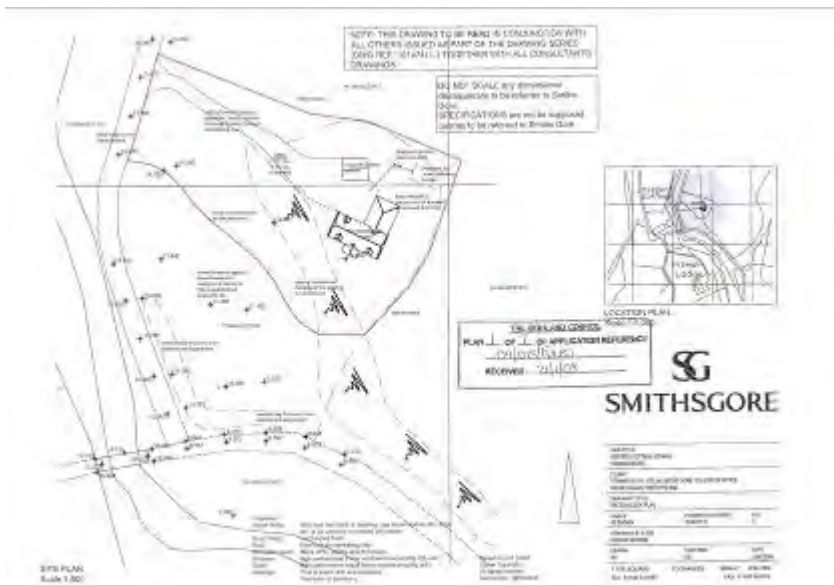


Fig 3. Block Plan

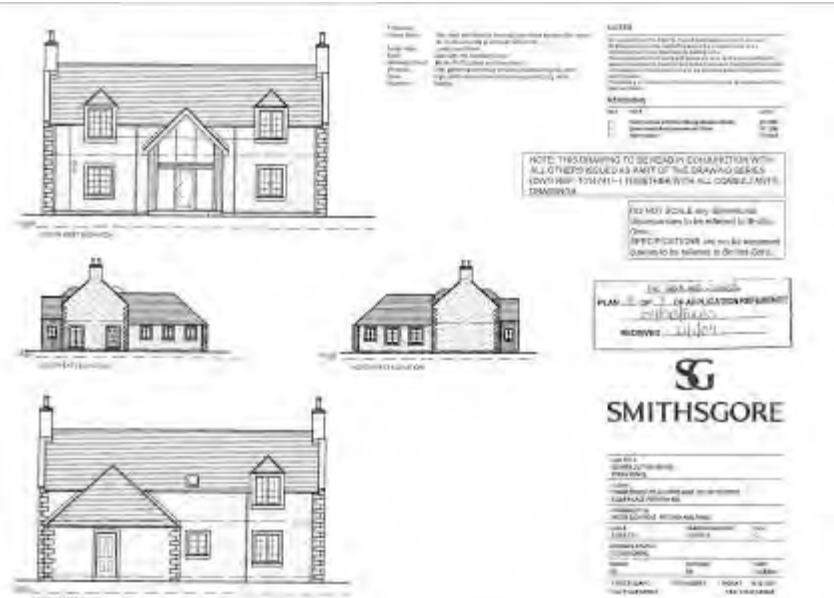


Fig 4. Elevations

5. A small number of amendments have been included following negotiations, including the use of natural stone in lieu of cast stone for the cills, quoins and the steps to provide a higher quality appearance and the use of two separate garage doors in place of a larger single section door.
6. The applicant's agents confirm via a planning statement that the house and garage are required to provide suitable, appropriate and permanent living accommodation within the estate to fully and adequately undertake the head gamekeeper's duties. This accompanying statement highlights the variety of roles including direct land management activities - game keeping, repairs and maintenance, woodland management and general estate security and supervision of the Lodge (unoccupied for part of the year) and its grounds.
7. The statement provides a comprehensive breakdown of the gamekeeper's duties, in total in the region of 3,090 hours per annum (For info: The Scottish Government Rural Payments Inspectorate Directorate SGRPID define the standards man year as being 1900 hours per year). Much of this work is done at irregular hours, is best located within close proximity of all the activities and with easy, convenient access to all parts of the estate. It further confirms that the existing gamekeepers accommodation (figure 05 – keepers cottage) located to the west of the application site incorporating a garage, workshop, gun room alongside residential accommodation is in an 'extremely poor' condition and no longer economically viable for renovation to a habitable modern standard of living.



Fig 5. Keepers Cottage

DEVELOPMENT PLAN CONTEXT

National Planning Policy

8. **SPP3 (Planning for Housing)** encourages the efficient use of land. Para 49 notes that, traditionally, planning policy has sought to restrict new housing in the countryside to maintain rural character and amenity and safeguard agricultural production.

