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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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(DEVELOPMENT MANAGEMENT)

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**DEVELOPMENT PROPOSED:** EXTENSION OF OUTLINE PLANNING PERMISSION 05/427/CP (TO DEMOLISH STEADING AND REPLACE WITH DWELLINGHOUSE AND SEPTIC TANK AND SOAKAWAY) FOR A FURTHER 2 YEAR PERIOD AT BLAIRNAMARROW, BALLINDALLOCH, MORAY

**REFERENCE:** 09/190/CP

**APPLICANT:** GLENAVON ESTATE, C/O BIDWELLS, ALDER HOUSE, CRADLEWOOD BUSINESS PARK, INVERNESS.

**DATE CALLED-IN:** 26 JUNE 2009.

**RECOMMENDATION:** APPROVAL, WITH CONDITIONS

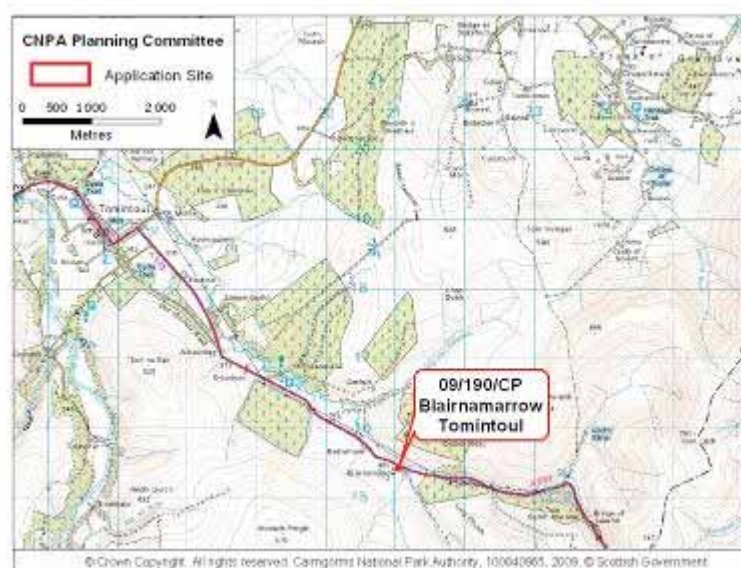


Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

### Background to the current application

1. Outline planning permission<sup>1</sup> was granted on the subject site by the CNPA in January 2007<sup>2</sup> (CNPA planning reference no. 05/427/CP refers) for the demolition of a steading and its replacement with a dwelling house and also for a septic tank and soakaway. Condition no. 1 of the outline planning permission required that a formal planning application be “submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years of the date of the final approval of all of the foregoing Reserved Matters.” The time stipulations of this condition are consistent with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997. The initial three year period was due to expire on 8<sup>th</sup> January 2010. This current application was submitted some months prior to the expiry date in order to seek permission to extend the initial time period by a further two years. The applicants were not ready at that time to proceed with an application to seek approval of Reserved Matters (now termed Approval of Matters Specified in Conditions, as of August 3rd 2009).
2. Documentation submitted in support of this planning application made reference to the planning application by Scottish Water for the redevelopment of the existing water treatment works.<sup>3</sup> The identified site area associated with the Scottish Water application is on land adjacent to and overlapping with the subject site. In light of that proposal, the agents in this current application stated “if Scottish Water’s application is successful their proposal will impact on the existing permission granted and therefore Glenavon Estate will need to review its current permission. This may require us to consider any alterations to what is currently proposed.” The CNPA granted planning permission for the Scottish Water development in August 2009 and work is now at an advanced stage on the site. A new entrance has been created off the A939 public road, and various construction operations are on going at the present time.

### Site description and site history

3. The site which is the subject of this current planning application is located at Blairnamarrow, on Glenavon Estate, just off the A939. It is approximately 6 kilometres south east of Tomintoul and 4.5 kilometres North West of the Lecht ski centre. The site extends to approximately 0.5 acres, with the existing steading set back towards the rear of the site. The front boundary of the site is set back from the existing A939, with a former ‘cut off’ section of the road and part of the Scottish Water site positioned between the public road and the site boundary. A traditional 1 ¾ storey dwelling house is located immediately to the north west of the site, and is approximately 8

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<sup>1</sup> As of August 3rd 2009, outline planning permission is referred to as ‘planning permission in principle (PIP).’

