
CAIRNGORMSNATIONALPARKAUTHORITY

Title: REPORTONCALLED -INPLANNING
APPLICATION

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DEVELOPMENTCONTROL)

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

REFERENCE: 05/280/CP

APPLICANT: MR.&MRS.MSLANEY,
C/ORAVENSCROFTDESIGN,
MAINSTREET,NEWTONMORE.

DATECALLED -IN: 1st JULY2005

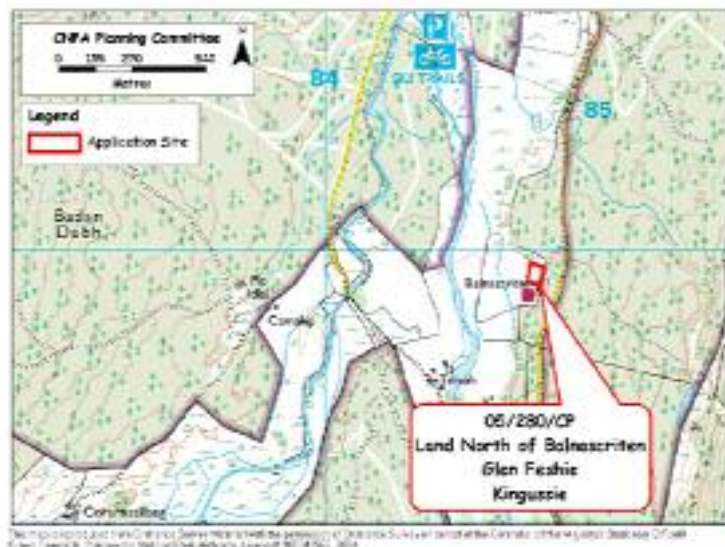


Fig. 1 -LocationPlan

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 Balnascriten, Glen Feshie. It is at the extremity of the public road network, with the road terminating approximately 2.5 km south of the site. Access to the site from the public road is gained via an existing narrow and poorly constructed forestry track. The track descends for approximately 200 metres from the public road through a forested area, before emerging on more open land above the floodplain of the River Feshie to the west. One dwelling house – a traditional single storey property, exists at the end of the track and is located to the south of the proposed site. This property was the farm dwelling originally associated with Balnascriten and has since been sold and is in use as a holiday home. The ruins of a steading occupy the land between the proposed site and the existing dwelling house. A portion of the steading is also incorporated into the identified site boundaries of the current application. The land rises to the rear (east) of the proposed site and it has the benefit of a backdrop of an existing mature forestry plantation. The land to the west of the site drops steeply to a large level field, which is used for grazing purposes at present, and extends beyond a burn to the Feshie River.



Fig.2: Ruins of steading and proposed site to rear



Fig.3: Existing dwelling to the south

2. As the proposal is for outline planning permission, the submission does not include design details. However, the site layout plan shows quite an intricate dwelling house footprint. Information contained within the application form suggests 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 via pumping from a burn in the field below the site.
3. The land on which the dwelling house and detached garage are proposed is currently part of a larger landholding that is farmed by the applicants, Mr. and Mrs. Slaney. The overall landholding consists of three smaller farms – Corarnstilbeg, Balachroick and Balnascriten. 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 two 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 Balachroick, which is located approximately 1 km to the north of the proposed Balnascriten site, has also been called in for determination by the Cairngorms National Park Authority (ref. no. 05/279/CPrefers).



Fig.4: agricultural land at Balnascriten

- An Operational Needs Assessment prepared by the Scottish Agricultural College has been submitted with the application documentation. 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 derelict farm building at Balnascriten but the previous farmhouse was sold, thus a new house and associated farm buildings would be required to run the farm.*” The 29.68 ha. farm includes part of the Feshie River and two large fields that are described as being flat, well drained and currently in grass. Excluding the portion of the Feshie River, the total usable agricultural area is 26.80 ha. 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. The report also suggests that small areas of turnips could be grown on rotation around the farm. It estimates that a total of 1,435 labour hours per annum would be required. The report concludes that a labour unit is 2,200 hours and therefore the estimated labour hours equate to approximately 0.65 labour units. The Operational Needs Assessment summary concludes that Balnascritan Farm would “*benefit from having*

a farmhouse 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 200 metres of a Special Area of Conservation (SAC). **Policy N1 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.