Cairngorms National Park Plan 2007

9. Strategic objectives for Landscape, Built and Historic Environment include; ensuring that development complements and enhances the landscape character of the Park; and new developments within settlements and surrounding areas complementing and enhancing the character, pattern and local identity of the built and historic environment. Strategic objectives for Sustainable Communities include making proactive provision to focus settlement growth in the main settlements.

Highland Structure Plan 2001

10. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; impact on individual and community residential amenity; impact on resources and designations; demonstrate sensitive siting and high quality design; accommodate the needs of all sectors of the community; and contribute to the economic and social development of the community. **Policy H3 (Housing in the Countryside)** advises that housing development will generally be within existing settlements but elsewhere housing in the countryside of an appropriate location, scale, design and materials may be acceptable where there is a land management justification or it supports communities experiencing difficulty in maintaining population and services. **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

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. Approvals granted on the basis of land management will be subject to an occupancy condition.

Badenoch and Strathspey Local Plan 1997

12. **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.
13. **Policy 2.1.2.3 Restricted Countryside Areas**, identifies a strong presumption against house development in countryside areas. 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.

CONSULTATIONS

14. The **Highland Council Environmental Health Officer** have stated that if public water supply is unavailable that microbiological and chemical sampling of any private supply should be reported to the planning authority.
15. **Kingussie Community Council** has not returned comment on the application.
16. **Heritage Land Management** have noted the presence of red squirrel activity within the plantation; a subsequent survey submitted by the applicant has located one drey (appearing unused) within the affected area. **Heritage Land Management** raise no objection subject to the requirement for suspensive conditions for a repeat survey of the site prior to any tree felling, no tree felling during the bird nesting season (March – July). Protection measures should be provided for any drey found on site including a 5 metre buffer of trees around the drey and the use of a squirrel specialist on site during the felling process to provide advice and guidance. Additional comment regarding the possible presence of archaeological remains requires the assessment of the site.

REPRESENTATIONS

17. No letters of representation have been received with regard to this application.

APPRAISAL

18. This application has raised considerations relating to the principle of a house in this part of the National Park's countryside in terms of need and planning policy and its design and landscape impact. No designations are affected. The proposed conditions would allow dreys to be protected while minimising any disturbance to red squirrels.

Principle and Need Case

19. The site lies in an area designated as “Restricted Countryside” where policy identifies a strong presumption against housing development in countryside areas as found in policy H3 Housing in the Countryside of the Highland Structure Plan 2001 and policy 2.1.2.3 of the Badenoch and Strathspey Local Plan 1997. These policies restrict new houses in countryside areas except in certain circumstances. One such circumstance is where the house is for a full time worker essential for the management of land, which itself is appropriate to the countryside such as estate management and where the presence of that worker on site is essential to the efficient operation and management of that land.
20. In this instance, the proposed house is for the full-time head gamekeeper employed on the estate and providing accommodation for his family and also visiting shooting clients, as required. As outlined previously in paragraph 7 this would be in lieu of existing accommodation within which the game keeper presently resides in, provided within the existing keepers cottage – an outdated, unsuitable and poorly conditioned building, which alongside providing residential accommodation incorporates a garage, large workshop and gunroom. Options to renovate this building or convert another existing structure have been evaluated and discounted as impractical, not cost-effective or unsatisfactory for a number of other reasons.
21. A needs case has been put forward for the house on the basis of maintaining and enhancing the estates approach to active land management of its sporting interests and biodiversity value, requiring that a suitable dwellinghouse is provided on the estate for the estate keeper, his immediate family (three children) and additional seasonal staff and visiting shooting clients, as required. The applicant’s agent concludes that a new house is essential on site so that the gamekeeper can effectively meet the duties required by the estate and its related enterprise and the maintenance of a substantial area of land in active management.
22. Taking account of the reasons for the house as provided in the agent’s supporting planning statement, the evidence base demonstrates that the land management demands of the estate, together with the substandard level of existing residential accommodation onsite are suitable justification for a new house, I am satisfied that a case has been made which meets the terms of planning policy. It would be necessary to impose an occupancy restriction by a Section 75 Legal Agreement. The house would also not be able to be sold separately from the estate. The applicants have indicated that they are willing to accept this.

Design and Landscape

23. A house approved in an area of restricted countryside in association with a land management need is required to be of a good design and in harmony with the landscape. The proposed house adopts an L-shape in order to provide an appropriate amount of accommodation. At five bedrooms, it is

designed to meet modern family needs and business needs. Its design and materials are relatively modern in appearance and character but with aspects of traditional features and is well suited to the site and the proposed function. A strong emphasis on low carbon and energy saving is built into the design. It is in compliance with policy aims to encourage good house design in the countryside.

24. Its positioning, in the proposed clearing, when considered in the context of the wider estate and its landscape is thought to be appropriate, sensitively sited and well-positioned, screening it from the larger area. The proposed house would not occupy an area of exposed landscape, trees around the proposed clearing are to be retained and augmented with a mixture of broadleaves and spruce planting. An existing clearing to the south is not suitable as the site of the proposed house as flood water is known to affect this area, this clearing however would be planted with broadleaves and other native trees to provide replacement enhanced woodland offsetting the loss of part of the plantation. The proposed house is considered appropriate to the local landscape and would not be detrimental to the countryside or character of the area.

