
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE, LAND ADJOINING NEW HOUSE, CORRIEYAIRACK ROAD, LAGGAN, NEWTONMORE

REFERENCE: 06/172/CP

APPLICANT: GLEN BUILDERS NEWTONMORE LTD. CRUACHAN, GLEN ROAD, NEWTONMORE

DATE CALLED-IN: 19 MAY 2006

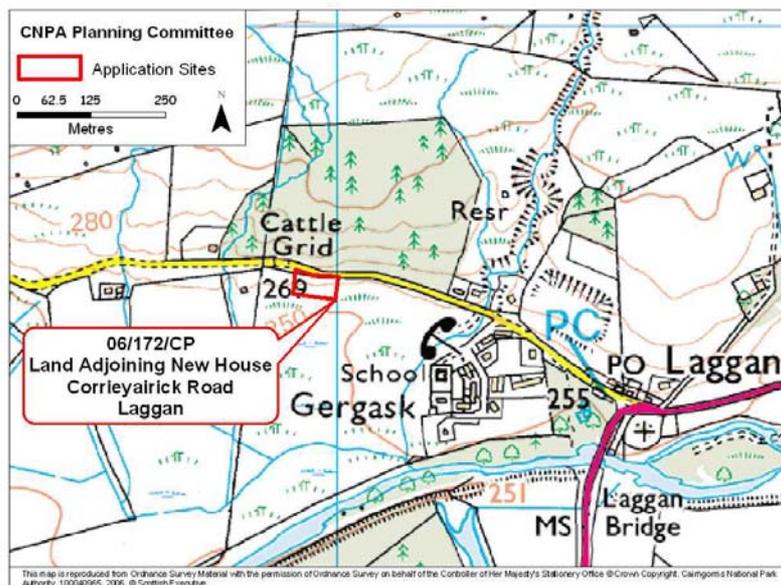


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located on the south side of the single track public road that leads from the centre of the village of Laggan westwards towards the Spey Dam and Reservoir at a distance of approximately 250m from the Laggan settlement edge. The site slopes steeply down from the public road. Land beyond the site boundaries to the south extends over a flat plain down to the River Spey. The site therefore enjoys an open aspect and views to the south, south west and south east. On the opposite side of the public road to the north is woodland at a higher level. Immediately adjacent to the site is a new one and half storey dwellinghouse which has been constructed on the slope but at a lower level to the road. This house though has been built out from the slope by constructing a flat plateau. It has external finishing materials of slate and wet harl (Figs 2 & 3).



Fig. 2. Site with adjacent house beyond looking south-west

2. The proposal is for outline planning permission for the erection of a single dwellinghouse. The plot boundaries are shown as adjoining those of the adjacent house. Being outline there are no indications of how the house would be constructed in relation to the slope. Access is shown as using the existing access to the adjacent house but extending a drive parallel with the public road, at the lower level between the rear of the adjacent house and the bottom of the road embankment. The application indicates that foul drainage will be connected to a mound soakaway or biodisc treatment plant located outwith the boundaries of the plot on the flat ground to the south. No submissions have been made in respect of a land management need for the house. The application forms state that it is proposed to

connect to the public water supply if available. If not then a new borehole will be dug.



Fig. 3. Existing access, adjacent house and site beyond, looking east towards Laggan.

3. There is no planning history for this particular site. However, in 2002 an outline application was submitted and subsequently approved by Highland Council in September 2003, for a house on the adjacent plot. In November 2004, a Reserved Matters application for this adjacent plot was submitted. Since an outline permission existed, the CNPA did not call-in this application. Comments were, however made, in relation to the prominence of the site, the need for landscaping, and appropriate design and finishing materials. Subsequently, Reserved Matters Approval was given, subject to planning conditions. The result is the house now nearing completion on the adjacent site.

DEVELOPMENT PLAN CONTEXT

4. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. **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); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

5. **Highland Council's Supplementary Development Plan Policy Guidelines (April 2003)** is founded on the Structure Plan and provides more detailed guidance for Local Plans, development control, developers and the public on the interpretation of specific policies contained within the Plan. It advises that new housing in the open countryside will be exceptional and will only be permitted, in accordance with national guidance and the Structure Plan policy, where it is: required for the management of land, family purposes related to land management (retired farmers and their spouses); social housing to meet a local need; the conversion of a traditional building; a replacement house; or part of comprehensively planned new settlement. In addition, proposals will be subject to strict design and siting controls. Proposals which will result in suburbanisation, ribbon and backland development, involve excessive infrastructure or loss of prime agricultural land or important areas of woodland, will not be considered acceptable.

