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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:**        **NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

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**DEVELOPMENT PROPOSED:**    **ERECTION OF DWELLINGHOUSE, SITE TO THE NORTH-EAST OF INCHDRYNE, TULLOCH, NETHY BRIDGE (FULL PLANNING PERMISSION)**

**REFERENCE:**                    **04/191/CP**

**APPLICANT:**                    **MARINA DENNIS, INCHDRYNE, TULLOCH, NETHYBRIDGE**

**DATE CALLED-IN:**                **23 APRIL 2004**



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is positioned on a croft known as Inchdryne. The croft is located on a minor road which extends eastwards from the B970 towards an area known as Tulloch which is positioned to the south of Abernethy Forest and Nethy Bridge (see Fig.1). On the croft at present is the applicants house, and the former croft house which is now used for self catering holiday accommodation.
2. The proposal is to erect a new 3 bedroomed dwellinghouse for self catering holiday letting purposes, located in a position to the north east side of Inchdryne Croft within an area of woodland which has open agricultural field areas extending southwards towards the public road. There is a SSSI/SPA designation lying immediately to the north east side of the site. The site itself is partly wooded with two Scots Pine and some sparsely positioned scrubby birch trees much of which will be removed to allow the construction of the house. There is a Granny Pine to the south boundary of the site, 20m from the proposed house, which is to be retained.
3. The proposed house is of a contemporary design with a 2 storey central area and two single storey wings extending at right angles either side, northwards towards the woodland. This forms a 'courtyard' into which the proposed access leads to a parking area. It is proposed to finish the building with black sheet steel roof cladding, with stained horizontal timber cladding to the walls which will also be partly glazed. The design is promoted as being an exemplar of sustainable construction in the context of the Cairngorms National Park. Access to the site is to utilize an existing track which runs from the public road along the north-east boundary of the Inchdryne croftlands.
4. The applicant is promoting the development on the basis of crofting diversification. She has been successful in receiving approval from the Scottish Executive Environmental Rural Affairs Department (SEERAD) for the project under the Agricultural Business Development Scheme. This can provide assistance towards the development of new, or the expansion of existing agricultural or non-agricultural diversification enterprises, either on or off the farm/croft in order to increase the income generating capacity of the farming/crofting enterprise. Conditions of this grant include the project receiving and maintaining 4 star tourist board ratings over a 5 year monitoring period, being completed within 18 months and having all relevant local authority permissions including planning permission.
5. In October 1999, the applicant successfully gained planning permission from Highland Council for the erection of a house on a site at Inchdryne approximately 150m to the west of the proposed site. The use of this house, which has not been built, was restricted, by condition, to holiday accommodation only. If the current application is granted permission, then the applicant has agreed, in writing, to revoke this previous permission. This previous permission remains implementable until 28 October 2004.

## DEVELOPMENT PLAN CONTEXT

6. **Highland Structure Plan Policy G2 (Design for Sustainability)** requires developments to be assessed on the extent to which they, amongst other things, maximise energy efficiency in terms of location, layout and design, including utilisation of renewable sources of energy, impact on resources such as habitats, landscape, species and cultural heritage, and demonstrate sensitive siting and high quality design, in keeping with local character and historic and natural environments and in making use of appropriate materials. **Policy T3 (Self Catering Tourist Accommodation)** states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition. Proposals should not represent over-development of an area or be located on land zoned for permanent housing. **Policy A2 (Farm Income Diversification)** encourages proposals for the diversification of farm incomes through adding value to products and through non-farming enterprises. **Policy L4 (Landscape Character)** states that there will be regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.
  
7. In the **Badenoch and Strathspey Local Plan** the site is located just outside the boundaries of the **Dispersed Communities** policy designation (Policy 2.1.2.4.) and therefore within the **Restricted Countryside** policy area (Policy 2.1.2.3.) This restricts the development of new houses except where a house is essential for the management of land, related family and occupational reasons. **Policy 2.2.1(b) (Agricultural Diversification)** encourages diversification, innovative land management and development schemes, embracing specialised farming and other businesses, small woodlands, tourist and recreational provision. **Policy 2.2.9. (Tourism and Recreation)** states that these activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources. **Policy 2.2.10. (Tourism)** states that tourism development potential in parts of the countryside is limited by amenity and servicing. Priority will be given to expansion of existing facilities and proposals associated with agricultural diversification. **Policy 2.5.4.(Woodland and Trees)** protects existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. Generally, development should not be sited within 20 metres of the trunks of large or mature trees.