Other Matters

25. No landscape or environmental designations are affected by the proposed development. The site is adjacent to but outwith the SEPA 1:200 year indicative flood map and owing to its elevated position, along with its distance away is considered not to be at risk of flooding.

Conclusions

26. The need case for a house in support of the estate function is considered to be justifiable and is appropriately demonstrated within the agent's supporting planning statement. The existing enterprise, on a long established estate sits well with the social and economic aims of the National Park. The proposed house is for a full-time head gamekeeper employed on the estate and his family and also visiting shooting clients, as required. This would replace the existing residential accommodation which is located nearby, which is considered as an unsuitable and poorly conditioned building.
27. The house design is satisfactory and generally recognised to be of an acceptable standard, its position within the site is good in terms of landscape impact and is considered not to be detrimental to the countryside or character of the area. Natural Heritage concerns can be mitigated through the use of conditions to ensure red squirrel dreys are protected. The application is recommended for approval subject to S.75 legal agreement and suspensive conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. This new house is sited sensitively within its location, its design and its positioning in a context of trees and buildings, are such that the landscape impacts will be kept to a minimum.

Promote Sustainable Use of Natural Resources

29. The applicant proposes the sustainable use of natural resources, and the planning statement confirms environmental aspects are a key driver – energy efficiency and passive solar gain are maximised in the house design. The provision of a house immediately on site is positive in terms of minimising travel to work distances.

Promote Understanding and Enjoyment of the Area

30. The track which serves the estate and the development site is used for recreational purposes and in part is identified in the Draft Core Paths Plan. However, the provision of this house will not impact on this. The track would be kept available to users at all times.

Promote Sustainable Economic and Social Development of the Area's Communities

31. The ongoing semi-commercial enterprise that the applicants are undertaking will provide some employment and economic activity within the local community. The provision of a house to support this business will also help in this regard.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the Erection of a house and garage for estate keeper, subject to:-

- a. the completion of a Section 75 Legal Agreement which restricts the occupancy of the house to a person working on the estate, and prevents the disposal of the house separately from the estate, and;**
- b. the following conditions,**
 - i. The development to which this permission relates must be begun within five years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act, 1997.

- ii. The occupation of the dwelling shall be limited to a person solely or mainly employed on the Pitmain Estate or in the enterprise concerned, as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where the Planning Authority considers that new residential development is inappropriate unless related to the essential needs of agriculture, land management or forestry.

- iii. Exact details and specifications of all proposed external finishing materials (including roofing materials, wet harl and natural stone finishes) shall be submitted for the further approval of the Planning Authority before any work commences on site.

Reason: In order to ensure that the materials are appropriate to the character of the building.

- iv. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and 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 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 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: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

- v. Prior to the commencement of the works on site, specific details of the private water supply and water test results are submitted to and approved by the Planning Authority.

Reason: To ensure water supplies are adequate and suitable as required by the Private Water Supplies (Scotland) Regulations 1992.

- vi. Prior to the commencement of any tree felling works on site, a repeat survey of the site should be undertaken to monitor and establish the presence and location of red squirrels habitat and a report shall be submitted to and approved by the CNPA including measures to protect the red squirrel habitat within and around the proposed site.

Reason: in the interests of minimising disturbance to the squirrel population and other natural heritage interests in the area.

- vii. Clearfelling work associated with the proposed house shall be undertaken to avoid the red squirrel breeding season, unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event of the scheduling of clearfelling work during the breeding season, evidence shall be provided to the CNPA, acting as Planning Authority, to demonstrate that the felling zone is remote from the red squirrel areas.

Reason: in the interests of minimising disturbance to the squirrel population and other natural heritage interests in the area.

- viii. That a squirrel specialist is on site during the felling process to provide advice and guidance and undertake visual assessments of the trees to be felled to ensure no dreys are present, and to provide a report to the CNPA.

Reason: in the interests of minimising disturbance to the squirrel population and other natural heritage interests in the area.

- ix. That if in the event that red squirrel dreys are found on the site, they need to be protected and cannot be felled. To prevent disturbance to the drey, a 5 metre buffer of trees around the drey will need to be retained on the site.

Reason: in the interests of minimising disturbance to the squirrel population and other natural heritage interests in the area.

- x. That no tree felling should take place during the bird nesting season (March – July) as per the legislation protecting birds and their nests, to minimise disturbance.

Reason: in the interests of minimising disturbance to the nesting birds in the area.

- xi. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work

in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: In order to ensure that provision is made for areas of archaeological importance to be investigated.

Advice note:

- The red squirrel breeding season can extend from February to September

Robert Grant
11 May 2009

planning@cairngorms.co.uk

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.