
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED: OUTLINE PERMISSION FOR THE
ERECTION OF A DWELLING HOUSE AT
HAUGH OF RUTHVEN, DINNET, ABOYNE**

REFERENCE: 06/499/CP

**APPLICANT: MR. WILLIAM ROBERTSON, HAMEWITH,
MELGUM ROAD, TARLAND C/O ROBB
KEIR DESIGN, BRIDGEVIEW ROAD,
ABOYNE**

DATE CALLED-IN: 15TH DECEMBER 2007

RECOMMENDATION : REFUSE

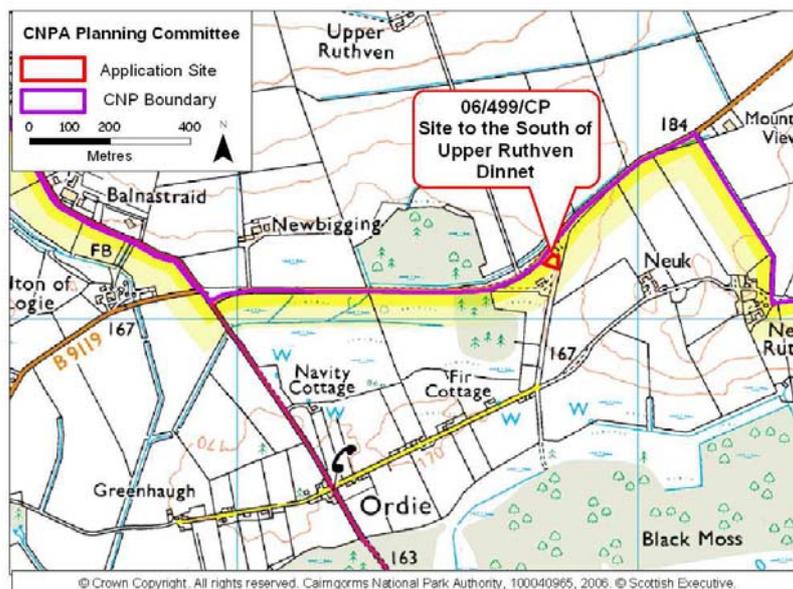


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the erection of a dwelling house on land at Haugh of Ruthven, near Dinnet. The proposed site lies close to the eastern boundary of the Cairngorms National Park and is adjacent to the B9119 road, leading towards Tarland, which is approximately 3 kilometres to the north east. Dinnet is located approximately 3.3 kilometres to the south.
2. The proposed site extends to an area of 800 square metres and is part of a larger open yard owned by the applicant, from where a haulage and maintenance repair business operates. The overall yard area is triangular in shape, bounded to the west by the B9119, with grazing land which is in the ownership of Dinnet Estate forming the eastern and southern boundaries. A large industrial workshop is positioned in the yard area, approximately 33 metres south of the proposed site. The yard is surfaced with hard core material and a large area of it is used for the parking of various types of vehicles.



Fig. 2 : view of the proposed site



Fig. 3 : The existing business premises and yard area, as viewed from the proposed site.

3. Although an application for outline permission only, an indicative site layout plan has been submitted, showing the footprint of a house positioned in a relatively central position, on a north – south orientation. Access is proposed to be taken from the existing lane off the B9119 which serves the existing business. It is indicated that the proposed dwelling house would be a 1 ½ storey property. The site layout plan also includes provision for 'private parking' on site, and indicates that the southern boundary would be formed by a low fence and hedge. The western and northern boundaries of the proposed site are already formed by an existing bund, which accommodates some planting.



Fig. 4 : Proposed site layout

4. It is proposed to connect the development to the existing public water supply, and foul sewage is proposed to be disposed of via the existing septic tank and soakaway which serves the business premises. Surface water would be disposed of in a separate soakaway.

Site History

5. An application was made to Aberdeenshire Council in 2006¹ relating to the overall business site (including the land that is the subject of this current application) seeking full planning permission for a change of use from Class 6 (Storage and Distribution) to Class 5 (General Industrial), and part change of use from Class 6 (Storage and Distribution) to HGV and Coach Repair and Maintenance. The CNPA were notified of the application but resolved not to call it in.² Detailed comments were however made by the CNPA on the proposal. The

¹ Aberdeenshire Council planning ref. no. M/APP/2006/2496 applies.

² Cairngorms National Park Authority planning ref. no. 06/244/CP applies.

comments conveyed to Aberdeenshire Council stated the following -
“as a means of consolidating and diversifying this existing well established business, the CNPA does not object to the principle of the change of use in this instance. The CNPA also acknowledges that the site is well screened from the B9119 road. However, in the interests of conserving and enhancing the natural heritage of the area, the CNPA suggests that this is an opportunity to further mitigate against landscape impacts. In this regard, it is suggested that further screen planting/bunding be employed to the south boundaries of the application site and the adjacent vehicle storage area. In addition, the CNPA would seek to ensure that the proposal does not increase the potential for pollution and that any significant increase in HGV movements to and from the site would generally be considered as negative in terms of sustainable development objectives.”

