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## CAIRNGORMSNATIONALPARKAUTHORITY

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**Title:** REPORTONCALLED -INPLANNING  
APPLICATION

**Preparedby:** MARY GRIER (PLANNING OFFICER,  
DEVELOPMENTCONTROL)

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**DEVELOPMENTPROPOSED:** RE-ESTABLISHMENT OF ORIGINAL  
FARMINCLUDINGERECTIONOFANEW  
DETACHED 1 ½ STOREY DWELLING  
HOUSE AND ADETACHEDGARAGE AT  
BALACHROICK,GLENFESHIE  
(OUTLINEPLANNINGPERMISSION)

**REFERENCE:** 05/279/CP

**APPLICANT:** MR.&MRS.MSLANEY,  
C/O RAVENSCROFTDESIGN,  
MAINSTREET,NEWTONMORE.

**DATECALLED -IN:** 1<sup>st</sup> JULY2005



**Fig.1 -LocationPlan**

## SITE DESCRIPTION AND PROPOSAL

1. The development proposal is for outline permission for the erection of a 1 ½ storey dwelling house and detached garage on land located at Balachroick, Glen Feshie. It is close to the extremity of the public road network, with the road terminating approximately 3.6 km south of the site. The subject site is to the north of Glenfeshie Hostel, which was originally the farmhouse associated with Balachroick and was apparently sold some years ago. The proposed site is set back from the public road, with a small agricultural shed and sheep pens existing in the area between the site and the public road. The land rises to an isolated hillock immediately to the rear of the remains of the shed, before descending to flatter land to the west. A belt of mature ash trees is located to the south of the site and forms a boundary between it and the neighbouring tourist hostel. A mature forestry plantation exists to the north of the proposed site, and there is a dwelling house on the opposite side of the public road, known as Balachroick Steading.
2. As the proposal is for outline planning permission, the submission does not include design details. However, the site layout plan shows the footprint of quite an intricate dwelling house design. Information contained within the application form indicates that the exterior of the proposed dwelling house would have a white wet dash harl finish, with a slate roof. A new septic tank is proposed, which would drain to a soakaway pit/perforated pipe system, and a private water supply is to be provided by pumping from a burn in the field below the site. Access to the site from the public road would be taken from the existing agricultural access to the land, which would require upgrading and would also necessitate the development of a driveway extending approximately 50 metres into the proposed site.
3. The dwelling house and detached garage is proposed on land that is currently part of a larger land holding farmed by the applicants, Mr. and Mrs. Slaney. The overall land holding currently consists of three former smaller farms – Coranstillbeg, Balachroick and Balnascriten. According to information submitted on behalf of the applicants, the farms were amalgamated to form one unit 26 years ago. Mr. Slaney now plans to concentrate his farming skills on the larger unit at Coranstillbeg on the western side of the Feshie River, and intends to sell, in separate units, the land at Balachroick (consisting of 23.28 ha.) and Balnascriten (consisting of 29.68 ha.), each as “viable business propositions”. It appears that the applicants are applying for outline planning permission for a dwelling house on each of the units in an effort to enhance the sale prospects. The proposal for a dwelling on land at Balnascriten, which is located approximately 1 km south of the proposed Balachroick site, has also been called in for determination by the Cairngorms National Park Authority (ref. no. 05/280/CPrefers).



Fig.2: Existing sheepfanks between roadside and proposed site

4. The application documentation includes an Operational Needs Assessment prepared by the Scottish Agricultural College. It outlines the applicants intentions to put the unit on the market as a small farm and goes on to state that *“ there is a small shed and sheep fank at Balachroick but the previous farmhouse was sold, thus a new house and associated farm buildings would be required to run the farm ”*. The 23.28ha. farm consists of three large fields that are described as being flat, well drained and currently in grass. The land is not farmed intensively at present and is grazed by sheep over the summer and winter. In terms of future potential agricultural use, the report states that the ‘farm’ is capable of carrying a mixture of cattle and sheep and including a small area for the growth of hay/ silage to provide winter feed. It also suggests that small areas of turnips could be grown on rotation around the farm. It estimates that a total of 1,351 labour hours per annum would be required. The report concedes that a labour unit is 2,200 hours and therefore the estimated labour hours equate to approximately 0.61 labour units. The Operational Needs Assessment summary concludes that Balachroick Farm would *“ benefit from having a farm house sited within the unit to ease the running of the farm and improve the overall management of the farming operations. ”*

## DEVELOPMENT PLAN CONTEXT

5. **Highland Structure Plan 2001, Policy H3** states that housing will generally be within existing and planned new settlements. New housing 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 have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **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.

