
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ERECTION OF NEW ESTATE DWELLINGHOUSE, AT CRAIGMEKIE, GLEN ISLA, BLAIRGOWRIE (FULL PP)

REFERENCE: 04/364/CP

**APPLICANT: MR A BENNETT,
PER JOHN MANNING, DIRNANEAN,
ENOCHDHU, BLAIRGOWRIE, PH10 7PD**

DATE CALLED-IN: 16TH August, 2004

RECOMMENDATION: APPROVAL

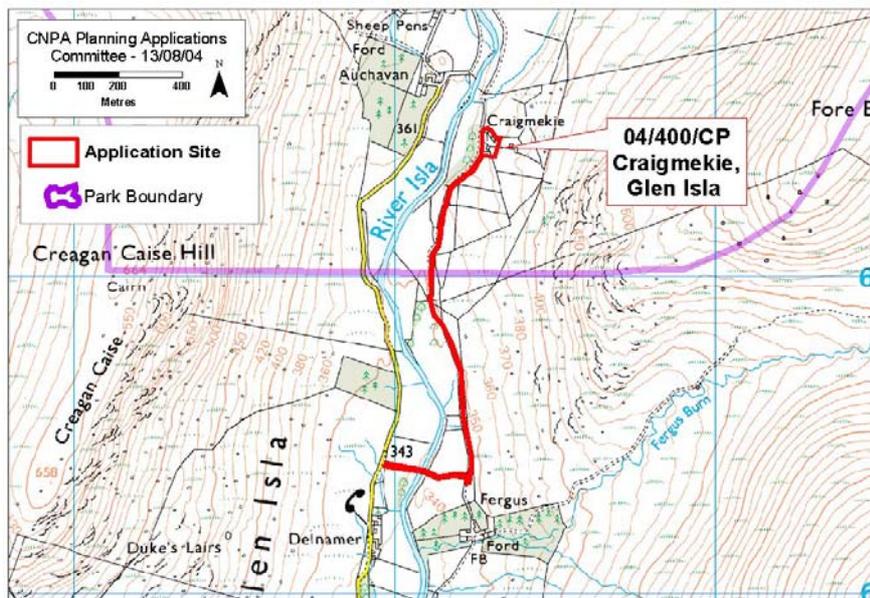


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for the erection a new house on the site of a ruined hill farm which appeared on the first edition OS maps in 1867. The structures include the remains of a small gabled cottage, a long house and various store buildings and enclosures. It is thought that there were at least four buildings and that two households would have occupied the site. The proposed house is to form a lodge serving the combined Glencally, Fergus and Glenmarkie Estate, which extends to over 4,000 acres of mainly sporting land. The site lies on the east side of the River Isla and is set well above the river. The site is quite prominent from the public road up the Glen on the opposite side of the river.



Figs 2 &3 looking to site from Glen Isla Road and looking up Glen Isla from the back (south east) of the site.

2. This is an unusual proposal that is in effect an application for a new house/business to serve a new sporting estate which comes to 4, 966 acres. Because this is, in part an economic proposal for a considerable building in a remote rural area further justification has been requested. In response to this a business plan was provided and is attached at the back of the report. The report sets out the existing sporting opportunities at the estate. The future plan is for the lodge to provide very high quality accommodation which will in turn allow the estate to create high quality premium sporting packages. The new estate would necessitate the employment of a cook/housekeeper, gamekeeper, 2 cleaners (part time) and 2 waiting staff (part time). There would also be approximately 550 days equivalent for beaters and pickers up.