6. Full planning permission was granted by Aberdeenshire Council in August 2006 and included conditions requiring the achievement of adequate visibility at the junction of the entrance and the public road and also the submission of a landscape plan, for the agreement of that Planning Authority, showing existing and proposed screen planting, including relevant management proposals to ensure that the site remains adequately and attractively landscaped in perpetuity.

Applicant's case

7. Supporting documentation has been submitted which provides a background to the establishment and operation of the business on the site, and subsequently puts forward a case for the proposed dwelling house on the basis of its linkages to the business. A haulage business was established at the site 15 years ago, by the father of the current applicant. For many years the core business was in transportation. At present the business holds a license for 6 HGV tractor units and 10 trailers at the yard. The applicant took over the running of the business from his father in 2003 and identified a need in the Deeside area to provide workshop facilities for the repair and maintenance of heavy goods vehicles and coaches.
8. Further to the receipt of the aforementioned planning permission in 2006, the business now involves maintenance of the operators own vehicles as well as utilising the workshop for the operation of a 24 hour emergency maintenance and repair service for independent hauliers and bus operators. Additional information submitted in the course of the application indicates that 90% of the coach repair / maintenance element comprises of school transport and “it is pointed out that having workshop facilities for coaches to be maintained locally has a direct impact on the transport service provided.”

9. The case has been advanced that the intensification of the business use of the yard and workshop facilities has increased the general security risk and it is stated that “the reliable provision of security in the future is difficult to guarantee in such a remote position.” Supporting documentation contends that the business is “adversely affected by the lack of a permanent presence on site to operate the workshop fully and efficiently and have facilities available for 24 hour emergency maintenance.” Reference is also made to a presence being required in order to monitor deliveries of stock, as well as the fact that the “added responsibility undertaken by the business to provide a 24 emergency service” also compounds the need for a permanent presence on the site.
10. The applicant currently resides in his property in Tarland and responding to his clients requirements involves travelling to and from the business seven days a week throughout the year, sometimes at irregular and unsociable hours. In response to CNPA queries in the course of the application it has been indicated that the applicants journey time from his residence in Tarland to the workshop facility is 5 minutes and the applicant apparently carries out between 10 and 15 trips daily between his house and business.
11. The concluding comments of the supporting statement suggest that a house at the proposed location would “ensure the permanent availability of the applicant to deal with all aspects of the current business and encourage further expansion into this commercial field of work.” Finally, it is suggested the proposed siting of the dwelling house would facilitate the monitoring of all traffic movements to and from the site and increase overall security. Supporting documentation also indicates that “the applicant was made aware prior to submitting the proposal that a Section 75 Agreement would be required and is happy to accept such a condition.”

DEVELOPMENT PLAN CONTEXT

12. Section 3.18 of the **North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** directs new development towards towns and villages and to meet market demand in existing settlements in preference to isolated development in the open countryside.
13. Policy 12 of **NEST**, entitled House Building in the Countryside Beyond the Green Belt states that there will be a presumption against house building in such areas except
 - (a) rehabilitation or extension of an existing house; or
 - (b) replacement on the same site of the largely intact house; or
 - (c) a new house which is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside.

Policy 12 also includes the caveat that “all such development must be of the highest quality particularly in terms of siting, scale, design and materials.

14. Policy 19 of **NEST** refers to Wildlife, Landscape and Land Resources and outside of designated sites it is the general policy that “all new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Design concerns are further expressed in Policy 20 relating to the Built Heritage and Archaeology, with section 4.12 highlighting the fact that national trends towards standard forms of construction can threaten the distinctive character of the North East and emphasising that good design has an important contribution to make towards achieving sustainable development.
15. The **Aberdeenshire Local Plan** includes more detailed policies. The main policy applicable to the proposed development is **Policy Hou\4 on New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park**, where it is stated that a single new house will be approved in principle if :
 - (a) it is for a full time worker in an enterprise which itself is appropriate to the Countryside;
 - (b) the presence of that worker on-site is essential to the efficient operation of that enterprise;
 - (c) there is no suitable alternative **residential accommodation available**;
 - (d) the proposed house is within the immediate vicinity of the worker’s place of employment; AND
 - (e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire).
16. In terms of the justification of **Policy Hou\4**, the primary aim of the policy is to support a long term sustainable pattern of development. It is intended to prevent sporadic development in the countryside and assist in directing new housing development into cohesive groups of houses. The Plan recognises that for some people it is essential to live in countryside because of economic need. The Plan also stated that any new house approved under Part 1 of Policy Hou\4 is never sold to a non essential worker, developers would be required to enter into a Section 75 agreement.
17. Chapter 7 of the **Aberdeenshire Local Plan** details General Development Policies, with **Policy Gen\2** on the Layout, Siting and Design of New Development being of particular relevance in the context of the proposed development. The main aim of the policy is to achieve high quality new development, which respects the environment and provides a sense of place. The policy sets out a number of fundamental layout, siting and design principles, including the need for the development to fit successfully into the site and respect the character and amenity of the surrounding area; the scale, massing,