6. **The Badenoch and Strathspey Local Plan (September 1997) Policy 2.1.2.3 (Restricted Countryside Areas)**, has a strong presumption against the development of houses. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on the subsequent occupancy of such houses will be enforced, and adherence to the principles of good siting and design will be required. Under general **Policy 2.1.2. (Housing in the Countryside - Design)**, it is stated that single houses outwith recognised settlements will require to be: properly located in harmony with the landscape; compatible in scale and character with local buildings; and designed and constructed to a high standard with particular emphasis on proportions, roof pitch, fenestration and selection of materials. **Policy 2.5.15. (Settlement Edges)** states that in order to protect their identity and setting, and to promote the orderly development of allocated land and supporting infrastructure, areas adjoining existing settlements will be protected from sporadic development.

7. **For information purposes only, the Cairngorms Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** puts forward 7 priorities for the National Park. One of these is “Conserving and Enhancing the Park’s Biodiversity and Landscapes”. Work within this priority includes enhancing the Park’s landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is “Making Housing Affordable and Sustainable”. Work within this priority includes increasing supply and accessibility, promoting effective co-ordination and co-operation, and improving the quality and sustainability of design. **Please note the Draft Park Plan is not a land use development plan and carries no material weight at this stage.**

8. **Again, for information purposes only, the CNPA consultative Draft Local Plan,** locates the site in a **General Policy 1 Area**. This states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. **Policy 4 (Landscape)** advises that development that is likely to have an adverse impact on the special landscape qualities of the National Park, including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character, will not be permitted.

9. **Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and is currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or the proposal is for a new house which will be linked by a section 75 agreement to the active management of a crofting/agricultural unit or other land-based industry based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an existing group of at least three houses; or be sited to complement the existing pattern and character of development.

CONSULTATIONS

10. **Highland Council’s Area Roads Manager** has stated that he has some concerns with yet further development in this area given the generally poor standard of the public road and its relatively low priority in terms of maintenance. If, however, members are minded to approve the application, he recommends that conditions be imposed, relating to service bay provision, gradient and surfacing of access, visibility splay provision, and allocation of parking and manoeuvring space on site.

He notes that the conditions would be based on a shared access arrangement with the neighbouring house currently under construction and that considerable engineering works will be required.

11. **SEPA** have advised that for private foul drainage systems outwith the settlement envelope served by public sewers, their primary interest is in the protection of surface waters and groundwater by achieving minimum distances from soakaways. If the proposal is to utilise a private system within or close to the boundary of a settlement served by a public sewer, SEPA would object. If a public sewerage system does not exist then, in principle, if minimum distances to watercourses are achieved, the proposals would be acceptable. All discharges to land though now require authorisation from SEPA. While treatment of foul drainage by means of a septic tank to mound soakaway may not be in conflict with building regulations, SEPA recommends secondary treatment prior to discharge. For surface water drainage, SUDS are required.
12. At the time of writing, no written response has been received from the **Laggan Community Association**. However, **verbally** they have stated that while they have no specific objection to this particular site, they are concerned, that it may act as a precedent for other development in a ribbon form extending along the road. They are basically against the extension of Laggan in such a form, and where this proposal could create an “infill” area between existing development at Laggan and the proposed site. **If a formal written response is received prior to Committee, then this will be reported.**
13. No response has been received from Scottish Water in relation to the provision of a public water supply for the development.

REPRESENTATIONS

14. **The application was advertised by Highland Council as a “Development Contrary to the Development Plan” on 17 May 2006.**
15. One letter of representation has been received a copy of which is attached to this report. The issues raised include;
 - Concerns about the steepness and dampness of the site, the considerable earthworks that will be required, and the resultant cost which means the house will have a high market value.
 - House would become a holiday home like the adjacent house and others in the area.
 - Site is outwith the current Local Plan designation for housing.
 - Precedent for other housing heading east towards Laggan.
 - If other houses built here necessary to upgrade the road – not in keeping with the rural character of the area.

- Lack of water supply – no capacity at upgraded treatment works
– water supply issues need to be addressed.

APPRAISAL

16. The issues that require assessment for this proposal include, the principle of a house in this location in relation to planning policy, the impact of the development, and whether or not a precedent is being set. In addition there are technical issues of drainage, access and water provision.