8. **The Badenoch and Strathspey Local Plan (September 1997)** – the subject site is on land which has been allocated 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 at 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. The applicants were provided with copies of two letters of representations on the development proposal and were invited to reply to the points raised, which they duly did. Also on June 29th, 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 seeking clarification from the Commission as to whether or not a new dwelling would be required in order to ensure its effective operation. The requested information was not forthcoming, other than a response stating 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, the report goes on to recommend the inclusion of several conditions in the event that Members are minded to approve the proposal. Conditions include significant upgrading of the existing access – including the formation of a bell mouth access at the junction with the public road and the achievement and maintenance of adequate visibility splays on either side of the access, upgrading of the surface of the access road, increase in the width of the access road to at least 2.75 metres wide and also the provision of passing places, and the provision of a standard turning head for larger service vehicles in close proximity to the application site. 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.



Fig 5: junction with public road
proposed site



Fig 6: access track
approaching

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 the Commission wishes to have 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.
12. **Kincraig and Vicinity Community Council** object to the proposed development, referring to the fact that the "*application appears to be for a speculative build for gain*" and that it is "*likely to be sold on the open market with a good chance of becoming another largely unoccupied holiday home*." The letter also makes reference to a recent refusal of planning permission by the CNPA - Ramsay application for one dwelling house at Balnaspick, (ref. no. 05/129/CP refers), stating that "*if this application were to be allowed, the decision would be totally inconsistent with the position taken in relation to the Ramsay application.*"

REPRESENTATIONS

13. In addition to the correspondence received from the Forestry Commission, a letter of representation has also been received from the owner of the existing dwelling house adjacent to the proposed site. Ms. Joyce M. McBryde outlines a number of objections, including loss of privacy due to overlooking; possible future implications in the event that she wishes to install a new septic tank towards the north of her property; access difficulties and possible encroachment onto her land in executing turning movements into the site, due to the gradient; perceived inaccuracies on the site layout plan; impact of increased activity on the ecology of the area; and the fact that the proposed development would set a precedent in an area of special ecological

value. The details in the letter of representation also confirm that her property was in fact the original farmhouse serving Balnascriten.

APPRAISAL

14. 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, and 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.
15. As regards the planning policies applicable to the area, as previously detailed 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 applicants use. The applicants no longer require the 29 ha. parcel of land at Balnascriten and intend to sell it. The securing of planning permission for a dwelling house would obviously enhance the saleability of the land. As mentioned previously the original farmhouse associated with Balnascriten has already been sold off, and in addition, the applicants also have a similar further application before the CNP A for consideration, on land at Balachroick which is also intended for sale.
16. 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." 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 land holding would be financially viable, and indeed as the applicants intend to sell the subdivided land, it would be impossible for them to compel a potential purchaser to operate the land as a farm, or indeed to speculate whether or not the operation of the farm 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 1,435 labour hours per annum could be expended on the farming enterprise. This fails to equate to the full time employment of even one worker.

17. 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 sub-division and the subsequent sale of two 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 Balnascriten and lacks any satisfactory evidence on the need for a new dwelling house at the proposed location in order to operate farming practices 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 activities at Balnascriten 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 carry on this practice.
18. 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. Access to the proposed site is dependant upon a narrow access track which is sub standard in terms of width, alignment and structural condition, a matter on which the **Area Roads and Community Works** section of Highland Council have also voiced concern. The report from that section concedes that conditions recommended requiring the upgrading of the access etc. can be satisfied in engineering terms. However, I am concerned by the fact that the majority of improvement works required would take place outside the identified site boundaries, on land that appears to be in the ownership of a third party.
19. It is not possible to comment on design issues at this outline stage, and while it is recognised that the existing forestry area to the immediate east of the site provides extensive screening from the southern and northern approaches on the public road east of the site, it is nonetheless considered that the proposed siting of the dwelling is inappropriate. 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. In addition, the proposed site could potentially constitute a prominent feature in the landscape when viewed from the west, particularly from the edge of Inshriach Forest where several frequently utilised pathways are in existence. When taken in conjunction with the existing original Balnascriten dwelling house and the derelict stables which are still in

existence adjacent to the site, 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 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 relatively remote rural area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

20. 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. In addition, there is a possibility that the existing adjacent ruinous structures may accommodate bats and owls, both of which are European Protected Species, and development activity in the immediate vicinity could cause disturbance.

Promote Sustainable Use of Natural Resources

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

Promote Understanding and Enjoyment of the Area

22. 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

23. 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 Balnascriten, 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. on Restricted Countryside Areas, all of which restrict new houses in the countryside unless in particular circumstances where there are 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 siting of the proposed house would give rise to the appearance of overdevelopment in this rural area particularly when viewed from areas to the west, 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 which are 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.

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Planning Officer, Development Control
18th July 2005

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