height and design should be appropriate and display a high standard of design, materials, textures and colours which should be sensitive to the surrounding area; it respects existing natural and built features on or around the site; and it respects the characteristics of the landscape in which it is proposed.

18. Other relevant policies include **INF\4A Foul Drainage Standards** which is to achieve satisfactory disposal of sewage and thereby maintain and improve standards of public health, amenity and the quality of the environment; **GEN1 Sustainability Principles** which is to ensure that all new development is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals; and **Appendix 1, The Design of New Development in Aberdeenshire**. The appendix provides design guidance on a variety of issues, including location, site layout, building design and also a specific section on housing design in the countryside.
19. The recently adopted **Cairngorms National Park Plan (2007)** highlights the special qualities of the Cairngorms, stating that the “Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways.” It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled ‘Living and Working in the Park’ the subject of ‘housing’ is explored. The Plan refers to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities as one of the key challenges in the National Park. Reference is also made to the quality and design of new housing which is expected to meet high standards of water and energy efficiency and sustainable design and also to be consistent with or enhance the special qualities of the Park through careful design and siting.

CONSULTATIONS

20. The consultation response from **SEPA** notes that the proposal is to continue utilising an existing septic tank discharging to a conventional soakaway, and according states that “in a planning context the proposals for foul drainage are acceptable providing the minimum distances to water required by Building Standards are achieved and the size of the existing system is adequate for any additional loading.” On the subject of surface water drainage, it is stated that one level of treatment is acceptable for residential developments, such as that proposed. The response from SEPA confirms that from a water quality perspective the arrangements to dispose of surface water via a separate soakaway are acceptable.

21. The **Transportation and Infrastructure (Roads)** section of Aberdeenshire Council have examined the proposal and in their response state that the service has no objection to the proposed development subject to a number of conditions being applied in the event of the granting of planning permission. Conditions include the provision of access in accordance with details shown on the indicative site layout plan; the provision of off street parking facilities within the proposed site, and the surfacing of parking areas in hardstanding materials; and the achievement of visibility splays (measuring 2.4 metres by 160 metres) either side of the proposed vehicular access with the B9119. It is also stipulated that all works within the limit of the public road should be carried out in accordance with the requirements of Aberdeenshire Council's Transportation and Infrastructure section, and with an application being made to that service for a road opening permit prior to the commencement of any works.
22. **Cromar Community Council** indicated in its consultation response that it would support the application "if the proposed house is part of the business."

REPRESENTATIONS

23. No representations have been received in respect of the proposed development.

APPRAISAL

24. The main issue to consider in this application is whether or not the principle of a dwelling house is acceptable and whether or not it complies with the planning policy applicable to the area.
25. As detailed earlier in this report Policy 12 of **North East Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** advocates a presumption against house building in the countryside unless the proposed new house is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside. The enterprise which operates from the site is not necessarily of the nature which would readily be assumed to be appropriate in a countryside area, having a combination of HGV and coach maintenance facilities, end of life storage of such vehicles, and according to details contained in supporting documentation, is also soon to have part of the yard area occupied for the storage and distribution of coal. Nonetheless, I accept that a commercial premises has been in existence for several years, and the recent planning permission granted by Aberdeenshire Council for various changes of use classes, including a change of 'general industrial' must therefore be taken as an acceptance of the appropriateness of this enterprise in this rural area.

26. The issue then becomes one of establishing, as per Structure Plan Policy 12, whether or not the proposed new dwelling is essential to the efficient operation of that enterprise. Considerable reference has been made on behalf of the applicant to the issue of security at the premises, as well as the necessity to have facilities available for 24 hour emergency maintenance and to have a presence on site to monitor deliveries. In an effort to gain an understanding of the operation of the business, a CNPA query raised in the course of the assessment of this proposal elicited information on the number of employees in the enterprise. The enterprise has a workforce of between 18 and 23³ and the applicants current home is just 5 minutes drive from the business premises. I would therefore suggest, given the relatively modest scale of the business and the significant size of the workforce that there is ample opportunity for a staff presence on the site throughout any 24 hour period, to ensure the efficient operation and security of the enterprise, without the need arising for the owner to live on the site.
27. In relation to the case advanced on security grounds, it is worth noting that a HGV business has existed at this location for the past 15 years, which has apparently not warranted 24 hour on site security to date. The issue of security was queried in further detail during the application assessment. It appears that security concerns, in the traditional sense, have not necessarily intensified at the business premises. The concern relates more to recent fly tipping activity at the site, with the applicant frequently finding that large household items such as fridges and cookers have been illegally dumped in the yard at night. Whilst it is understandable that the applicant is concerned at increases in activity of this nature, it would seem that the deployment of simple security measures, including perhaps the erection of gates at the entrance to the yard and the display of warning signage referring to unacceptable activities such a fly tipping, could have the potential to address some of the security concerns of the applicant, without necessitating the erection of a dwelling house on the site.