Principle in Relation to Policy

17. The reason the application was called-in was because it is located within an area designated in the Badenoch and Strathspey Local Plan as Restricted Countryside. Unless there is a land management need within such an area, there is a presumption against new house building. It is the case that the Local Plan proposals map, which earmarks the designations in the Laggan area, indicates an area of Fragile Countryside close to the proposed site. Fragile Countryside policy encourages new housing in such an area because of concerns over depopulation. In this instance, the boundary between the Fragile and Restricted Countryside areas lies close to the west boundary of the proposed site. Indeed, it seems that a judgement was made by Highland Council that the adjoining plot on the west side lay within or straddled the boundary of the Fragile Countryside Area. As such, no policy objection was raised to the principle of a house on this neighbouring site and permission was granted. **In my mind there is no doubt that the proposed site lies outwith the Fragile Countryside designation and within the Restricted Countryside Area.**
18. No submissions have been made on the basis of land management justification. From a discussion with the applicant, it has been confirmed that there is no “end occupier” and that it is a speculative application where the house would be put on the open market. **There is therefore no doubt that a house on this site fails to comply in principle with Structure and Local Plan policies covering new houses in countryside areas such as this.**

Impact of Development

19. The site is located on the south side of the road on a steep slope. Beyond the site to the south, land extends in a flat plain towards the River Spey. Views towards the site in a northwards direction, from the A86 Laggan to Spean Bridge Trunk Road on the south side of the Spey are clear and open at present. The adjoining house on the west side is clearly seen from this location because of its prominence in the landscape (**Fig. 4 below**). The CNPA made comments regarding the

prominence of this site at the time of the application for Reserved Matters. It is also the case that siting another house “in tandem” with the adjacent house represents the start of “ribbon” development in a linear form along the south side of the road towards Laggan. There has been a requirement for the developers of the adjacent house to overcome the difficulties of the slope and wet ground at this location by “building up and out” from the road embankment. In my view this has increased the prominence of this development and accentuates the inappropriateness of development in this particular location. Any house built on the proposed site is likely to require a similar approach. I do not feel that the development of a house on this site, meets the objectives of planning policy to ensure that new developments are sited appropriately, are in harmony with the surrounding area, and maintain and enhance the present landscape character. In combination with the adjacent new house, a house on the proposed site would be prominent and would contribute to unplanned, ribbon development on the edge of Laggan, all of which is viewed as contrary to established planning policy.

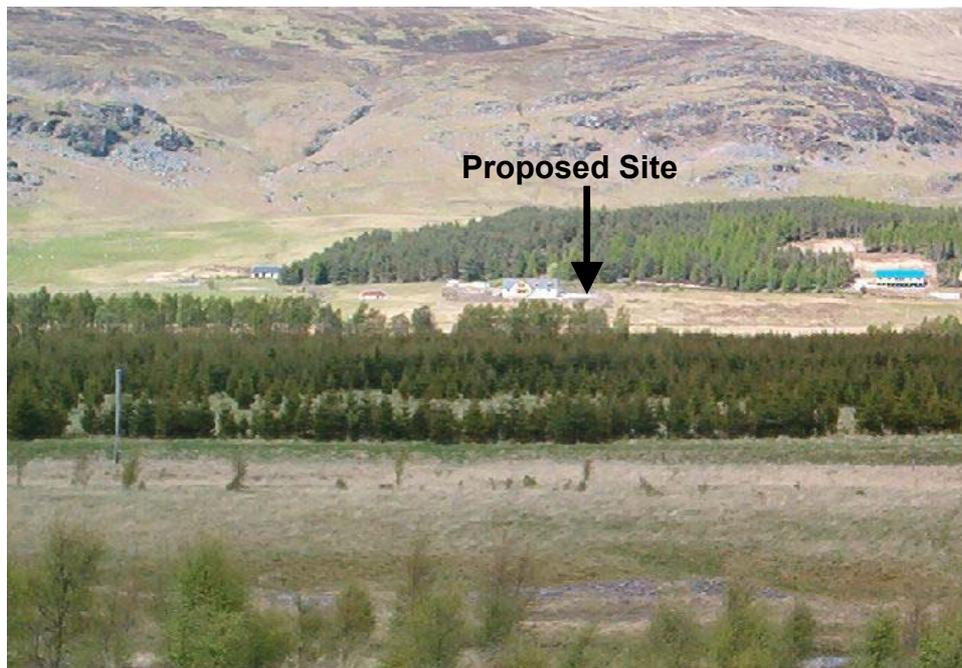


Fig. 4. Site and adjacent house viewed from A86 to the south

Precedent

20. The issue of precedent has been put forward by the representee and verbally by the Laggan Community Association. It is the case that sporadic development has traditionally occurred on either side of the public road heading westwards from Laggan. However these are located generally some distance from the settlement edge and isolated from each other. The proposed site is also separated physically and visually from the edge of existing development at Laggan. However, permitting further development at this location, which is immediately

adjacent to a new house but closer to Laggan, in my view, is different in nature, and presents a potential catalyst for further "linear" development on the infill land along the road in an easterly direction towards Laggan. I feel this would have significant negative impacts on the visual character and appearance of the area.