<sup>2</sup> The CNPA planning committee resolved to grant outline planning permission at the meeting of 15<sup>th</sup> December 2006. The decision notice was issued in January 2007.

<sup>3</sup> CNPA planning ref. no. 09/084/CP refers.

metres from the side elevation of the steading. The dwelling house is also in the ownership of the Estate. The existing steading is a predominantly single height L shaped structure, of stone construction under a fibre cement roof. Due to changing ground levels in the vicinity of the structure, the projecting gabled section at the front has a double height appearance. There are a number of openings in the front elevation of the structure, with two large double width door openings in the front gable. The steading is located on the highest ground on the site, with ground levels gradually ascending towards the front boundary. Groundcover is generally rough grassland.



**Fig. 2: Existing steading at Blairnamarrow**

4. Various items of information were submitted in support of the initial application seeking outline planning permission for the demolition of the steading and its replacement with a new dwelling house. Details included the structural condition of the steading<sup>4</sup> and also an indicative site plan. That site layout plan which showed the proposed new dwelling house positioned on the site of the steading. Proposals were also included for the closure of the existing entrance serving the steading and the adjacent dwelling house and the creation of a new entrance to serve the subject site and adjacent land directly off the A939 at the front of the site.



**Fig. 3: Built example of indicative house type**

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<sup>4</sup> Details provided in respect of the structural condition included statements that the “building is not structurally sound and is in danger of collapse” and that this is in “most part due to a lack of foundations coupled with poor structural integrity within the fabric of the walls.” The submission also suggested that the steading was not worthy of retention in its current state “which would be cost prohibitive.” It was also detailed that the building suffers from vertical and horizontal cracking and that the lime mortar used to bind the stonework is crumbling in places.

- Indicative plans to illustrate the type of dwelling house envisaged on the site were also submitted. The drawings submitted showed a 1 ¾ storey L shaped dwelling, with a traditional timber entrance porch on the front elevation. However, in light of concerns regarding the scale and proportions of the dwelling and the loss of the steading on the site, condition no. 2 of the outline planning permission set aside the indicative design, requiring that “the proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall reflect the form and scale of the existing structure on the site that is to be demolished.....and the use of a substantial amount of natural stone from the existing steading on the site shall be incorporated into the design.”

### New planning application

- As detailed in paragraph 1, this current planning application was submitted in advance of the expiry of the three year period of outline planning permission. As the application was not determined prior to the expiry date on 8<sup>th</sup> January 2010 and uncertainty remained as to the acceptability of the request to extend the time period of the outline permission for a further two years, the applicants took the decision to lodge an application seeking approval of matters specified in the conditions (i.e. the application type formerly referred to as Approval of Reserved Matters) to demolish the steading and replace with a dwellinghouse, including septic tank and soakaway. The application was lodged with Moray Council and registered on 7<sup>th</sup> January 2010, thereby achieving compliance with the requirements of condition no. 1 of the outline permission, which required the submission of a formal application, with detailed plans within 3 years of the date of the consent of the outline permission. The application was called in by the CNPA at its meeting of 5<sup>th</sup> February 2010 (CNPA planning ref. no. 10/025/CP).

