
**CAIRNGORMS NATIONAL PARK
AUTHORITY
LOCAL PLAN INQUIRY**

**WRITTEN SUBMISSIONS
STATEMENT
POLICY 25
REPLACEMENT HOUSES**

APRIL 2009

On behalf of Glenmore Properties Ltd
Objector ref 453n



HALLIDAY | FRASER | MUNRO
PLANNING

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1. INTRODUCTION

This Written Submissions Statement has been prepared by Halliday Fraser Munro on behalf of our Client – Glenmore Properties Ltd. Halliday Fraser Munro Planning are a professional planning consultancy covering the north east of Scotland. All of our Consultants are Members of the Royal Town Planning Institute with the majority of those having been employed within a Local Authority Planning team. We have significant experience of policy formulation, the interactions of these policies with local authority development control functions and their effect on development scenarios.

Our aim, during this process, is to create policies and land allocations that are realistic and work for everyone. We will, therefore, identify both relevant issues and potential solutions within this Statement. The following Statement will summarise our objection, the Cairngorms National Park Authority's (CNPA) position including any Modifications or Agreement on particular issues, and then set out what we believe to be the key issues. We will conclude by recommending a course of action that would enable the objection to be resolved.

2. OBJECTION SUMMARY

Policy Reference & Title: Policy 25: Replacement Houses
Objector Reference: 453n

Objection Summary:

Our Client's objection raised two key concerns about Policy 25:

- The replacement of a single house with more than one house should be considered where the site allows for such development;
- A staged recognition policy relating to the condition of the existing dwellinghouse should be used, similar to that adopted by The Moray Council (**Document GP 7**). This would allow further replacement house

development and avoid the retention of abandoned dwellinghouses across the CNP;

- There should be no requirement for occupancy conditions.

3. THE CAIRNGORMS NATIONAL PARK AUTHORITY'S POSITION

3.1 DEPOSIT LOCAL PLAN (Document CD6.11)

In July 2007, the Cairngorms National Park Authority published its Deposit Local Plan (**Document CD6.11**). Policy 28: Replacement Houses within the plan provided guidance on replacing existing houses within the CNP with new build properties. The policy stated that:

The replacement of an existing house with a new house will be permitted where:

- a) The existing house is not a listed building;*
- b) If the existing house is a traditional vernacular design, it is demonstrated to be structurally incapable of rehabilitation and cannot be retained;*
- c) The existing house remains largely intact, with external walls and roof, or it has been permanently occupied within the previous five years;*
- d) The proposal is for no more than the existing number of house units; and*
- e) The new house is located on the site of the existing house unless an alternative adjacent site would minimise any negative environmental, social or economic effects of development. If an adjacent site is permitted, the planning authority will normally condition the demolition of the existing house prior to occupation of the new house.*

The supporting text stated that:

'The policy is intended to allow for the replacement of existing houses when necessary or desirable.'

3.2 RESPONSE TO OBJECTION - PROPOSED MODIFICATIONS

In response to our Client's objections (**Document GP 8**), the Cairngorms National Park Authority stated that the reasonableness of the wording of criteria d) would be assessed. In terms of derelict properties and occupancy conditions

it was stated that any proposal would be measured against the terms of the policy.

3.3 DEPOSIT LOCAL PLAN – FIRST MODIFICATIONS (Document CD6.12)

In June 2008, the Cairngorms National Park Authority produced the Deposit Local Plan – First Modifications (**Document CD6.12**). The policy on Replacement Houses became Policy 25 following the introduction of a number of new Policies. The revised Replacement Houses Policy stated:

‘The replacement of an existing house with a new house will be permitted where:

a) the existing house is demonstrated to be structurally unsound or incapable of rehabilitation, and has been occupied at some stage in the previous ten years;

and

b) the new house is located on the site of the existing house unless an alternative adjacent site would minimise any negative environmental, social or economic effects of development; and

c) the existing house is not a listed building.

If an adjacent site is permitted, the planning authority will normally condition the demolition of the existing house prior to occupation of the new house, unless the redundant building is to be used as part of the redevelopment scheme, or holds significant cultural heritage merit. The proposal should not increase the number of dwellings on the site. The replacement house must also reflect the siting and scale of the original and should salvage materials from the original to incorporate into the new development.’

The amended policy wording removed specific reference to vernacular properties and expanded the period for occupation to ten years. Further clarification on siting and design was also provided. The amended policy still restricted replacement to a one for one basis.

The proposed modification did not address our client’s concerns regarding scope for replacing a house with more than one unit in appropriate

circumstances, or consider an approach similar to that of The Moray Council using a staged recognition system. The objection was therefore maintained.

3.4 FURTHER MODIFICATIONS

Policy 25 was amended further in the Deposit Local Plan – Second Modifications (**Document CD6.13**).

The period for evidence of occupation was again increased, this time from ten to twenty five years. In respect of more than one replacement house on the site, the Policy was altered as follows:

‘The proposal should not normally increase the number of dwellings on the site. The replacement development must also reflect the siting and scale of the original and should salvage materials from the original to incorporate into the new development where appropriate.’

The amendment clarifies that whilst the policy will normally apply to one house replacing another, options may exist to increase the number of new dwellings.

This addressed the part of our client’s objection regarding the replacement of a house with more than one, on an appropriate site. The objection was still maintained in respect of the evidence required by the planning authority to justify the principle of a replacement house.

No further modifications to Policy 25 are proposed in the Officer Proposed Post Inquiry Modifications (**Document CD7.28**).

As the first Modifications did not fully address our objection, and the Policy has not been altered further, our Client’s objection still stands.

3.5 CNPA STATEMENT OF CASE

The CNPA Statement of Case on Policy 25 (**Document GP 9**) provides further clarification on the Authority's position. This states that in response to our Client's objection:

- The policy is to allow for the replacement of existing houses which are structurally unsound or cannot be rehabilitated, recognised to be in a state of dereliction;
- It is only applicable to houses that have been permanently lived in at some point in the past twenty five years.

No further changes to the Policy are commended to the Reporter.

4. PLANNING ISSUES AND PROPOSED SOLUTIONS

The modifications to Policy 25 suggested by the CNPA do not fully address the issues raised in our client's objection. The unresolved issue remains that of the evidence required to justify the principle of a replacement house.

The policy refers to evidence of occupation at some stage in the past twenty-five years. We would suggest that such evidence will prove difficult to establish in many cases, and as an alternative would suggest that evidence required is based upon the physical condition of the existing property. This approach would also allow the redevelopment of derelict dwellinghouse sites, to the benefit of the CNP.

It is our view that a more appropriate approach would be to show physical evidence of a property, with the level required being outlined in the policy or guidance. It should be sufficient that evidence of residential use of the building at some stage is present (i.e. existence of fireplace or chimneys).

Policy H7: Re-Use and Replacement of Existing Buildings in the Countryside of The Moray Local Plan 2008 contains a staged recognition policy where replacement housing is considered acceptable. This permits the replacement of a building with a new build house where at least the plan form, or a gable of

the original building exists. It is suggested that the CNPA adopt a similar policy in order to benefit from the opportunity for the redevelopment of a number of derelict dwellings.

PROPOSED SOLUTION

Amend Policy 25 to allow the justification for a replacement house to be based on the physical evidence of a property on the site rather than evidence of occupation within the previous twenty five years.