

Date:			
Issue:	Policy 25 Replacement Houses		
Objector(s):	Dr A Watson	Objection ref(s):	020q
	Reidhaven Estate		456i
	Alvie and Dalraddy Estate		439w
	Crown Estate		419p

Reporter	Mr Hugh Begg / Mrs Jill Moody
Procedure	Written Submissions

1.0 Overview

1.1 This statement sets out the CNPA's position in relation to objections raised to the Deposit Local Plan, as modified, in respect of Policy 25 Replacement Houses and supplements the response made to those objections by the CNPA in its report to Committee (CD7.3, 4 and 5). It recommends no further modification is made to the Plan in respect of this policy.

2.0 Provision of the Local Plan

Policy 25 Replacement Houses permits the replacement of an existing house with a new house 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 twenty five 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 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.

2.2 The policy is intended to allow for the replacement of existing houses which are structurally unsound or cannot be rehabilitated and is only applicable to houses that have been permanently lived in at some stage during the past twenty five years. Proposals on abandoned house sites and ruins, which do not satisfy the criteria of this policy, will be considered as new housing development. This policy supports the National Park Plan's strategic objectives for Landscape, Built and Historic Environment and Housing.

2.3 The policy has been modified in the 1st and 2nd modifications of the Deposit Local Plan (and appears formerly as policy 28 in the Deposit Local Plan) with additional and altered wording, including extending the period of occupation from 5 years to 25 years, introducing scope for the retention of existing houses and to further clarify instances when the policy can be applied. The policy has been significantly restructured.

3.0 Summary of Objection(s)

3.1 The 4 objections to Policy 25 cover the following issues:

- There should be a limit on the size of any replacement house eg 50%. **020q**
- The wording is overly restrictive, particularly in c) which precludes the redevelopment of semi-derelict sites. A characteristic of the area is dispersed housing throughout the countryside, including many traditional properties. Where these are abandoned the roof is often the 1st element to collapse. The retention of these derelict buildings is undesirable and their replacement should be provided for. There should be no occupancy requirement in these cases. The wording should be amended to remove the reference to roof. **456i**
- The wording should allow new development on the site of old buildings to retain the cultural heritage of the area, particularly where the form, scale and materials are the same as before even though the use of the building might be different. Amended wording - In b) delete 'structurally incapable of' and replace with 'unsuitable for'; In c) delete 'with external walls and roof' and replace 'five' with 'fifteen' In d) delete this section **439w**
- The policy should not require the roof to be retained. It should be used instead to enable ruinous houses to contribute to the housing provision. The Policy in Moray Council may provide a useful guide. The policy should therefore be amended to provide greater flexibility and should allow for the footprint to be used as the guide to the appropriateness of a site. **419p**

4.0 Summary of Cairngorms National Park Authority Response

- 4.1 This Local Plan policy is intended 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 stage during the past twenty five years. It was considered that the terms of five or ten year occupancy were too rigid, and the options to amend this to a wider 25 years considered and adopted by the CNPA board within the modifications. This is considered reasonable and within the underlying principles of the policy, the formation of a set of 4-stage criteria would be overly prescriptive and inflexible.
- 4.2 The wording of the policy has been reviewed to ensure that it is in line with national guidance on the topic including SPP15 (CD2.11), striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park.

5.0 CNPA Recommendation

- 5.1 The CNPA recommend to the Reporter that the objection is rejected. The position regarding the policy has not altered.
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6.0 Assessment / Scope of Evidence

- 6.1 **020q** Policy 28, e), should there not be a limit on the expansion extent compared with the original house? e.g. Kincardine & Deeside used to say up to 50% more. Should be some limit.
- 6.2 **Response:** Issues of the appropriate scale of replacement houses would be considered in light of the proposed development and impacts on a site-by-site basis; a prescriptive threshold is therefore not supported. Policy 25 has been largely altered to give additional clarity and to alter

the options regarding development opportunity for replacement houses. No further modification proposed.

