
**CAIRNGORMS NATIONAL PARK
DEPOSIT LOCAL PLAN INQUIRY**

**WRITTEN SUBMISSIONS
STATEMENT
POLICY 25: REPLACEMENT
HOUSING**

APRIL 2009

On behalf of Reidhaven Estates



HALLIDAY | FRASER | MUNRO
PLANNING

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1 INTRODUCTION

This Written Submissions Statement has been prepared by Halliday Fraser Munro Planning on behalf of our Client – Reidhaven Estate. 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 majority of those having been employed within a Local Authority Planning team. We have significant experience of policy formulation, the interaction 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 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 Housing

Objection Reference: 456i

Summary Objection:

Our objection supported the principles of the policy, but expressed concern about the contents of the policy, the prescriptive nature of occupancy requirements and wording.

3 THE CAIRNGORMS NATIONAL PARK AUTHORITY'S POSITION

3.1 DEPOSIT LOCAL PLAN (CORE DOCUMENT CD6.11)

In July 2007, the Cairngorms National Park Authority (CNPA) published its Deposit Local Plan (**Core Document CD6.11**). Policy 28 within the plan provides policy guidance for replacement houses. It states:

"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."*

Our objection outlined that the policy was too restrictive, particularly in relation to part (c) as it is often the roof that is the first element to fall into disrepair after a house has been abandoned. In addition, there should be no occupancy requirements.

Also, it was requested that the policy allows the replacement of a single house with more than one house where the site allows and where the development fits into the landscape or replaces a larger than average house.

3.2 PROPOSED MODIFICATIONS (DOCUMENT CD6.12)

In response to the objections received, the Cairngorms National Park Authority proposed a number of amendments to the policy to ensure that:

- The wording will be changed to deliver the aim of the policy.
- It is not overly restrictive or onerous; and
- Provides an appropriate level of guidance for developers and people using the policy.

They also outlined that part (c) of the policy be amended to remove the reference to the roof.

3.3 DEPOSIT LOCAL PLAN - FIRST MODIFICATIONS (DOCUMENT CD6.12)

In June 2008, the Cairngorms National Park Authority published its First Modifications to the Deposit Local Plan (**Core Document CD6.12**). Policy 25 (previously 28) provides guidance for replacement houses and was amended. It states:

“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.”

Whilst part of our original objection was addressed, we maintained our objection due to concern over the reference to occupancy within a ten-year period. This could be difficult to establish and would restrict the redevelopment of semi-derelict sites. A more appropriate approach would be to show physical evidence of a property.

Additionally, our objection outlined that the salvaging of materials may not be possible in all circumstances and the policy should be worded to reflect this.

3.4 DEPOSIT LOCAL PLAN - SECOND MODIFICATIONS (CORE DOCUMENT CD6.13)

In response to the objections received, the Cairngorms National Park Authority produced a Deposit Local Plan – Second Modifications in November 2008 (**Core Document CD6.13**), which proposed further amendments to policy 25:

- The term of occupancy was changed from ten to twenty-five years to be less rigid.
- The wording was changed in relation to the number of dwellings – ‘The proposal should not *normally* increase the number of dwellings on site’.
- Comment was inserted at the end of the justification text regarding the salvaging of materials – ‘where appropriate’.

While we accept that our original objections concerning reference to the roof and wording have been addressed, we still uphold our objections in relation to occupancy requirements.

4 PLANNING ISSUES AND PROPOSED SOLUTIONS

PHYSICAL EVIDENCE Vs OCCUPATION

The policy refers to evidence of occupation at some stage in the past twenty-five years. Our concern regarding this wording is that evidence of occupation is often difficult to determine and that this approach may preclude the redevelopment of semi-derelict sites that have not been occupied within this timescale. Many of these sites do little to contribute to the landscape setting of the park and would benefit from redevelopment.

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).

The Moray Local Plan (**Appendix A**) contains a three-stage recognition policy where replacement housing is considered acceptable. This can include sites with evidence of a previous house (such as four walls, although not fully intact) or a house still standing. We suggest the Cairngorms National Park Authority adopt a similar policy in order to benefit from the opportunity for the redevelopment of a number of derelict dwellings

The CNPA's Statement of Case comments on this suggested policy amendment and states that it "would be overly prescriptive and inflexible". However, what is accepted as evidence of occupancy can often be ambiguous and evidence dating back 25 years is often difficult to track down. A simple site visit to determine physical evidence of a property is a more straightforward approach and would allow assessment of the potential for redevelopment on a case by case basis.

Additionally the CNPA's Statement of Case states the policy is "not to allow new housing on all historic house sites throughout the park which goes against protecting the culturally significant landscape of this area". We believe,

however, that there are a great number of sites throughout the park that would benefit from restoration. The traditional, small houses within the park were built a considerable number of years ago for the purposes of forestry and farming when there was a greater number of residents in the countryside. However, the rural population has declined in recent years and many of these small, basic dwellings do not meet current needs. This leads to a high number of abandoned steadings throughout the Park, which could benefit from replacement and modernisation, regardless of the length of time they have been unoccupied.

Reidhaven Estates own a range of cottages throughout the National Park. A number of these dwellings, although in good condition, have not been lived in for many years. Determining how long a dwelling has been lying empty is often a difficult task and we believe that physical evidence would be more effective.

PROPOSED SOLUTION

Amend the section relating to occupation within the last twenty-five years and focus on the physical evidence of a property on the site. This would be far easier to determine and less restrictive.