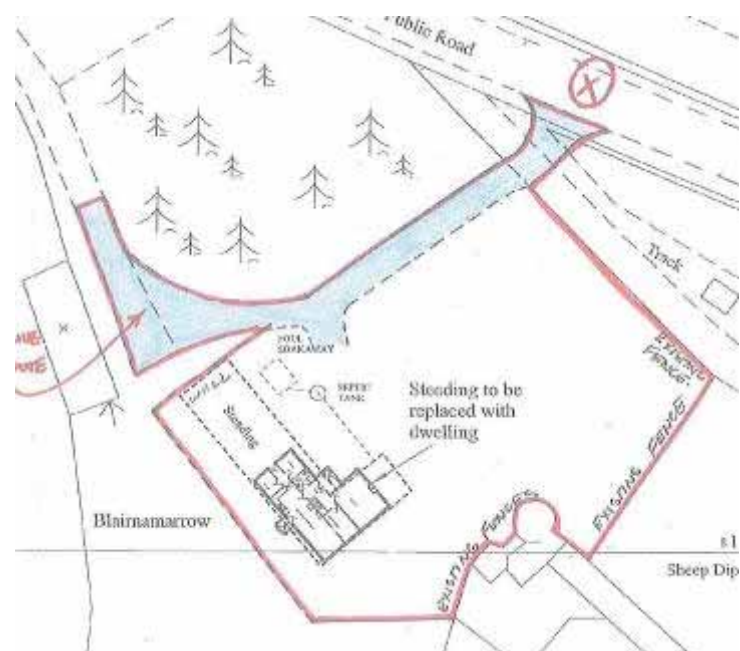


Fig. 4: Site boundaries as permitted in outline permission 05/427/CP

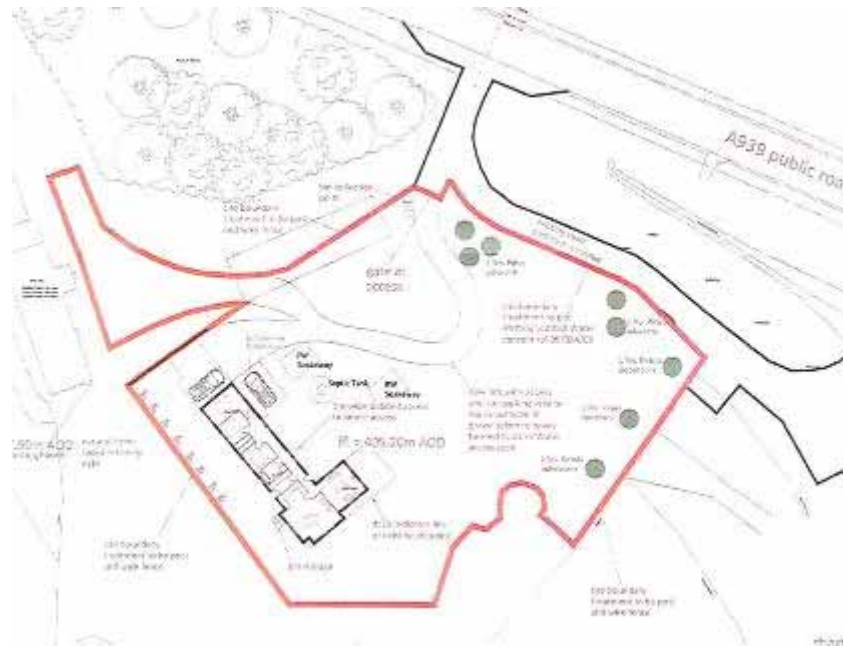


Fig. 5: Proposed site boundaries associated with 10/025/CP

7. On the basis of the assessment to date, it has become apparent that there are a number of technical difficulties associated with the planning application, including a fundamental issue of the identified site boundary differing from the site boundary in the associated application for outline planning permission (please refer to figs 4 and 5). In addition, access arrangements, particularly the necessity to utilise the new access which has been created by Scottish Water, rather than the alternative access which was indicated as part of the outline planning permission, have not been adequately addressed in the planning application. Alterations to the access provision at the site have removed the potential to comply with the outline planning permission. The only means by which recent changes in the vicinity of the site can now be competently addressed is through the submission of a new Application for Planning Permission i.e. formerly referred to as Full Planning Permission. Discussions have recently taken place between CNPA planning officials and the applicants representative. The representative / applicants are currently considering withdrawing the application for approval of matters specified in the conditions, but are anxious not to lose the benefit of outline permission on the site. They consider that this current planning application to extend the time period is the only opportunity by which to retain the benefit.

