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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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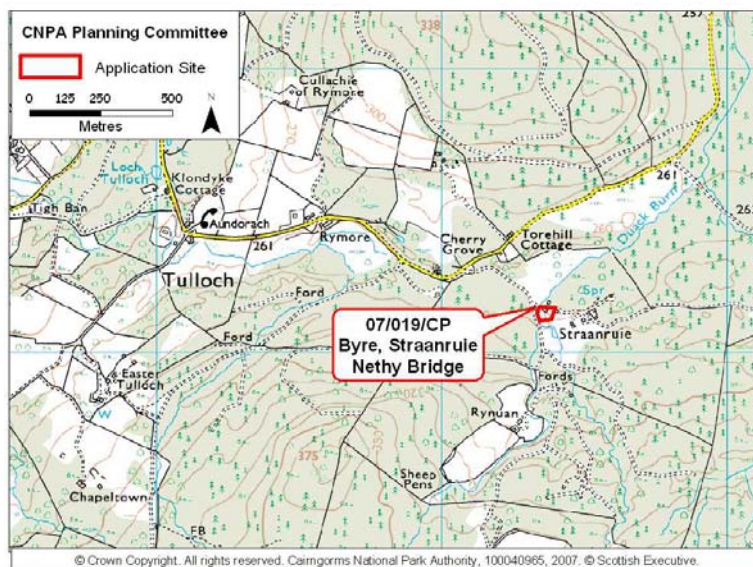
**DEVELOPMENT PROPOSED: FULL PERMISSION FOR THE DEMOLITION OF A STEADING AND THE ERECTION OF A NEW DWELLING HOUSE AT BYRE, STRAANRUIE, NETHY BRIDGE.**

**REFERENCE: 07/019/CP**

**APPLICANT: MR. & MRS. DESMOND DUGAN, C/O  
A.W. LAING, 110 HIGH STREET,  
GRANTOWN ON SPEY.**

**DATE CALLED-IN: 26<sup>TH</sup> JANUARY 2007**

**RECOMMENDATION : REFUSE**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the demolition of an existing steading and the erection of a new dwelling house on land at Straanruie, which lies within Abernethy Forest and is approximately 5.6 kilometres south of the settlement of Nethy Bridge. The subject site, which extends to an area of approximately 1,700 square metres (0.41 acres), is part of the rural hamlet of Straanruie. The site is bounded to the west by the Duack Burn which is part of the River Spey SAC. At its closest point the site is within 200 metres of Abernethy Forest SPA and SSSI, which lies to the north and east.
2. An existing track which leads eastwards to a number of existing residential properties in Straanruie forms the northern site boundary, whilst the eastern and southern boundaries are open at present. Access to the site and the other properties in the area is on a gravel surfaced non adopted access road off the minor public road that leads through the forest, linking the Tulloch area with Nethy Bridge. Simple wooden bridges allow vehicular access across the aforementioned burn at two points, with one bridge existing on the road to the immediate north of the steading on the site, while the second wooden crossing has recently been constructed to provide direct access into the subject site.



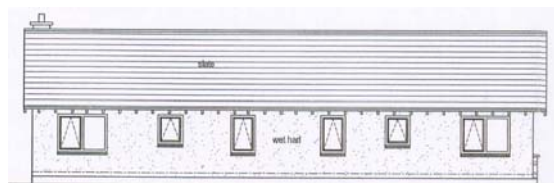
**Fig. 2 : Access track near its junction with the public road.**

3. A traditional stone steading, with a corrugated iron roof exists on the site at present. It has a narrow elongated form, measuring approximately 21 metres x 7 metres. Openings are contained in the northern and eastern elevations. The steading has a reasonably intact appearance at present, with the exception of a section in the southern elevation where a large boulder appears to have become dislodged near the base of the wall. Some information (which will be discussed in more detail later in this report) has been provided by the applicants in relation to the condition of the structure, in support of the proposal for its demolition.