Figs. 5 and 6 : Examples of the open nature of the existing yard area

³ The workforce comprises of the following : - HGV yard – 2 no.; end of life storage – 2 no.; HGV / coach maintenance : 10 – 15 no.; coal storage/ distribution – 4 no..

28. The circumstances which I have referred to in the foregoing paragraphs remain pertinent in assessing the proposal in the context of **Policy Hou/4** (New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park), as detailed in the **Aberdeenshire Local Plan**. It has been established in the foregoing paragraph that the presence of the applicant, who is just one of a minimum of 18 workers involved in the enterprise, is not essential to the efficient operation of the business. Consequently the development would be contrary to part (b) of **Policy Hou/4**. In addition, based on the information provided in support of this application, the proposed development also fails to comply with the provisions of parts (c) and (d) of **Policy Hou/4**. The applicant is already in residence in Tarland and has a journey time of just five minutes between his residence and the business. I feel that it is reasonable to consider that a journey time of just 5 minutes in a rural area constitutes 'the immediate vicinity of the worker's place of employment.'
29. Reference was also made in supporting documentation to the frequency at which the applicant undertakes trips between his residence and the business (estimated to be between ten and fifteen times per day). I have since queried the necessity for the frequency of the daily journeys and it appears that the frequency is as a result of the applicants personal choice of operation of the business, with clients contacting the applicant by mobile phone and him then travelling to the site to engage in the works required, rather than him choosing to remain at the business premises throughout the working day. This is an indication that the presence of the applicant on site has not to date proved necessary for the operation of the business. It would appear that the frequency of journeys between home and business could be reduced by utilising the business premises on the site at least during standard working hours, rather than choosing to travel to his residence between jobs. On the basis of the information provided, I find it impossible to take the view that the proposed dwelling house is necessary for the applicant to operate his business. Any inefficiency in the operation of the business at the present time cannot not be attributed to the lack of a dwelling house on the site.
30. Aside from the fundamental issue of the principle of a dwelling house being unacceptable in the context of Structure Plan and Local Plan policy, I acknowledge that the proposed siting of the dwelling house is generally acceptable and there is the potential that an appropriately designed dwelling house in this location would be unobtrusive and would benefit from the presence of the existing substantial area of earth mounding and associated landscaping which has recently taken place along the roadside boundary. In this context, the proposal does not offend the **Local Plan Policy Gen\2** on the Layout, Siting and Design of New Developments.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. Other than its location within the Cairngorms National Park, the subject sites does not have any other natural heritage designations, nor is it of significance to the cultural heritage of the area. The proposal would not have any impact on this aim.

Promote Sustainable Use of Natural Resources

32. As this is an application for outline permission, details have not been provided of the proposed dwelling house and as such it is not possible to assess whether or not the proposal complies with this aim.

Promote Understanding and Enjoyment of the Area

33. The proposal would not make any contribution to the promotion of the understanding and enjoyment of this area by the general public.

Promote Sustainable Economic and Social Development of the Area

34. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc. and would tend to promote reliance upon the private car.

RECOMMENDATION

35. **That Members of the Committee support a recommendation to:**

Refuse outline planning permission for the erection of a dwelling house at Haugh of Ruthven, Dinnet, Aboyne for the reason listed hereunder –

1. The proposal is contrary to Policy 12 of the **North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016** and Policy Hou\4 (New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park) of the **Aberdeenshire Local Plan 2006**. The proposal represents a new house in the countryside, which has not been justified, as the presence on site of the worker which it is proposed to accommodate is not essential to the efficient operation of the business. In addition, there is evidence that suitable alternative residential accommodation is already available to that worker in the vicinity. The proposed development would therefore contravene existing policies on new development in the countryside and would encourage and set a precedent for the sporadic siting of other residential developments in similar rural locations, all to the

detriment of the character of the countryside and the amenity of this part of the National Park area, and furthermore it is not considered to make any positive contribution to the sustainable socio-economic development of the National Park.

Mary Grier
27 March 2007

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.