Fig 4 Elevations

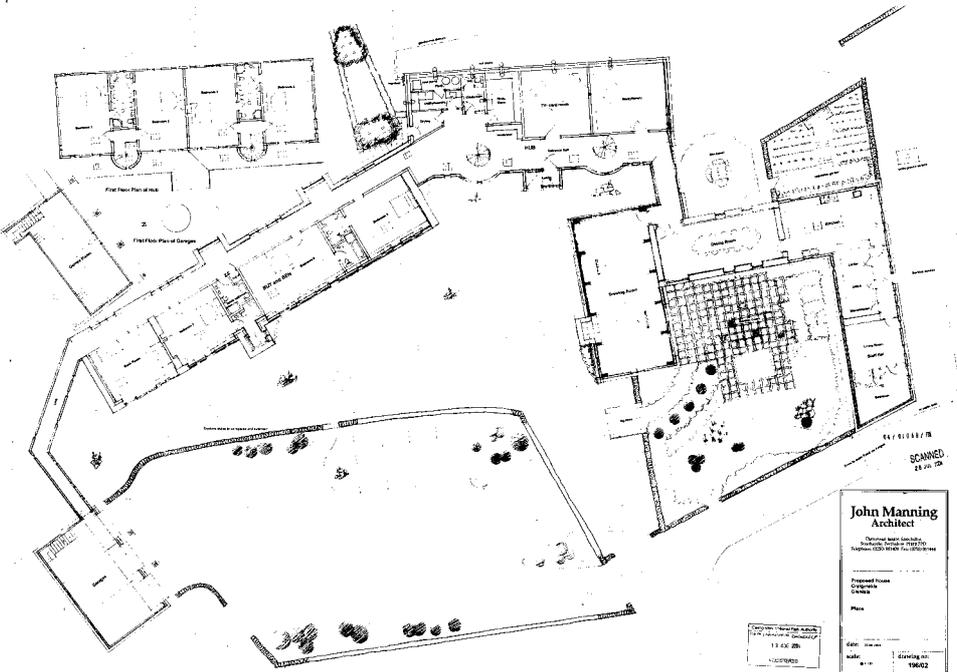


Fig 5 Layout Plan

3. The design of the new build, mainly single storey, relates to the footprint of the ruins, and will re-use some of the existing stone. Whilst all the buildings are linked together on the site, there are 4 distinct elements. Reading the buildings from north to south (left to right on figure 4) on the site, the first element is a garage block for 3 vehicles, with a games room in the roof space. The garage is then linked by a passageway to the 'but and ben' building which has 3 large bedrooms (double, with en-suite facilities) and a bunk room. In the next, central 'hub' building, there are communal rooms (TV room, library and laundry rooms) with, on an upper floor, 4 double bedrooms (with en-suite facilities). Two spiral staircases within this central 2 storey building are reflected in the external design of the building with rounded bay projections to the west facing wall. The rear wall of the hub is set into the slightly rising ground to the east side of the building. The southern 'wing' is almost U shaped, and contains a large drawing room (Great Hall), Dining Room and large kitchen area with stores. This building also contains a one bedroom staff flat.
4. Externally, parking for at least 7 vehicles is available, and garden areas / courts are shown to be formed around the buildings. The buildings will be finished with Scottish slate on the roof, with some natural stone and Douglas fir used in various designs on external walls. Drystone dykes will be repaired and extended. Drainage at the site will consist of a biological treatment plant and soakaway for foul drainage, and surface water will discharge to soakaways. A private water supply is proposed. Much detailed work has been carried out by the agent to ensure that the proposal has adequate drainage and water infrastructure prior to the application being brought before the Committee.
5. A landscaping plan has been provided which picks out surface landscaping and areas where additional planting would be incorporated.
6. Access to the site will be from the south, using an existing track, to be upgraded and with passing places added. This access also links with a property, Fergus, at its southern end, which is planned to be the estate keeper's accommodation, game larder and associated vehicle base. Concerns were raised regarding potential landscape implications for the upgrading of this track and a detailed landscape assessment of the whole track route has been provided.
7. There is a small technical complication with this application in that it straddles the CNPA area boundary with Angus Council. The proposed dwelling along with about one third of the track lies within the CNPA planning responsibility area. Approximately two thirds of the track lies outwith the park in Angus Council's area. Advice was sought from the Scottish Executive who stated that the aspects of the application in each area should be dealt with by the relevant area authority and the decision notices issued at the same time.

DEVELOPMENT PLAN CONTEXT

National Planning Guidance

8. **Scottish Planning Policy 3 Planning for Housing** notes that in some rural areas new housing outside existing settlements may have a part to play in economic regeneration and environmental renewal. In remote rural areas with substantial long term de-population, proactive planning measures to help increase the resident population could assist in economic and social regeneration. The guidance goes on to note that the aim should be to promote development that supports the rural economy and local services, promotes rural regeneration, embodies the principles of sustainable development and enhances the rural environment.
9. **Planning Advice Note 72 Housing in the Countryside** recognises that high quality design must be integral to new development and local area differences must be respected. Traditionally, local climate and available materials have had a profound influence on the design of houses and have helped to create local area characteristics. Likewise features and finishes can help connect, or disconnect a house to its surroundings. Increasingly, however, design has been standardised across the countryside. The challenge therefore lies in encouraging designs which are distinctive and responsive to their setting.
10. **Scottish Planning Policy 15 Planning for Rural Development** notes that there is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons. The guidance notes that planning authorities should support a wide range of economic activity in rural areas and seek environmental enhancement through development at every opportunity. It is pointed out that tourism is of vital importance to the social, economic, environmental and cultural well-being. Diversification is a key consideration of the guidance and it notes that diversification is often most successful where activities are complementary and carefully targeted. In many cases a new enterprise will be connected to an existing business. It will likely be linked to local suppliers and markets and have strong ties with the community in terms of employment and service delivery. There are some good examples where allowing a limited amount of housing has led to the creation of innovative business opportunities, the re-use of buildings, environmental enhancement and significant employment regeneration.
11. **Planning Advice Note 73 Rural Diversification** notes that in its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. It is further noted that diversification helps to broaden the