- 6.3 **456i** It is our view that this policy is over restrictive, particularly in relation to part (c) as this effectively precludes the redevelopment of semi-derelict sites. A key characteristic of the National Park is the housing that has been built over the years throughout the countryside, including many traditional properties. Many of these houses have however been abandoned and often the roof is the first element to fall into disrepair. The retention of these derelict buildings, we believe, is not a desirable feature of the Park and therefore the replacement of such dwellings could be appropriate. There should be no occupancy requirement in these cases. We have some concern about the reference to occupied in the last ten years. This is difficult to determine and would preclude the redevelopment of semi-derelict sites many of which do not contribute to the landscape setting of the Park and would benefit from redevelopment. A more appropriate approach would be to show physical evidence of a property. The level of evidence required could be outlined in the policy or guidance. In addition there are likely to be some circumstances where the salvaging of materials is not possible, therefore the policy should allow for this exception. Modifications: Amend part (c) of the policy to remove the reference to roof.
- 6.4 **Response:** The wording, including the period of time which the property has been occupied, has been reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy. It is considered reasonable and within the underlying principles of the policy, the formation of a set of 4-stage criteria would be overly prescriptive and inflexible. The policy is intended to renovate sites which have fallen into recent dereliction and not to allow new housing on all historic house sites throughout the park which goes against protecting the culturally significant landscape of this area.
- 6.5 The issue of occupancy in previous years was debated by the Board at the time of modifications. It is considered that the terms of a five or ten year occupancy may be too rigid, and the options to amend this to a wider 25 years were adopted within the modifications. No modifications are proposed. A period of 25 years is considered balanced and reflective of an approach ensuring abandoned dwellinghouses may be relatively intact, may have limited natural and cultural heritage constraints and have fallen into dereliction in recent time. This time frame and the broad requirements as put in place by the modifications are considered reasonable and within the underlying principles of the policy.
- 6.6 The proposed wording has been reassessed in this regard and amended to include a) to be structurally unsound or incapable of rehabilitation. Modifications have also been made regarding the salvaging of materials with the addition of 'where appropriate'.
- 6.7 **439w** If the Park Authority wants more houses they cannot afford to be too prescriptive. Locating new buildings where old buildings were located previously could help retain some of the built cultural heritage of the area, particularly where the form, scale and materials are the same as before even though the use of the building might be different. Proposed Modifications – 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 (delete Structurally incapable of) unsuitable for rehabilitation and cannot be retained;
 - c) The existing house remains largely intact (delete with external walls and roof) or it has been permanently occupied within the previous (delete five) fifteen years;
 - d) (delete 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.

- 6.8 **Response:** The wording of the policy has been reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy. The policy is proposed to allow for the replacement of dwellings which are structurally unsound or incapable of rehabilitation; it is not intended nor would it normally allow for the increase in the number of dwellings on the site. It is considered that justified and appropriate proposals will be permitted, and the policy enables the reuse of previously inhabited dwellinghouses as appropriate. This will be assessed on a site-by-site basis. The Local Plan directs development to the existing settlements within the Park, encouraging the sustainable growth of communities, other policies such as policy 23 allow for the development of housing in rural building groups or policy 24 outside settlements.
- 6.9 SPPI5 requires planning authorities to be alert and sensitive to the likely increased demand for new types of development in rural areas, while protecting areas which are special in terms of the built, historic and natural environment where change has to be managed with great care. The policy strikes an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park.
- 6.10 **419p** This policy is onerous in term so its requirement that the existing house retains its roof. This policy could be very useful for enabling ruinous houses to contribute to the housing provision in the Park. There is no particular necessity for the roof to still be in place – considering the house is being replaced. The policy being put forward by Moray Council in their current Modifications to their Plan allows replacement housing on a site where the original footprint of the house is readily identifiable. It does not require all external walls and the roof to be in place.
- 6.11 Modifications to resolve this objection -
The policy should provide greater flexibility. Criteria c) should be altered to allow for the replacement house if the footprint of the original dwelling is clearly visible.
- 6.12 **Response:** The main issues raised in this objection have been covered elsewhere. The wording of the policy has been reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy. The proposed wording has been reassessed in this regard and amended to include a) to be structurally unsound or incapable of rehabilitation. Modifications have also been made regarding the salvaging of materials with the addition of 'where appropriate'.

7.0 Strategic Issues

- 7.1 The National Park Plan 2007 (CD7.1) provides a number of strategic objectives, including Conserving and Enhancing the Park(5.1) – Landscape, Built and Historic Environment and Living and Working in the Park (5.2) – Housing and safeguarding the built heritage, the cultural heritage and the traditions of the area. All new development should promote the aims of sustainable development including recognition of the identity of the local built and historic environment, natural and cultural heritage issues and delivering economic, social and environmental benefits.

8.0 Other material considerations

8.1 SPPI5 Planning for Rural Development

9.0 List of documents (including Core Documents)

- CD7.1 Cairngorms National Park Plan 2007
- CD6.11 Cairngorms National Park Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.3 CNPA Committee Report Deposit Local Plan May 2007
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD2.11 SPPI5 Planning for Rural Development