## DEVELOPMENT PLAN CONTEXT

8. In the national context, **Scottish Planning Policy**<sup>5</sup> is the statement of the Scottish Government's policy on nationally important land use planning matters. **Scottish Planning Policy** supersedes previous Scottish Planning Policy documents and National Planning Policy Guidance. Under the heading of Core Principles, a number of broad principles which the Scottish Government believe should underpin the modernised planning system are outlined and include:

<sup>5</sup> February 2010

- The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. Para. 33 of **Scottish Planning Policy** focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
10. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
11. Paragraphs 92 – 96 of **Scottish Planning Policy** discusses the subject of Rural Development, noting that the planning system has a significant role to play in supporting sustainable economic growth in rural areas. It is advised in paragraph 94 that “opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result in a cohesive grouping.” It is also stated that modernisation and steadying conversions should not be constrained within the original footprint or height limit unless there are compelling design and conservation reasons for doing so.
12. **Planning Advice Note 72: Housing in the Countryside** sets out its purpose to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. **PAN 72** identifies the conversion or rehabilitation of rural buildings as an example of one of the main opportunities to accommodate housing in the countryside. It details the benefits of this type of activity including bringing a building back to life whilst also providing an opportunity to sensitively conserve the built heritage. **PAN 72** provides advice on factors such as scale, materials and design.
13. **PAN 67** discusses **Housing Quality** and although a lot of the guidance contained therein is directed towards larger scale developments than the current proposal, many aspects of it can be applied to all house building activity. The creation of a sense of identity and place is encouraged as well as creating a sense of what is distinctive about the locality and the region. To achieve this, there are five essential components to be taken into account – layout, landscape, scale and mix, details and materials, and maintenance. In

terms of landscape **PAN 67** highlights the contribution of landscape design to environmental quality, particularly where it begins to mature. It advises however that landscape design cannot compensate for poor layout and design. Developers are advised to consider landscape as a part of the design and layout from the outset of the development process. With reference to details and materials, **PAN 67** warns that the quality of development can be spoilt by poor attention to detail and advises that "important aspects include building styles, the detailed design of features such as doors, windows and porches, and the texture, colour, pattern, durability and ease of maintenance of materials."

#### **Moray Development Plan – Structure Plan**

14. Chapter Two of the Structure Plan deals with the Environment. The subject site is the Speyside Area of Great Landscape Value and the Structure Plan advises that any development proposals within such areas will be required to incorporate best principles of siting and design. **Policy S/Env 3: Scenic Designations** asserts that "areas of scenic quality will be protected from inappropriate development."
15. In terms of the Built Heritage, **Policy S/Env5** states that the "Council will seek to conserve and promote Moray's built heritage as a valuable, but finite resource and shall encourage enhancement, active use and access to building heritage wherever possible."
16. On the subject of housing, the **Moray Structure Plan** operates a presumption in favour of housing in the countryside in rural areas in the south and east (**Policy S/H4**) in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings.
17. The **Structure Plan** also contains Development Control policies applicable to a proposal of this nature. **Policy L/IMP2: Development in Rural Areas** requires that proposals are compatible in terms of character, amenity and design and integrate sensitively into the environment.

#### **Moray Development Plan – Local Plan**

18. **Policy L/ENV 7** of the Local Plan states that development proposals within Areas of Great Landscape Value will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the landscape character of the area. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application.

19. On the subject of the Built Heritage, the Local Plan contains a section on Vernacular Buildings<sup>6</sup> and **Policy L/ENV16: Local Buildings (not protected by statute)** states that the Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and redevelopment. In assessing the merits of retaining such buildings, regard will be had to
- (i) The condition and suitability of the building for re-use; and
  - (ii) The contribution of the building to its existing setting i.e. the value of the building to the character of its location.

It is also stated in **Policy L/ENV 16** that it may be condition of demolition that building materials are recycled and a measured and / or photographic survey be undertaken prior to demolition.