6. The proposed development is located within the Cairngorm Mountains National Scenic Area (NSA), and is also within approximately 350 metres of the River Spey Special Area of Conservation (SAC) and the River Feshie Site of Special Scientific Interest (SSSI). **Policy N1 on Nature Conservation** therefore applies, which requires that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible.
7. Highland Council's **Development Plan Policy Guidelines (April 2003)** provides more detailed guidance on the interpretation of specific policies contained in the 1997 Local Plan, in light of the subsequently approved Structure Plan of 2001. This document states that new housing in the open countryside will be exceptional, and will only be permitted (in accordance with National guidance and the approved Structure Plan policy) where, amongst other specific circumstances, it is required for the management of land, or it is required for family purposes related to the management of land (retired farmers and their spouses). In relation to land management criteria the **Development Plan Policy Guidelines** stress that "new housing will only be regarded as essential where it is related to material planning considerations" and that the "personal preferences or financial circumstances of any individuals involved are not material planning matters." It further details the fact that any proposal for new housing in the countryside associated with land management activities "must demonstrate that a sequential approach to identification of the need for that house has been followed", and this should involve consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing dwelling house. In addition the guidelines also state that any approval granted on the basis of exceptions related to the management of land and related family purposes will be subject to an occupancy condition.
8. **The Badenoch and Strathspey Local Plan (September 1997)** – the subject site is on land identified in the Local Plan 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 all sensitive 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.

## CONSULTATIONS

9. **Highland Council Planning Officers** wrote to the applicants on two occasions prior to the Cairngorms National Park Authority calling in the application. Firstly, the applicants were provided with copies of letters of representation and were invited to reply to the points raised, which they duly did. Also, on June 29<sup>th</sup> a letter was issued by the planning officer referring to the Operational Needs Assessment submitted and requesting confirmation from the Crofters Commission that the unit is a viable farming operation and also requesting clarification from the Commission as to whether or not a new dwelling would be required in order to ensure its effective operation. The response received stated that the farmland is not a croft and the applicants “have no dealings with the Crofters Commission.”
  
10. The **Area Roads and Community Works** section of Highland Council have examined the proposal and have expressed concern that the proposed development is located at the extremity of the public road network and is served by a long, narrow and poorly constructed access track. However, despite such reservations several conditions are recommended to be included in the event that Members are reminded to approve the proposal. Conditions include the formalisation of the existing access and its upgrading at the junction with the public road, and the provision and maintenance of satisfactory visibility splays on each side of the access (3m x 70 metres is required). Provision is also required for the parking and manoeuvring of larger service vehicles within or adjacent to the site or alternatively by the incorporation of a roadside service bay at the junction with the public road. The majority of works required are outside the identified site boundaries and the response from the **Area Roads and Community Works** section includes a note referring to the fact that control of the land necessary to meet the conditions has not been investigated and will require to be determined.



**Figs.3&4: Existing access arrangements**

11. The Forestry Commission has commented on the application following receipt of a neighbour notification. Whilst the Forestry Commission generally have no objection to the proposal, a number of comments are made which they wish to be taken into account, including
- (i) the fact that services to and from the proposed development should not interfere with the Forestry Commission's ability to manage its adjacent forest lands;
  - (ii) reference to the adjacent forest being a managed crop where felling and replanting will inevitably take place, which would affect views and shelter at the proposed development;
  - (iii) the fact that the adjacent forest contains wild deer which are likely to stray onto the development site.