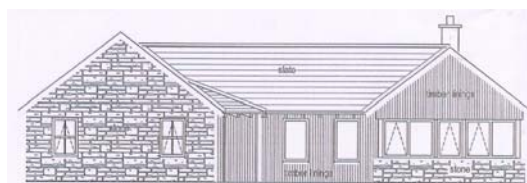
4. The proposed new house is an L shaped single storey design, incorporating a mix of finishes, including stonework on some elevations, vertical timber lining on much of the front elevation and the upper gables, with the remainder of the external walls having a wet harled finish, all under a slate roof. The design incorporates an overhanging roof which follows the L shape of the main structure. The overhanging roof is supported by timber columns. A similar, although smaller verandah feature is proposed in the eastern elevation. The L shape footprint would create a south facing courtyard to the front of the house, onto which the driveway extends. Two sets of French doors open onto this area, with one at either end of the building, leading from a sun room on the western side and a lounge at the eastern end of the proposed dwelling.
5. Further to concerns raised in the course of the assessment of the application regarding the design of the dwelling some minor design changes were made. The extent of stonework has been increased, with the current proposals utilising stone in the entire rear elevation and also using stone on one of the gables of the front elevation. Changes have also been made to the fenestration, introducing greater consistency in the style and proportions of the windows. The majority of windows resemble sash and case windows creating a more traditional appearance. Much of the fenestration in the front elevation however remains unaltered, with the sun lounge and kitchen area having large single pane windows, with the grouping of the windows creating a horizontal emphasis. The amended design also continues to incorporate the overhanging roof / canopy.



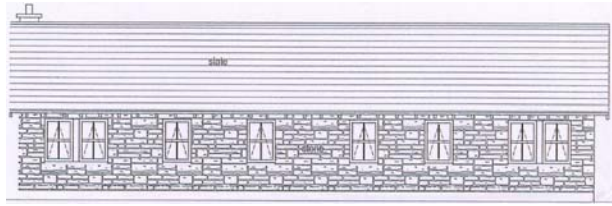
**Fig. 4 : Originally proposed front elevation**



**Fig.5 : Originally proposed rear elevation (adjacent to access track) as viewed from the north**



**Fig. 6 : Currently proposed front elevation**



**Fig. 7 : Currently proposed rear elevation**

6. Supporting documentation refers to Mr. Dugan's recent supervision of the removal of some large spruce trees which were felled at a neighbouring property. The trees have since been milled at the Forest Lodge sawmill and are being treated. It is the applicants intention to "utilise this quality timber as cladding and roof sarking in the new house." Although not specified in any application documentation, Mr. Dugan (the applicant) stated in a recent meeting to discuss the development proposal, that the majority of the proposed stonework would be salvaged from the demolition of the steading. The exact proportion of stonework that could be sourced from the building was not quantified and no details have been provided on the potential source of any remaining stonework required. The applicants state in a supporting letter that it is their intention that "the house shall have a high energy gain / low carbon footprint" and that the "house would be extremely well insulated and heating will primarily be via a ground source heat pump and another 'renewable'." The applicants intend to apply for grants via the 'Scottish Community and Householder Renewables Initiative.' (Please refer to letter dated 28 February 2007 for details of the applicants supporting statement).
7. Water supply is proposed to be taken from a private source. Foul drainage is proposed to be disposed of in a new septic tank which would drain to a soakaway pit or perforated pipe system. Surface water would be disposed of via a separate soakaway.



**Fig. 8 : On-going site works**

8. Much of the site has recently been levelled – the applicants apparently began the site works as part of the implementation of the existing planning permission on the site for the conversion of the steading to a dwelling house.

## Site history

9. An application for outline planning permission for the change of use of the steading to a dwelling house was submitted to Highland Council in 2002 (Highland Council planning ref. no. 02/339/OUTBS refers). In a report to the Area Planning Committee in November 2002 the planning officer recommended refusal of planning permission on the basis that the proposed development “would be the ninth to be served by the unadopted access road leading from the public road to serve development in the Straanruie / Rynuan area. Accordingly the development would be contrary to Policy H8 of the Highland Structure Plan which requires that development proposals involving new or improved access to serve more than four houses must be served by a road constructed to adoptive standards.” Members indicated that they were ‘minded to approve the application’ provided that a number of works as recommended by the Area Roads and Community Works Manager could be implemented.
10. The application was later reclassified as an application for full permission for the change of use of the steading to a dwelling house. The application was not accompanied by any elevation drawings, floor plans or site layout plans. Full planning permission was granted in March 2003, subject to three conditions – (1) requiring the submission of full details of the building works required to implement the change of use, for the approval of the Planning Authority prior to the commencement of development; (2) a requirement that several measures relating to access improvements be undertaken prior to the commencement of operations; and (3) the submission of details of the boundary of land to be conveyed with the dwelling as its curtilage, for the agreement of the Planning Authority prior to the commencement of development. The full permission remains valid at the present time.

