

Date:			
Issue:	Policy 24 – Housing Development outside settlements		
Objector(s):	Graham McPherson	Objection ref(s):	100
	Colin Lawson (Builders) Ltd		341
	William S Paterson		409i
	A W Laing		410
	Alvie and Dalraddy Estate		439u

Reporter	Mrs Jill Moody / Mr Hugh Begg
Procedure	Written representation

1.0 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified in respect of Policy 24 : Housing Developments Outside Settlements, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports to Committee (CP7.3,4 and 5). It suggests a further modification is made to the Plan in respect of this policy to remove reference to the use of planning conditions and legal agreements.

2.0 Provision of the Local Plan

- 2.1 Policy 24 within the Deposit Local Plan as modified gives policy guidance to allow a consistent framework for development of proposals and for the assessment of applications which are for new housing development outside settlements. During the current transitional arrangements set out in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008, the policy is intended to provide an appropriate level of guidance to meet the requirements of SPPI (CP2.2 para 37-38) and Scottish Planning Policy (CP2.1 para 15-18) and ensure that applications for such development within the National Park are adequately consider in a consistent manner.
- 2.2 The Policy (previously Policy 26 of the Deposit Local Plan CP6.11 page 50) has been modified in the 1st modifications to give support for affordable housing development outwith settlements. In addition, modifications add further clarity on the options to reuse buildings on the site for housing, to expand the policy guidance for developments linked to land management and for those retiring from rural business. An additional option has also been added to include the development of brownfield land within this policy.
- 2.3 The supporting text has been modified to clarify requirements for additional supporting information to accompany applications for development, and to define the term ‘brownfield’ as used in the policy.
- 2.4 In considering the objections, modifications to the policy and how the policy will be implemented on adoption, it is now considered that the use of the term “brownfield” is confusing, as is the addition of a definition in paragraph 5.70. The wording does not follow Scottish Government definitions of the term, and is considered to lead to confusion in implementation. A change is therefore proposed to rectify this.

Policy 24 c) *The development is sited on land which has been significantly degraded by a former activity.*

Paragraph 5.70 delete wording included in 1st modifications and replace with

Where development for housing involves the reuse of sites previously occupied by housing development, proposals will be considered under Policy 25.

Glossary: delete definition of Brownfield land.

Also in considering the objections to part b of the policy, it is now considered that this part of the policy is superfluous. Legal agreements and planning conditions can be attached to permissions in the normal way and do not therefore require to be highlighted in policy. It is therefore proposed that the Inquiry consider a further modification to this policy to delete the final sentence of b) “*Where relevant such proposals will be secured through planning condition or legal agreement.*”

These are an officer recommendation which have not been endorsed by the CNPA Board.

3.0 Summary of Objection(s)

3.1 Five objections raising five issues have been lodged to this objection and wish to have their objections considered by written representation:

- The policy does not provide sufficient opportunity for housing development in the countryside which will be to the detriment of local communities, local builders and the local economy. **(100, 439u)**
- There should be a residency criterion that requires people to keep their property for 5-10 years before any subdivision or additional building. **(409i)**
- The policy does not comply with the options for development in the countryside as set out in SPPI5 in regard to occupancy limitations, and this will be to the detriment of local communities and local builders **(341, 410)**
- The policy should give more support to people seeking a house in the countryside which assists in their business, and so the wider economy, and to retiring people, not just farmers and crofters. **(439u)**
- The policy must not restrict landowners from improving the living standards provided through their housing units. **(439u)**

4.0 Summary of Cairngorms National Park Authority response

- Opportunities for development – There is considered to be adequate provision for development opportunities outwith settlements to meet the requirements of SPP3 (CD2.4) and no further change is therefore proposed. **(100, 439u)**
- The issue of residency criteria was not supported by the CNPA Board as it was considered to conflict with the 4th aim of the Park. **(409i)**
- SPPI5 – The guidance in SPPI5 (CD2.11) requires provision to be made for affordable houses (Policy 21); groups and clusters where occupancy conditions will not apply (Policy 23); replacement and renovation of houses (policy 25 and 29) and holiday development (Policy 33). There is also an emphasis on design and fit to the landscape (Policy 7 and 18). Para 1.20 states that all policies must be considered together. The requirements of SPPI5 (CD2.11) are therefore considered to have been met in the Plan, and adequate provision made for a variety of development opportunities across the Park. **(341, 410)**
- Housing in association with businesses, and retiring people – The policy is intended for this very purpose and no further change is proposed. **(439u)**
- Landowners improvements - The policy does not restrict improvements to existing stock, and provides opportunity for provision associated with business. **(439u)**

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections listed above are rejected subject to the modifications listed above.
-