20. **Policy L/HC2: Re-Use of Derelict Sites and Existing Buildings** provides detailed policies which are compatible with the policies applicable to Local Buildings. The policy states that the "Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills etc. where the renovation of the original building is sensitively designed and is to form the core of the new development." It is the Council's policy to normally seek the restoration of an existing building in preference to demolition and re-development, and in particular where a building is considered to be of some architectural merit locally and is considered structurally sound for residential use, "the Council will resist proposals to replace it, and may insist on renovation and re-development."
21. **Policy L/HC2** also addresses the principle of replacement of an existing building, which will only be accepted where there is visible evidence of the structure of the existing building. In such instances, it is advised in the Local Plan that the siting of a new dwelling should be similar to that of the previous building in terms of orientation and distance from the road.
22. **Policy L/ED16** requires that proposals in countryside locations demonstrate the landscaping measures that will be undertaken to assist with the integration of the site into its rural setting, as well as providing on-site amenity.
23. The Local Plan includes an extensive policy section on Development Control, providing guidelines on character, amenity and design, with the latter primarily referring to new building design.

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

24. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25

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<sup>6</sup> The Moray Local Plan defines Vernacular Buildings as "those which epitomise local character but are offered no statutory protection."



year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park.

25. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them.

## CONSULTATIONS

26. As this planning application is essentially seeking consent for a time extension to an existing outline planning permission, it does not raise any new issues. Therefore, the extent of consultations carried out has been limited, with the guidance and recommendations received in the course of the initial planning application remaining applicable at the current time. The following paragraphs therefore provide a brief summary of consultee responses received in respect of CNPA planning reference no. 05/427/CP.
27. **Scottish Natural Heritage (SNH)** had no objection to the proposal. Reference was made to the site being located approximately 100 metres from the Conglass Water which is a tributary of the River Spey which has been included within the extension of the River Spey Special Area of Conservation.<sup>7</sup> The consultation response assumed that any work undertaken at the site would be carried out in accordance with best working practice guidelines and advises that the developer should be advised of SEPA's Pollution Prevention Guidelines for working in or near watercourses, which should ensure that no pollutants are released into the river that could adversely impact on the qualifying features of the SAC.
28. **SNH** also made reference to European Protected Species, and in particular bats at the site. The Wildlife and Countryside Act 1981 (as amended) provides full protection for certain animal and plant species. A bat survey report was submitted with the initial planning application on the site, indicating that there were no bats or bat roosts present on the site and that the development is therefore unlikely to have any adverse impact on bats. On this basis **SNH** raised no objection to the proposal. In respect of the potential impacts on breeding birds **SNH** recommended that no works are carried out in any area likely to be used by breeding birds during the breeding season, which is taken to be from April to July inclusive.
29. **Scottish Environmental Protection Agency (SEPA)** had no objection to the earlier proposal, as long as all minimum distances could be achieved. **SEPA** also advised of the requirement to incorporate SUDS proposals in

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<sup>7</sup> The SAC has been designated for its important populations of freshwater pearl mussels, Atlantic Salmon, sea lamprey and otter.

accordance with PAN 61 "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook.

30. The **Contaminated Land** section of Moray Council assessed the original planning application on the site and upon receipt of information pertaining to the site history confirmed that there was no objection to the proposal. A number of conditions were recommended.
31. Moray Council's **Development Services** accepted the details provided in the earlier application regarding water supply, noting that it has sufficient yield to supply the proposed development.
32. In the course of the previous planning application on the site, the Transportation section of **Moray Council** initially raised some concerns regarding access proposals. The proposed access arrangements were subsequently modified to the satisfaction of the Transportation Section,<sup>8</sup> and a number of conditions were recommended. The current planning application has been examined by the Transportation Section and the previously recommended conditions have been reconfirmed.

## REPRESENTATIONS

33. No representations have been received in respect of the proposed development.

## APPRAISAL

34. The principle of demolishing the existing steading on the site and replacing it with a new dwelling house has already been accepted and established through the granting of outline planning permission by the CNPA in January 2007. Matters including planning policy compliance, the structural condition of the steading, the possibility of converting the structure to form residential accommodation, access arrangements and natural heritage concerns, and also consideration of the proposal in the context of the aims of the National Park, were all explored in the course of the previous application on the site. The principle of the development continues to remain acceptable and the current application relates only to a procedural issue, with the applicants seeking to extend the period of validity of the existing outline planning permission for a further two year period. The background to the applicants request to extend the time period has been detailed in paragraph 1.
35. Reference is made in paragraph 2 of this report to the permission recently granted to Scottish Water for the new water treatment works adjacent to

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<sup>8</sup> The amended access arrangements included proposals for the creation of a new access directly off the A939, which would serve the proposed new dwelling house and the adjacent existing dwelling house, and would facilitate the closure of an existing access to that dwelling at which visibility is limited.