## CONSULTATIONS

8. **The Crofters Commission** have stated that they wholly support crofters diversifying into alternative activities particularly where it provides additional income for the crofter and contributes to the sustainability of crofting communities. The additional house will complement the existing tourist related business operating on the croft, which has proved to be very

successful. The proposed siting of the new property will not interfere with the working of the remainder of the croft. This being the case, the Crofters Commission supports the application.

9. **SNH** have confirmed that the proposed development site is close to but outwith, the Abernethy Forest Site of Special Scientific Interest, the Abernethy Forest Special Protection Area and the candidate Cairngorms Special Area of Conservation. In relation to these European and National Designations, they consider that it is unlikely that any qualifying feature will be affected significantly either directly or indirectly. They therefore state their view that an appropriate assessment is not required.
10. **SEPA** have no objections to the soakaway system proposal for draining surface water. In relation to foul water drainage, provided that proposals meet the Building Regulations and there is no public sewer within reasonable distance, they also do not object to the proposed septic tank and soakaway system. Test pits have been dug and documentation certifying that the ground is capable of accommodating the system has been submitted.
11. **The CNPA Natural Resources Group** have advised that because of the materials used on the proposed building and its location at the edge of a pine forest and not in the more open farmed landscape, it is unlikely that the proposal will be an intrusion in the landscape. They also confirm that they agree with the assessment of SNH that it is unlikely that there will be any significant effect on any of the qualifying interests within the adjacent designated areas. In relation to the trees, provided the granny pine on the field boundary is retained in line with local plan policy, the impact of the development on the forest resource will be small and localised and therefore not significant. They endorse the comments of SEPA regarding drainage. Although raising the issue of precedent in so far as developing housing sites in a woodland setting, the NRG conclude that the proposal does not have significant implications for either natural or landscape features within the National Park.
12. **Highland Council's Area Roads and Community Works Manager**, while raising some concerns about having further development in a remote area where the public road network is of a relatively poor standard and low in priority in terms of maintenance, initially required quite stringent conditions on improvements to the proposed access track (widening, surfacing and visibility splays) at its junction with the public road and along its length. However, further to discussions about the impact that these requirements would have on the character of the track and the adjacent designations, agreement has been reached on reduced standards. These will now help reduce any potential adverse impacts on the surrounding area.

## **REPRESENTATIONS**

13. No representations have been received.

## APPRAISAL

14. This application has raised issues in relation to the principle of housing development for tourism purposes within the Park,crofting diversification, the impact on this part of the Park landscape and adjacent designations, and design.
15. In this instance, the issues ofcrofting diversification and the principle of providing tourist accommodation are inter-related. Structure Plan and Local Plan policies do not generally support housing in this Restricted Countryside Area, unless it is required for essential land management purposes. However, this new property is to be used for self-catering holiday accommodation and on this basis, the applicant has secured Scottish Executive funding as part of the Agricultural Business Development Scheme. A condition of this grant aid is that the property should achieve and maintain 4 star Tourist Board rating for a minimum of 5 years. While restricting general housing in countryside areas, development plan policies allow for sensitive, well designed and located new houses for holiday accommodation in this part of the Park, where it provides for the diversification ofcrofting incomes through non-farming enterprises. The principle of the proposed development therefore complies with planning policy. In addition to this though, the applicant already has a permission (until October 2004) for a new house for similar holiday purposes on another site on thecroft. She has agreed to revoke this permission. Effectively therefore, the proposal is a replacement proposal on a different site. On this basis, there is no increase in the number of residential units that will have permission on thecroft and I am of the opinion that the new proposal is preferable in terms of its impact on the landscape and its quality of design.
16. The site is positioned near to some natural heritage designations. However, SNH and the CNPA Natural Resources Group have confirmed that there is unlikely to be any adverse impacts on the features of interest in these designations. The initial roads requirements would have had some impacts on these designations, but following discussions, the requirements have been reduced to the extent that there will be no over-engineered upgrade of the access track. On the actual site of the house, two Scots Pine are to be removed but a Granny Pine to the front boundary is to remain. This is positioned 20m from the proposed building and its retention is important. The 20m distance complies with local plan policy. Other smaller trees and scrub will also be removed but the applicant proposes to provide new areas of natural regeneration which will off-set any of these small, localised impacts. Being located within a natural treed setting, and set back from the minor public road, the building will not be isolated or prominent in the landscape. In this context, the proposal complies with the development plan policies.
17. The final issue relates to design. The applicant's agent has submitted a design statement which promotes the design principles of the building and how they relate to the site's context and constraints. For ease, this is enclosed with this report. To summarise though, it emphasises the use of timber within this wooded setting, and it promotes the more contemporary approach to modern timber and steel detailing, balanced against the more simple, rectilinear and

conventional plan form. It also emphasises the use of sustainable resources in relation to construction materials and the proposals to employ roof-mounted solar panels (albeit at a later stage). Its southern aspect offers an opportunity for the use of solar energy. I find the design of the building acceptable in terms of its principles and its context. It will sit comfortably within the wooded setting and provide an interesting design which, as promoted in Planning Advice Note 36 (Siting and Design of New Housing in the Countryside) "*involves the interpretation of traditional forms and materials in a modern context.*" In this regard, I do not feel that the proposal offends any planning policies.