6.0 Assessment / Scope of Evidence

- 6.1 **100** objects to the provisions of the plan and this policy as there is inadequate provision for local building firms to develop new houses. Opportunities for such small scale development are important to sustain the economy and support local communities.
- 6.2 **Response:** The policy has been drafted to ensure compliance with SPP15 (CD2.11) and SPP3 (CD2.4). SPP15 (CD2.11) requires that provision be made for affordable housing. This is included within Policy 21 and 24. It requires that provision be made for groups of houses where occupancy conditions will not apply. This is included within Policy 23. It requires the need to allow for replacement and renovation of buildings which are underused and this included within Policies 25 and 29. Holiday development is also encouraged and this is considered through Policy 33. It also emphasises the need to ensure good quality design and fit to the landscape, and Policies 7 and 18 are considered particularly relevant here.
- 6.3 SPP3 (CD2.4) sets out the need to make provision for housing outside settlements (Policy 21, 23, 24, 25 and 29). This should include provision on brownfield land (Policy 24) and greenfield land (Policy 21, 23 and 24). It also requires provision for conversion to dwellings (Policy 29). There is considered to be adequate provision for development opportunities outwith settlements to meet the requirements of SPP3 and no further change is therefore proposed.
- 6.4 Para 1.20 within the Plan states that all policies must be considered together rather than relying on any one policy. The requirements of SPP15 (CD2.11) and SPP3 (CD2.4) are considered therefore to have been met and adequate provision is made for a variety of development opportunities across the Park.
- 6.5 **341 and 410** object to the provisions of the plan and this policy as there is inadequate provision for local building firms to develop new houses.
- 6.6 **Response:** Opportunities for such small scale development are important to sustain the economy and support local communities. The policy has been drafted to ensure compliance with SPP15 (CD2.11) and SPP3 (CD2.4). SPP15 (CD2.11) requires that provision be made for affordable housing. This is included within Policy 21 and 24. It requires that provision be made for groups of houses where occupancy conditions will not apply. This is included within Policy 23. It requires the need to allow for replacement and renovation of buildings which are underused and this included within Policies 25 and 29. Holiday development is also encouraged and this is considered through Policy 33. It also emphasises the need to ensure good quality design and fit to the landscape, and Policies 7 and 18 are considered particularly relevant here.
- 6.7 SPP3 (CD2.4) sets out the need to make provision for housing outside settlements (Policy 21, 23, 24, 25 and 29). This should include provision on brownfield land (Policy 24) and greenfield land (Policy 21, 23 and 24). It also requires provision for conversion to dwellings (Policy 29). There is considered to be adequate provision for development opportunities outwith

settlements to meet the requirements of SPP3 (CD2.4) and no further change is therefore proposed.

- 6.8 Para 1.20 within the Plan states that all policies must be considered together rather than relying on any one policy. The requirements of SPP15 (CD2.11) and SPP3 (CD2.4) are considered therefore to have been met and adequate provision is made for a variety of development opportunities across the Park.
- 6.9 **425q** objects to the lack of identification of sites on the proposals maps for affordable homes outside settlements.
- 6.10 **Response:** The policy is intended to provide a flexible support to affordable housing across the Park and set a framework for the consideration for such proposals. The identification of sites on proposals maps is considered overly restrictive and would not therefore meet the aspirations of the policy. No change is therefore proposed.
- 6.11 **409i** objects to lack of any residency criteria that restricts subdivision or new building for between 5-10 years once people move to the area.
- 6.12 **Response:** the options for residency criteria were considered in the consultative draft plan, but the CNPA Board were of the view that this would not be in support of the 4th aim of the Park, and the Plan therefore takes an approach that supports sustainable social development within communities, rather than placing any restrictions on residency.
- 6.13 **439u** objects to the restrictive nature of the policy. The policy should therefore support housing that is in association with business.
- 6.14 **Response:** The policy is intended to do just this, supporting housing where there is a locational requirement for the business. Where the business does not rely or require a need for on site supervision provided by a dwelling this is not to imply that the business will not be supported. The policy is therefore considered appropriate and in compliance with the requirements SPP3 and SPP15.
- 6.15 **Objection:** The policy should also support retiring people who work in businesses other than farmers and crofters.
- 6.16 **Response:** The policy through 1st modifications has been changed to support housing for retiring farmers, crofters and those working in other rural businesses. No further change is therefore considered necessary.
- 6.17 **Objection:** The policy must not restrict landowners from improving or replacing their dwellings.
- 6.18 **Response:** The policy does not in any way place restrictions on existing housing stock. Replacement houses are considered under Policy 25, which supports the replacement of structurally unsound houses. No further change to the policy is therefore considered necessary.
- 6.19 **Objection:** The objector considers the use of legal agreements should be for a fixed term or open to renegotiation.

6.20 In considering the objections to part b of the policy, the further modification above is considered to address the objection.

7.0 Strategic Issues

7.1 The approach taken supports the strategic objectives of the National Park Plan (CD7.1) regarding sustainable communities (Page 67). Here the aim is to focus settlement growth on the main settlements and plan growth to meet community needs in other settlements.

8.0 List of documents (including Core Documents)

- CP2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CP2.2 SPP1 The Planning System
- CP2.4 SPP3 Planning for Housing 2008
- CP2.11 SPP15 Planning for Rural Development
- CP6.9 Cairngorms National Park Local Plan Consultative Draft October 2005
- CP6.11 Deposit Local Plan
- CP6.12 Deposit Local Plan 1st modifications
- CP6.12 Deposit Local plan 2nd modifications
- CP7.1 Cairngorms National Park Plan 2007
- CP7.3 CNPA Committee Report Consultation May 2008
- CP7.4 CNPA Committee Report 1st Modifications October 2008
- CP7.5 CNPA Committee Report 2nd Modifications February 2009
- CP7.18 CNP Local Plan Consultative Draft October 2005