## The Applicant’s Case

11. Having regard to the fact that the subject site is located within a Restricted Countryside Area as identified in the existing Badenoch and Strathspey Local Plan (1997), the applicants have provided some supporting information regarding the background to the proposal. Mr. Dugan is employed by RSPB as a Site Manager / Warden for the Forest Lodge section of Abernethy Forest Reserve. He is a full time employee at the reserve and describes his work as leading “a small team in delivering a busy programme of habitat and visitor management.” The reserve supports 24 full time equivalent jobs. Mr. Dugan has included details of his main management tasks (please see attached documentation dated 7<sup>th</sup> June 2007), which includes supervision of staff undertaking black grouse and capercallie lek counts and brood monitoring, as well as being involved in heather burning (approx. 20 days per annum), fox control at dens (equivalent of 10 days per annum), and deer management (equivalent of 30 days per annum).



12. The submission from the applicants details a number of other duties which account for a substantial amount of Mr. Dugan's time and are not necessarily based on the land. Duties include 50 days allocated to administration and staff liaison, 5 days of community liaison and undertaking talks and presentations, an equivalent of 25 days supervising an estate maintenance contractor, the equivalent of 5 days in the collection and delivery of volunteers to buses and trains and also their supervision, and also the equivalent of 15 days per annum managing visiting delegations and educational groups. It is also stated that Mr. Dugan is involved '24/7' in the maintenance of Forest Lodge, with specific reference being made to the security and storage of estate equipment and firearms.
13. Mrs. Dugan is employed as a part time housekeeper (2 hours per week) at RSPB's Forest Lodge, as well as having further part time employment at Raigmore Hospital in Inverness. The applicants together with their two sons<sup>1</sup> live in the warden's flat at Forest Lodge and they describe themselves as being "on call and on the job seven days a week." The Dugan family have been resident in the Tulloch area since 1988 when RSPB purchased the Forest Lodge Estate and they have been resident in the warden's flat since its renovation in 1990. The submission from the applicants does however acknowledge that although accommodation is provided at Forest Lodge, the RSPB employment does not insist that they reside at this location and that it is their choice and aspiration to have a place of their own.
14. Mr. Dugan's employers, RSPB Scotland have also submitted a letter setting out the applicants working circumstances. It confirms that Mr. Dugan is a senior member of RSPB Scotland's reserve management team, with the team being responsible for the daily management of Abernethy Forest Reserve (which extends to 13,714 hectares). Reference is made to Mr. Dugan being the most senior person living on the reserve at present. It is also stated in the event of the accommodation currently occupied by the Dugan family becoming vacant, it would be utilised to provide accommodation for other RSPB staff members, with the most likely employee being the Assistant Warden who currently commutes from Tomatin.

### **Structural Condition of the Steading**

15. Allen Gordon, Consulting Civil and Structural Engineers were engaged in April 2006 to assess the structural condition of the steading. The following is a summary of the points raised –
  - West gable leaning outwards;
  - Roof ties have been removed over a significant part of the steading giving rise to a slight outward lean;
  - Two large cracks exist in the west gable;

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<sup>1</sup> The elder son has taken up employment at the new Leisure Centre in Granttown on Spey, while the younger son is "finishing secondary school and intends to work in local land management."

- Timber lintels on the internal face of the walls are partially rotted;
- Roof timbers are slightly worm damaged;
- Foundations are shallow;
- The rear wall is curved.

The report concludes that the building is structurally unsuitable for conversion at present and advises that there is no straightforward method of reinstating the walls other than taking down the stonework and rebuilding. It concludes that “the economics of rebuilding the structure are not favourable.” (A full copy of the engineers assessment is attached to the rear of this report).