## REPRESENTATIONS

12. In addition to the correspondence received from the Forestry Commission in response to a neighbour notification, two letters of representation has also been received - one from the owner of the existing dwelling house opposite the proposed site, and another from the proprietor of the Glenfeshie Hostel.
13. R.B. and E.D.T Galloway of Balachroick Steading state that they have "no wish to have a house inserted into (their) westward view over the glen". They raise three points to be considered in the event that the Planning Committee are 'minded to grant permission'. They suggest that the proposed dwelling house could be relocated to a visually less prominent position westwards onto flat land and refer to the fact that "*other houses on this side of the glen give a precedent for building on the flat ground one 'step' below road level*". Examples listed include the original farm house at Blackmill and the traditional properties at Balnascriten and Achlean. The second point which they wish to have taken into consideration is a request that any permitted dwelling be restricted to single storey in order to reduce its prominence and ensure that the original Balachroick farm house (now Glen Feshie Hostel) remains the visually dominant building in the area. The third point raised is a concern that the dwelling house if permitted should not be taken to constitute a precedent to build further houses. The letter of representation concludes with a reference to a group of mature ash trees along the southern boundary of the site and a suggestion that the preservation of these trees should be required.



Fig.5: flatterland to the rear of site Fig.6: original Balachroick from west

14. The second letter of representation, from Jean Hamilton of Glenfeshie Hostel, raises concerns in relation to the proposed development, and also makes reference to similar development proposal at Balnascriten. It is stated that the application would contravene the Badenoch and Strathspey Local Plan 1997, under which "permission for new housing in the area is granted only in exceptional circumstances." Concerns are expressed that although the stated purpose of the proposed development is the re-establishment of a farm, there appears to be no provision for outbuildings associated with a farm, and it is suggested that it is likely that the proposed dwelling would become the property of holiday home owners and would not therefore be of any benefit to local people trying to find accommodation in the glen.
15. The author states that the development proposal would be to the detriment of the character of the National Park, particularly as the sites at Balachroick and Balnascriten are "at the furthest point of the road up the glen" and "their visibility and untraditional appearance would also impact negatively on those visiting the area." Concern is also expressed that access requirements at the proposed Balachroick site "might endanger a fine stand of mature ash trees."
16. In addition to concerns regarding the impact of the proposed development on the National Park, the author also comments from a more personal perspective as owner of the adjacent Glenfeshie Hostel, that visitors to her premises come for the seclusion of the glen and its unique landscape.



Fig.5:(from L –R)Glenfeshie Hostel,proposed site to the rear of belt of mature ash trees,existing access which requires upgrading,with forestry land to the north.

## APPRAISAL

17. The proposed development is essentially for a dwelling house in a restricted countryside area. The key issue to assess in this application is the principle of a dwelling house on this site in relation to development policies. The assessment will also reflect on other issues such as general siting, visual impact, amenity, road access and the precedent that such development may set.
18. In terms of planning policies the site is located in a Restricted Countryside Area, where there is a strong presumption against individual new houses, unless it can be demonstrated that it is required for the management of land and related family purposes. It is clear from the details submitted that the proposed development is not required for the applicant's use. The applicants no longer require the 23 ha. parcel of land at Balachroick and intend to sell it. The securing of planning permission for a dwelling house would obviously enhance the saleability of the land. As has been referred to earlier in this report, it should also be borne in mind that the original farmhouse associated with Balachroick has already been sold off (and is now operated as the Glenfeshie Hostel), and in addition, the applicants also have a similar further application before the CNPA for consideration, where the land at Balnascrickeen is also intended for sale.
19. The Highland Council's **Development Plan Policy Guidelines** include a detailed section on 'Land Management Criteria for Housing in the Countryside.' In particular it is stated that "the subdivision of large farms to small holdings will not be acceptable unless it can be substantiated by analysis and in particular in terms of the man hours worked and the level of economic dependency." The analysis involves



a functional test to determine the scale and nature of the enterprise and a financial test to determine the viability of the enterprise. The Operational Needs Assessment submitted as part of this current application fails to provide any financial evidence to demonstrate that a farm business on this subdivided landholding would be financially viable, and indeed as the applicants intend to sell the subdivided land, it would be impossible for them to guarantee that a potential purchaser would or could operate the land as a farm or whether or not the operation of such an enterprise would be on a planned financial basis. As regards the functional test referred to in the **Development Plan Policy Guidelines**, the Operational Needs Assessment estimates that a total of 1,351 labour hours per annum could be expended on the farming enterprise. This fails to equate to the full time employment of even one worker.