18. To conclude, while this represents the construction of a new house in a countryside area, there is justification in terms of tourism and crofting diversification. Subject to certain planning conditions, planning policy supports the proposal, there are positives in relation to sustainable design and supporting crofting communities, and there are no adverse impacts of natural heritage resources. As such, I believe that the proposal meets the aims of the National Park and therefore can be supported.

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

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

19. Following amendments to the upgrade requirements for the access, and provided suitable conditions are imposed in relation to the protection of the granny pine and provision of new native planting, the proposal raises no adverse impacts in terms of this aim. Landscape impacts will be minimal and adjacent natural designations will not be affected.

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

20. The sustainable use of natural resources is promoted as a principle underpinning the design of this building. The extensive use of timber and the proposals for use of sustainable energy sources are positives in relation to this aim.

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

21. There are no obvious direct implications in relation to this aim. However, providing quality tourist accommodation in an area rich in cultural and natural heritage will help to promote the enjoyment of the Park. The applicant has also stated that she takes time to explain to holidaymakers how the croft works. She also takes visitors on guided walks around the croft and the local area.

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

22. The provision of quality tourist accommodation, in a sustainable manner and where it will help sustain a working croft and the wider crofting community of

which Inchdryne is part, will help the social and economic development of this part of the National Park.

## RECOMMENDATION

That Members of the Committee support a recommendation to:

**GRANT Full Planning Permission for the Erection of a Dwellinghouse, at Site North East of Inchdryne, Tulloch, Nethybridge, subject to the formal revocation of Highland Council Planning Permission Ref: 99/00235/FULBS (Erection of House, Land North of Inchdryne) and the following conditions:**

1. The development to which this permission relates must be begun within five years from the date of this permission.

**Reason:**

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

2. The approved building shall only be used as self-catering holiday accommodation and shall not be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation by any one household or group of persons residing together, shall exceed six weeks in any calendar year, unless otherwise agreed in writing with the CNPA acting as Planning Authority.

**Reason:**

In order to define the permission and ensure that the structure shall be used solely for holiday use only because a dwellinghouse at this location would be contrary to established policies and guidance.

3. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all new trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:**

To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

4. That from the date at which this planning permission is granted, trees within the area of woodland marked for protection on the approved plans and the granny pine tree on the south boundary of the site shall be retained. The granny pine and trees within this area of woodland shall only be felled, lopped or topped with the prior written approval of the CNPA acting as Planning Authority.

**Reason:**

To ensure the retention of important landscape features and retain the existing amenities of the site.

5. Exact details and specifications of all proposed external finishing materials including roofing materials, and their colours shall be submitted for the further approval of the CNPA acting as Planning Authority before any work commences on site.

**Reason:**

In order to ensure that the materials and colours are appropriate to the character of the area and sympathetic to established finishing materials in the area.

6. Prior to the commencement of any works on site, the following works to the access road shall be completed and approved by the CNPA acting as Planning Authority in consultation with the Highland Council Area Roads and Community Works Manager:-

- a. A bellmouth with throat width of at least 2.5 metres and edge radii of at least 5 metres shall be formed at the junction of the existing access and the public road.
- b. The first 3 metres of the access road measured from the edge of the public road shall consist of a minimum of 40mm thick close graded wearing course on 60mm dense basecourse on a minimum thickness of 350mm type 1 sub base, all on a sound formation. Thereafter the following 3 metres shall be constructed with a well compacted crushed rock material.
- c. Visibility splays of not less than 2.5 metre x 60 metre shall be provided on each side of the access at its junction with the public road and thereafter maintained free from any obstructions exceeding the height of 1 metre above the adjacent road channel levels.

**Reason:**

In the interests of road and public safety; to ensure that all vehicles may enter and leave the site safely at all times.

7. Prior to the commencement of the use of the development hereby approved, parking and manoeuvring space for at least 2 no. cars and a larger service vehicle shall be provided within the curtilage of the property such that all vehicles may enter and leave the site in forward gear.

**Reason:**

In the interests of road and public safety; to ensure that adequate parking and turning facilities are provided on site.

8. No surface water shall be allowed to discharge onto the public road.

**Reason:**

In the interests of road and public safety.

**Neil Stewart**

**26 July 2004**

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