Fig. 6 : Existing southern elevation



Fig. 7 : Existing northern elevation



Fig. 8 : Existing eastern elevation



Fig. 9 : interior condition

## DEVELOPMENT PLAN CONTEXT

### National Policy

16. 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; and the visual impact of new developments as seen from major roads and rail routes.

17. **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.
  
18. **Planning Advice Note 72** is the most recent advice from central government on **Housing in the Countryside, (February 2005)** and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.” In its concluding remarks, it states “Every settlement should have its own distinctive identity. This is determined in part by the local characteristics of the area's architectural style of individual buildings and the relationship of these buildings to each other.”
  
19. **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**

20. **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)**

21. The Landward 'Housing in the Countryside' strategy identifies the land in question as a Restricted Countryside Area. Accordingly, section 2.1.2.3 of the Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required.
22. Badenoch and Strathspey Local Plan Policy 2.2.1(b) (Agricultural Diversification) states that the conversion of redundant buildings for small scale business and residential purposes will be supported, subject to adequate access and compatibility with neighbouring uses and amenity.

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

23. 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 eminence 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.
24. The 2003 Development Plan Policy Guidelines include a specific section on 'Land Management Criteria for Housing in the Countryside' (of which the basic thrust is very similar to the aforementioned 2006 guidelines). The guidelines require that any case advanced for new housing in the countryside associated with land management activities must demonstrate that a sequential approach to the identification of the need for that house has been followed. The sequential approach requires consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing house. In assessing an application it is also stated that "the

Council will consider whether there is : an existing permission for a house that has not been taken up or developed; evidence of houses or plots having been previously sold off from the farm holding; or land on the farm holding that has been identified as an existing settlement.” Detailed guidelines are included in respect of land management cases made on the basis of agricultural purposes or for croft land management. For example criteria required for a case based on agricultural activity includes a functional test to establish whether it is essential for the proper functioning of the enterprise that one or more workers are required to be on hand day and night where animals or agricultural practices require essential care at short notice to deal quickly with emergencies. The guidelines state that there is no justification for housing in the countryside associated with forestry or aquaculture enterprises.

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

25. The Park Plan 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 Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.
26. 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 the built environment, which require that “new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment” and to “understand and conserve the archaeological record, historic landscapes and historic built environment.”

## CONSULTATIONS

27. **Scottish Natural Heritage** note in the consultation response that the location of the proposed development lies close to, but outwith Abernethy Forest SSSI and SPA. In relation to those adjacent European Interests **SNH** consider that the development proposal is unlikely to affect any qualifying features either directly or indirectly and **SNH** do not therefore consider that an appropriate assessment is required.
28. **SNH** also refer to the proposed site lying immediately adjacent to the River Spey SAC, where the relevant features of interest at this location are Atlantic salmon and otter. The proposal is considered unlikely to significantly affect any qualifying features of the SAC, either directly or indirectly.
29. The final point raised in the **SNH** consultation response is in relation to European Protected Species. Reference is made to the potential for old farm buildings to provide roosting sites for bats. **SNH** carried out a survey of the building in February this year and no signs of bats were found.<sup>2</sup> **SNH** consider that the steadings potential for use by bats as a breeding site is low. It is recommended in the event of consideration being given to the granting of planning permission, as a precaution, demolition of the steading should only be permitted between 1 September and 31 March. Alternatively it is suggested that demolition of the steading could take place in the period between March and September if a survey was carried out during that period, showing that there are no bats present.
30. Two consultation responses have been received from **SEPA**. The first response, dated 29 January 2007, stated that the proposals for foul drainage are acceptable, subject to required minimum distances being achieved.<sup>3</sup> The proposals for surface water drainage are also considered acceptable to **SEPA**.
31. The initial consultation response from **SEPA** noted that the development involves a new access road which crosses the burn. **SEPA** objected to the application on the grounds that there was inadequate detail in relation to this aspect of the development proposal, and accordingly required further information, including confirmation as to whether or not the proposal included a culvert or bridge, to ensure adequate protection of watercourses. Following a subsequent site visit by a **SEPA** official, an amended consultation response was supplied, in which it was noted that an open bridge has already been constructed at

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<sup>2</sup> **SNH** acknowledge that although a survey was carried out in February, it is not an ideal time of year to look for signs of bats.