20. In summary the principle of a new dwelling house at the proposed location is considered to be unacceptable as it fails to comply with the planning policies applicable to this Restricted Countryside Area. Despite the fact that the applicants may have genuine reasons for wishing to reduce the size of their existing farm through subdivision and the subsequent sale of two out of the three land units which have made up the farm for the past 26 years, the proposal for a new dwelling house and garage at the proposed location is essentially for speculative purposes. It is not required in order to meet the applicants own land management needs, and as they intend to sell the proposed development site they would not be in a position to enter into an occupancy condition, which would normally be imposed on dwelling houses permitted in a restricted countryside area. The Operational Needs Assessment provides only elementary information on the potential opportunities for the operation of the landholding at Balachroick and lacks any satisfactory evidence on the need for a new dwelling house at the proposed location in order to carry out farming activity on the landholding. Indeed, information submitted in the course of this application suggests that it has been possible for the applicants to carry out farming practices at Balachroick whilst living remote from the location for the past 26 years. It is only due to advancing years and a personal desire to reduce their workload that the applicants no longer intend to continue such operations.
21. Aside from the principle of a dwelling house in this restricted countryside area, there are a number of other concerns also associated with the proposal. It is not possible to comment on design issues at this outline stage. As regards the proposed siting, the site layout plan fails to include site contours to ascertain the precise location of the existing hillock to the rear of the sheepfanks in relation to the proposed siting of the dwelling house and garage. However, in a letter received from the agent it is stated that "the existing ground level would be reduced in height to form a level base for a new dwelling." It is considered that such works would be likely to create a scar on the landscape through the eradication of a natural landform in the area. In

general, the proposed siting would have the potential to form an obtrusive and prominent feature in this rural landscape, and it is not therefore considered to demonstrate compliance with standard siting and design objectives. As has been highlighted in the submission from the Forestry Commission, the adjacent forest is a managed crop in which trees will be felled and replanted, thereby affecting views of the site.

22. Also, as detailed earlier in this report the **Area Roads and Community Works** section of Highland Council have also voiced concern. The report from that section concedes that conditions recommended requiring improvements to the proposed access etc. can be satisfied in engineering terms. However, I am concerned by the fact that some of the improvement works required would take place outside the identified site boundaries, on land that is not within the ownership of the applicants.
23. When taken in conjunction with the existing original Balachroick dwelling house and the converted steading opposite, it is considered that the proposed development would lead to the appearance of overdevelopment in this rural area, which it should be borne in mind is also located within the Cairngorm Mountains National Scenic Area. This excessive level of development would be inconsistent with the normal pattern of dispersed development in the area.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

24. The erection of a dwelling house and garage would adversely affect the character and therefore the natural heritage of the countryside in this location and potentially set a precedent for further applications that could further erode the character of the area, and adversely affect the landscape quality within the Cairngorm Mountains National Scenic Area.

### Promote Sustainable Use of Natural Resources

25. Details of the new buildings are not sufficient to assess compliance with this aim.

### Promote Understanding and Enjoyment of the Area

26. It is considered that the development would create the appearance of uncharacteristic overdevelopment in a countryside location and would have the potential to adversely affect the enjoyment of the views and the special rural characteristics of the area by the general public.

## Promote Sustainable Economic and Social Development of the Area

27. The location of another single 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

### That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for the erection of a new detached 1 ½ storey dwelling house and a detached garage at Balachroick, Glen Feshie for the following reasons -

- (i) The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Scottish Planning Policy 15 - Planning for Rural Development, 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. The proposed dwelling house and associated garage is not required by the applicants for the purposes of land management or related family or occupational reasons, and if approved 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.
- (ii) That the proposed development has the potential to become a prominent feature in this rural landscape and in addition its proposed siting would give rise to the appearance of overdevelopment in the vicinity and would be contrary to the general pattern of dispersed settlement in the area. The proposal therefore fails to adhere to good principles of siting and design, to which adherence is essential in this designated landscape of the Cairngorm Mountains National Scenic Area. As such it would be contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001), and would detract from the enjoyment of the special rural qualities of this area by the general public and would therefore be contrary to the aims of the Cairngorms National Park.

**Mary Grier**  
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**22<sup>nd</sup> July 2005**  
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