Access, Drainage and Water Supply

21. Basic information has been provided about access, drainage and water supply. Access will be taken from an existing access that has been formed to serve the adjoining house. However, it is not clear at this stage, whether or not additional work to this access, is required in order to meet the requirements of the Area Roads Manager. From discussions with Highland Council's Building Control Service, it seems that the ground conditions at this location are not ideal for a soakaway. I understand that there were problems finding an appropriate location for the soakaway for the adjacent house. This will be the reason why the applicant proposes a mound soakaway or biodisc treatment plant. While these solutions may be potentially acceptable, further information is required in order to clarify that the requirements of SEPA and Building Control can be met. With regard to water supply, Scottish Water have not provided a response. It is therefore not known if a public supply is available. If not then a new borehole would be required, details of which are not available at present. It would be necessary to consult Highland Council's Environmental Health Service in this respect.
22. **Since I have taken the view that the proposal fails to comply, in principle with planning policy, in terms of both justification and siting, I have not pursued further information on these technical aspects. If the Committee are minded to support the proposal, then the application would need to be deferred in order to allow these issues to be clarified.**

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

23. The development does not impact on any specific natural or cultural heritage feature or designation. However, the development is sited in a location which will be prominent and which will, in combination with the adjacent house, provide negative visual and landscape impacts in the locality.

Promote Sustainable Use of Natural Resources

24. There are no implications for this aim at this stage.

Promote Understanding and Enjoyment of the Area

25. The development raises no implications for this aim.

Promote Sustainable Economic and Social Development of the Area

26. The development would allow the provision of a new house in a general area where depopulation has been a concern. However, it is not required for land management purposes and therefore it would not necessarily provide "locally needed" accommodation. Nor is it a development that would contribute to the economic and social development of the Laggan area.

RECOMMENDATION

27. **That Members of the Committee support a recommendation to:**

Refuse Outline Planning Permission for the Erection of Dwellinghouse, Land Adjoining New House, Corrieyairack Road, Laggan, Newtonmore (06/172/CP), for the following reasons;

- 1. The proposed development is contrary to Highland Structure Plan (2001) Policy H3 (Housing in the Countryside) and Badenoch and Strathspey Local Plan (1997) Policy 2.1.2.3. (Restricted Countryside Areas). These policies state a strong presumption against the development of houses in countryside areas except where a house is essential for the management of land, and related family and occupational reasons, or where the development of a house will help support the viability of a rural community experiencing difficulty in maintaining population or services as defined in Local Plans. In this instance, there is no direct land management justification for a house on the land in question, and the site is not located in an area where a Local Plan has identified a need for housing development to support a rural community. In addition, the proposal is not viewed as fulfilling the fourth aim of the Cairngorms National Park which is to promote the sustainable economic and social development of the area's communities.**
- 2. The site is located in a prominent, steeply sloping, roadside location, immediately adjacent to an existing but new dwellinghouse. The proposal therefore represents the formation of speculative ribbon development along a public road, where it would be difficult to provide adequate and appropriate screening and landscape impact mitigation measures. The development is therefore not viewed as being in harmony with the landscape and as having unjustified adverse visual and landscape impacts. As such, the proposal is considered to be contrary to Highland Council Structure Plan (2001) Policies L4 (Landscape Character)**

and G2 (Design for Sustainability), Highland Council Development Plan Policy Guidelines (Housing in the Countryside) April 2003, Badenoch and Strathspey Local Plan 1997, Policy 2.1.2. (Housing in the Countryside – Design), and the first aim of the Cairngorms National Park, which is to conserve and enhance the natural and cultural heritage of the area.

3. To permit the proposed development would set an undesirable precedent for further unplanned ribbon development along the public road to the east, between the proposed site and the existing settlement edge of Laggan. This form of unplanned development expansion of the settlement is considered to be harmful to the character and appearance, and the identity and setting, of this side of Laggan, contrary to Badenoch and Strathspey Local Plan Policy 2.5.15. (Settlement Edges).

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26 June 2006

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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.