<sup>3</sup> Minimum distance of 10 metres from soakaway to watercourse, including ditches and field drains and minimum distance of 50 metres from soakaway to well or abstraction. In terms of groundwater protection a minimum distance of 1 metre from the bottom of the distribution pipes of the soakaway to the seasonally highest water table is required.

the site<sup>4</sup> and that this new bridge has greater clearance than an existing bridge just downstream and should not therefore contribute to flooding problems. The final response from **SEPA** removed the objection detailed in the original consultation response.

32. The proposal has been assessed by the archaeology section of Highland Council, and the response recommends in the event of the granting of planning permission that a condition is attached requiring that a photographic record be made of the existing building prior to the commencement of development and that the record should be submitted to the Planning Authority.
33. Highland Council's **Environmental Health Officer** has no objection to the proposal, noting that it includes the use of a private water supply. However, it is suggested that a condition is attached to any planning permission requiring the applicant to submit –
- A report from a hydrogeologist providing calculations / predictions of the summertime flow rate of the supply and an assessment of the sufficiency of the supply for the proposed use;
  - Details of the proposed distribution system including storage provision, intermediate tanks etc.,
  - Details of possible contamination from sources such as septic tank discharge, agricultural and industrial effluent, livestock and wildlife;
  - Details of the proposed measures to protect the source, tanks etc. from contamination.
34. In a response from the **Area Roads and Community Works Section** of Highland Council reference is made to the consultation response on the original application for the change of use of the steading (Highland Council ref. no. 02/00339/FULBS, as detailed in paragraphs 9 and 10). The **Area Roads and Community Works** section remain of the view that no further dwellings should be served by the existing private access road “until such time as it has been upgraded to a standard suitable for adoption.” Notwithstanding this view, a number of conditions are recommended to be attached in the event of consideration being given to the granting of planning permission. The recommended conditions require prior to the commencement of any works being undertaken that –
- The existing access shall be upgraded to the satisfaction of the Planning Authority in consultation with the Roads Authority. The report provides specifications for the required upgrading;
  - Visibility splays shall be provided and maintained on each side of the proposed access. It is also commented that considerable works, including some earthworks, will be required to provide the necessary visibility splays.

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<sup>4</sup> Steel beams on set-back abutments with timber decking.

35. Other conditions recommended by the **Area Roads and Community Works** service include the provision of parking and manoeuvring space for at least two cars and a larger service vehicle within or close to the curtilage of the property; a requirement that a Design and Check Certificate be provided in respect of the bridge over the burn – the design shall ensure that there will be no increase in flood risk from a 1 in 200 years flood event to any properties upstream or downstream of the bridge; and a requirement that the proposed dwelling is assessed by a Chartered Engineer with regard to potential flooding.
36. **Nethybridge Community Council** was consulted on the proposal in February 2007. No response has been received to date.

## REPRESENTATIONS

37. A number of letters of representation have been received in respect of the proposed development. Mr. John Rattray, with addresses in Cheshire and also Bog of Rynerich, Nethy Bridge objects to the proposed demolition of the steading on the site. He states in his submission that the building, though old, is in good condition, “including being fully roofed (corrugated iron) and was used not only for animal housing but grain thrashing driven by a water wheel which is no longer there.” Reference is made to the site preparation undertaken by the applicants which Mr. Rattray believes has resulted in the removal of much of the land that backed onto the building which indicated the course that the water took from the wheel. The author also refers to the site preparation having damaged parts of the rear wall of the building.
38. Mr. Rattray clarifies in his letter that he does not object to the applicants developing the site for residential purposes. However he urges consideration to be given to the existing building serving some useful purpose within that development. He states that the “loss of the building would not only have an impact on the vista when approaching the Straanruie area” but would also “contribute to the loss of local history within the area in terms of the unique purpose the building had.”
39. Several letters have been received in support of the proposal. Ms. Marina Dennis of Inchdryne, Nethy Bridge refers to the applicants connections with the area where they have lived and worked for 20 years. Ms. Dennis refers to crofting and farming communities such as Tulloch needing to retain long standing and valuable members “as fewer residents will lead to increased fragility and the loss of skills and culture and may jeopardise the potential for further social development.” The submission also makes reference to Tulloch being a well defined crofting township “with 2 common grazings and small clusters of houses and scattered farms and crofts” with Straanruie being one such well established and attractive cluster. It is also suggested in the submission that if the structure on the site is not



demolished and replaced, the “alternative is a derelict and despondent ruin” in the community.