Blairnamarrow steading. The site layout permitted as part of that development includes the creation of a new access off the A939, on which work is underway. The Scottish Water access arrangement differs from the access provision identified on the site plan associated with the outline planning permission at Blairnamarrow. Works related to the Scottish Water development would also encroach into the originally permitted site area associated with Blairnamarrow. It is accepted that this would hinder the ability to comply with the outline permission. A new application for either Planning Permission in Principle or (Full) Planning Permission would therefore be necessary in order to reflect and co-ordinate with recent development activity which has been permitted on the Scottish Water site.

36. At the present time all that is being requested through this application is an extension of the duration of the outline planning permission on the site for the demolition of the steading and the erection of a dwelling house. An extension of the time period would allow the applicants to retain the benefit of the outline planning permission on the site, as well as providing the opportunity to assess the impact of the Scottish Water development as it now nears completion. The inability to comply with the outline planning permission and consequently secure detailed permission through an Application for Approval of Matters Specified in Conditions has already been discussed in paragraph 7 of this report. The recent application which is with the CNPA for Approval of Matters Specified in Conditions is not acceptable for a variety of technical reasons and is likely to be withdrawn. In the event that it is not withdrawn, it would not be possible to recommend the granting of planning permission due to the aforementioned technical flaws. Without an extension to the duration of the outline planning permission, the situation of either withdrawal or refusal of the detailed planning application (10/025/CP) would result in the current permission on the site expiring.
37. Despite the difficulties which have arisen in complying with the outline permission on the site, the principle of the demolition of the steading and its replacement with a new dwelling house at Blairnamarrow remains acceptable. It is reasonable to recognise the applicants / Estate representatives wish to approach the preparation of any potential future planning application on the site with the benefit of a live permission, rather than an expired permission. The request to extend the duration of the outline planning permission for a further two year period on the site is acceptable.

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

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

38. The loss of the existing steading and its replacement with a new dwelling house has already been accepted through the granting of an outline planning permission. Condition no. 2 of that permission included stipulations regarding design, requiring that the new dwelling house reflect the form and scale of the steading. The inclusion of this condition was intended to mitigate the negative impacts of the demolition of the steading on the cultural heritage of

the area. The same schedule of conditions would apply in the event of granting of planning permission for the current application.

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

39. As this is purely an application to extend the period of validity of the outline planning consent, the information submitted is not of a detailed enough nature to determine whether or not the development would assist in promoting the sustainable use of natural resources. Further detail on this matter would be expected to come forward in a subsequent detailed planning application.

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

40. Extending the time period of validity of the existing outline planning permission on the site would not make any particular contribution to this aim. In the longer term an appropriately designed dwelling house at this location would be unlikely to detract from visual qualities of the area or affect the enjoyment of the area by the general public.

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

41. 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. The development is however positioned within a group of buildings, where some opportunity may exist to share services.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

**Grant permission to extend CNPA planning reference no. 05/427/CP to demolish a steading and replace it with a dwellinghouse and for septic tank and soak-away for a further 2 years at Blairnamarrow, Tomintoul, subject to the condition detailed hereunder:**

1. This permission shall have a duration of two years only and relates solely to the period of validity of the outline planning permission on CNPA planning reference no. 05/427/CP. With the exception of condition no. 1 of CNPA planning reference no. 05/427/CP, nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on the outline planning permission.

**Reason:** This permission pertains to the period of validity of the outline planning permission only and the conditions imposed on the outline planning permission remain applicable.

2. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 2 years of the date of this consent and the development must be commenced within 2 years from the date of final approval of all the foregoing Reserved Matters.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

**Advice note:**

1. For information purposes, please find attached the decision notice relating to 05/427/CP.

**Mary Grier**

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**23 March 2010**

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.