40. James and Freda Grant of Tulloch, Nethybridge state that they are writing in support of the applicants proposal to “convert the existing steading at Straanruie to become a dwelling.” Mr. and Mrs. Grant previously owned the steading and their submission provides some background to their decision to apply for permission in 2002 to convert the steading to a dwelling house. The decision was taken on the basis that the small steadings on their land, including the Straanruie property, were no longer suitable for the required agricultural purposes. Once planning permission was granted, the property was sold to the current applicants, without going on the open market, as Mr. and Mrs Grant wished to ensure that it was sold to someone living and working in the area. Towards the conclusion of the letter, the authors refer to the engineers report advising against conversion of the building and the intentions of the applicants to use stone from the existing building which the authors state they have “no doubt will create a suitable and sympathetic building which will look well in the surroundings.”
41. Carole and Adam Park–Elliott of Straanruie, Nethybridge suggest in their submission that the development would be very much in keeping with the area and that the applicants and their family would be a real asset to the small hamlet of Straanruie.
42. Ms. Isobel Cameron and Ms. Mona D. Cameron, also of Straanruie state that they have known the applicants since 1988 and that they would be a “great asset” to the community and that they look forward to having them as new neighbours. The submission states that “having a new building in place of the present run-down byre would certainly enhance the environs.”
43. Ms. Jessie C. Millar of Straanruie expresses support for the application in her letter of representation, stating that she considers the house an asset to the site. Reference is made to the applicants both having “responsible jobs and having lived and worked in the area for the past twenty years and continue to do so, also raising a family responsibly.”
44. Ms. Aileen Fox of Tulloch, Nethybridge has also written in support of the proposal. Reference is made to the existing building being unsafe and that it would “if left eventually fall into disrepair.” She considers that it would be an improvement to the site if the building were re-built using the original stones and she also suggests that there are “some excellent stonemasons in the area who would execute the rebuilding to a high standard.” Reference is made to the fact that a number of houses in the Tulloch area have been or are being built using only new building materials and designs, and not local stone. Ms. Fox suggests that the proposal to re-build using original stone “seems to be an enlightened and sympathetic architectural solution.”

45. The other aspect of the letter of support from Ms. Fox concentrates on the personal circumstances of the applicants, referring to Mr. Dugan's employment at Abernethy RSPB reserve, his working hours and it is also stated that "there is an expectation that one of the applicants sons "will be employed locally in land management and continue for some time to live in the family home." Ms. Fox concludes her letter with a request that the National Park Authority "will be sensitive to the future requirements of a local family such as Mr. and Mrs. Dugan."

## APPRAISAL

46. There are a number of issues to consider in this application, including the principle of a new dwelling house in this restricted countryside area, the demolition of a traditional steading which already has the benefit of an existing planning permission for a change of use to a dwelling house, and also design issues associated with the proposal for the new dwelling house.
47. The planning policy context is clear that the site is located within a restricted countryside area where dwellings would not normally be allowed without a land management justification. Based on the case put forward by the applicants, where Mr. Dugan is one of a workforce of 24 full time equivalents at the nearby RSPB Reserve and where the evidence provided has demonstrated that he performs a variety of duties, not all of which are land based I cannot form the view that there is a sufficient land management case associated with this planning application to allow it to be treated as an exception to the normal presumption against housing in this restricted countryside area. Although a letter of support has been submitted from the applicants employers, RSPB Scotland, in which reference is made to the applicants playing a major role at Abernethy Reserve, it does not indicate that their residency on or within close proximity of the reserve is an essential requirement. Clearly, other employees on the reserve live outwith the immediate area as reference has been made for example in the letter from RSPB Scotland to the Assistant Warden living in Tomatin. In the event of the applicants working circumstances being accepted as a sufficient land management case, it would set a precedent for the acceptance of land management cases for all employees on this or other reserves in the event of them bringing forward proposals for housing in areas identified in Restricted Countryside in the existing **Badenoch and Strathspey Local Plan** (1997).
48. In addition to concerns regarding the principle of a new house in this Restricted Countryside Area, the second issue of concern is in relation to the proposed demolition of the steading on the site. The steading is in a prominent and open position in Straanruie and is essentially the first building visible on the approach to this rural hamlet. As detailed in earlier sections of this report the structure is reasonably intact. It is

regrettable that site works and excavations have resulted in changes to the actual landform immediately adjacent to the steading, in particular the removal of hummocky ground which previously abutted the southern wall of the steading and which may have impacted on the actual property. It is accepted that there are some structural concerns associated with the steading as referred to in the brief statement prepared by a structural engineer. However, the details provided are quite limited and on the basis of such little information, I remain unconvinced of the case for the demolition of the steading. The applicants were invited to submit a more detailed justification for the proposed demolition of the steading, including further comprehensive details on the structural condition as well as annotated drawings and details of the works necessary to rectify any structural problems detailed (please refer to CNPA letter dated 2<sup>nd</sup> April 2007 at the rear of this report). No further information was provided on this matter and the applicants have indicated that they wish to have the proposal considered on the basis of the structural information originally submitted. I therefore continue to have concerns regarding the proposed demolition of a relatively intact traditional steading which is an important part of the cultural heritage of the area, in circumstances where its demolition has not been adequately justified and where the structure has, as already detailed, the benefit of full planning permission for a change of use to residential purposes. On the basis of current information relating to the steading, to consider permitting its demolition would be contrary to the first aim of the National Park which requires the conservation and enhancement of the cultural heritage of the area.

49. Although it is accepted that a unique set of circumstances are associated with each steading in terms of their setting, structural condition etc., it is worth noting that there have been a number of instances within the National Park where permission has been granted for the conversion of steadings (and in many instances additional extensions), sometimes of a far less intact nature, to residential accommodation, with many of those projects now having been completed. Two particular examples are Ballieward Steading<sup>5</sup> and Easter Tombain Steading,<sup>6</sup> both of which are to the north of Grantown on Spey. Both properties have now been constructed. In both instances, residential accommodation was achieved through the utilisation of the existing structure or remains, and the addition of an extension.

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<sup>5</sup> CNPA planning ref. no. 04/087/CP refers. Full planning permission was granted in May 2004 for alterations and extension of steading. In a somewhat similar situation to the current application at Straanruie an application for a change of use of the steading at Ballieward was approved by Highland Council in 2002. The application did not include any drawings regarding the alterations and extensions proposed. The permission instead included a condition requiring the submission of an application including those details. The resulting application was 04/087/CP.

<sup>6</sup> CNPA planning ref. no. 05/445/CP refers. Permission was granted for approval of reserved matters in January 2006 for alterations, rebuilding and extension to outbuildings to form a dwellinghouse.



Fig. 10 : Ballieward Steading



Fig. 11 : Easter Tombain Steading

50. The property at Straanruie is extremely limited in size and I accept that it would be unrealistic to attempt to provide residential accommodation capable of accommodating the applicants and their family solely within the confines of the existing structure. In the instances referred to at Ballieward and Easter Tombain appropriately designed extensions were permitted in order to provide adequate living accommodation. The potential for a similar approach at Straanruie does not appear to have been explored in any great detail or has been discounted, despite the fact that it is an approach which would not only have the potential to meet with applicable planning policy, but would also have the benefit of safeguarding the integrity, form, character and scale of the original structure, and thereby also assist in conserving the cultural heritage of the area.
51. In comparison to the likely potential benefits offered by a conversion of the original structure including where necessary a sensitively designed extension, the current proposal is for a new dwelling house, which would essentially result in the loss of a structure which is part of the cultural identity of the area. It is necessary to acknowledge that efforts have been made in the course of this application to echo certain elements of the Steading. Examples include the positioning of the northern wing of the new dwelling on a similar footprint to the Steading and also the applicants recent commitment to the use of stonework on increased areas of the new building, as well as some changes to the fenestration proposed. However, the design is nonetheless that of a relatively large modern bungalow, which does not reflect the proportions and overall character of the Steading that is to be demolished. Contrary to the suggestion in letters of support, the design does not represent the re-building of the Steading.
52. In conclusion, the proposal for a new dwelling house in this location is unacceptable in planning policy terms, and its construction would result in the demolition of a Steading of significance in terms of local cultural heritage. On the basis of planning policy and the aims of the Cairngorms National Park it is not therefore possible to recommend approval of planning permission for the current proposal.

53. It is clear from supporting documentation, as well as a number of letters of representation that the applicants and their family are long standing members of the local community and that it is their intention and desire to continue to reside in the area in the long term. Whilst I am mindful of the level of support for the proposal from residents of various neighbouring properties at Straanruie, much of the sentiment of the letters of support focuses on personal or emotional issues rather than planning issues. A recommendation of refusal of planning permission on the basis of non compliance with planning policy or the aims of the Cairngorms National Park does not preclude the applicants from the opportunity of providing themselves with residential accommodation at their chosen location in the future. The site already has the benefit of planning permission for the conversion of the steading to residential accommodation, and as detailed in earlier sections of this report planning policy applicable to the area would support an appropriately designed extension to the steading where necessary.

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

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

54. The development proposal would result in the loss of a traditional stone steading which is one of the key buildings within the hamlet of Straanruie. The proposal would not therefore contribute towards the conservation of the natural heritage of the area.

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

55. There is an indication that a substantial quantity of the external materials proposed would be sourced within the immediate vicinity of the site.

### **Promote Understanding and Enjoyment of the Area**

51. The development proposal does not make any particular contribution towards the achievement of this aim.

### **Promote Sustainable Economic and Social Development of the Area**

56. The location of an additional house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.



## RECOMMENDATION

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

**Refuse full planning permission for the demolition of a steading and the erection of a new dwelling house at Byre, Straanruie, Nethybridge for the reasons detailed hereunder –**

1. The proposal is contrary to Policy 2.1.2.3 of the Badenoch and Strathspey Local Plan (1997) as it is in a location which is identified as a Restricted Countryside Area where there is a strong presumption against the development of houses, other than in exceptional circumstances. The circumstances detailed fail to provide an adequate land management justification to allow consideration to be given to the proposal as an exception to the policy on new housing applicable to the area. If approved the proposed development would set a precedent for further unjustified new housing in restricted countryside areas and would also encourage the sporadic siting of such 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 area.
2. The proposed development would result in the loss of a traditional steading which occupies a prominent position on the periphery of the dispersed rural hamlet of Straanruie. The proposed new dwelling by reason of its overall design and general proportions does not represent a re-building of this traditional structure. The proposed development would fail to conserve or enhance the cultural heritage of the area and would not therefore be consistent with the first aim of the Cairngorms National Park. The proposed development would also be contrary to the strategic objectives of the Cairngorms National Park Plan, which requires in relation to the built environment that new development enhances “the character, pattern and local identity of the built and historic environment.”

### **Determination Background :**

The application was called in for determination by the Cairngorms National Park Authority on 26<sup>th</sup> January 2007, at which time the consultation process was initiated. Further to the receipt of consultation responses and a thorough assessment of the development proposal, a detailed letter was issued on 2<sup>nd</sup> April 2007 by the CNPA planning section requesting further information on a number of issues. Various aspects of the required information were submitted on a number of separate occasions. The application was originally targeted for determination at the CNPA Planning Committee meeting of 4<sup>th</sup> May. This was not possible however due to agenda size and consequent scheduling difficulties. Determination at the Committee meeting of 1<sup>st</sup> June was offered, but due to personal difficulties in attending the meeting the applicants expressed a preference for determination at the meeting of 29<sup>th</sup> June. A meeting was also held with the applicant on 7<sup>th</sup> June 2007 to discuss the proposal and drawings showing design amendments were received on 13<sup>th</sup> June 2007.

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### **20<sup>th</sup> June 2007**

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.