economic activity of rural areas, providing opportunity and creating a more balanced and stable economy. The guidance further notes that rural diversification can attract new people into declining communities and help local economies to grow. It can also reduce commuting, help to protect existing environmental and heritage assets, bring brownfield sites back into use and help to deliver environmental enhancements. Sustainable diversification may involve new housing. It is important for planners to consider the economic and social, as well as environmental, implications for sustainability.

Structure Plan Policy

12. In the **Dundee and Angus Structure Plan (November 2002)**, the strategy for the rural areas seeks to provide opportunities for diversification of the rural economy, maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services in rural communities, and supports the protection and enhancement of the countryside, maintaining the quality of valued landscapes, the natural, built and historic environment, and biodiversity (para2.34). **Housing Policy 5: Countryside Housing**, states that in the countryside housing development will generally be directed to existing settlements, defined by development boundaries in Local Plans. Outwith development boundaries, housing in the countryside will be supported where it involves renovation of an existing house, or conversion of a non-residential building of traditional construction, which cannot otherwise be used for a rural business. A new build may be acceptable where it is essential to meet the operational needs of agriculture/forestry or other rural business, or where it would assist in maintaining population and services in Category 2 Rural Settlement Units (preferably using brownfield sites, be accessible and capable of connection to infrastructure, and have regard to landscape capacity with sensitive design and use of materials).

Angus Local Plan: Please note that the 2000 plan is used rather than the 2005 Finalised review as this does not cover the area of Angus within the CNPA Area in anticipation of the Parks own Local Plan.

13. The **Angus Local Plan (2000)** provides the most up to date local policies for the area, the site lies in what is known as a Category 2 Area. This relates primarily to remote rural areas where limited new development outwith settlements may be appropriate in order to stem rural depopulation and/or to support existing services and in **Policy H8: Countryside Housing**, there is a presumption in favour of individual new houses in the countryside where the proposals meet the appropriate Development criteria detailed in Schedule 1. The most relevant criteria in relation to this application (15 listed)
- house plot no larger than 0.4ha (1 acre),
 - site should not breach field boundaries,
 - development should not set a precedent for similar applications,

- houses in exposed or conspicuous locations will not be acceptable,
 - development should not adversely affect specially designated areas (eg NSAs)
 - all new and replacement houses should respect the character and location of the rural setting through an appropriate scale and form of building design and use of materials,
 - adequate drainage arrangements and water supply,
 - a suitable and safe access, to reasonable standards,
 - appropriate effective landscaping.
14. **Policy H9: Large Country Houses**, supports proposals for new country houses where the property can be set in a substantial area of established landscaped ground, represents a major contribution to the future architectural heritage of Angus, is designed to the highest standards and the floor area of the proposed house would exceed 700sq. metres. **Policy H11 Cleared Housing Sites** states that new houses proposed where there is limited evidence of a previous structure will be considered as greenfield development and assessed against policy H8. **Policy EMP9 Rural Employment** supports developments involving the reuse of redundant rural buildings, and that fit a number of other criteria including that they are rural, or locally based activities, do not involve an unjustified need for additional services expenditure and do not significantly impact adversely on residential or visual amenity. The Local Plan notes that sporting land use is an important component of the social and economic structure of many parts of rural Angus. **This is particularly important in the Angus Glens where the presence of field sports is important in maintaining local employment and in the attraction of visitors to the area.** **Policy RT9 Countryside Recreation** considers that development proposals for outdoor recreational/leisure activities in the countryside will be encouraged where they are in accord with other policies of the Local Plan.

CONSULTATIONS

15. **SEPA** submitted a holding objection to the development pending the receipt of further information on an acceptable foul drainage scheme for a development of this scale. A full drainage assessment has subsequently been carried out. Given that foul drainage discharge is to be to a biological treatment system, then secondary treatment in the form of a soakaway SEPA withdraws its objection.
16. **Aberdeenshire Council's Archaeologist (on behalf of Angus Council)** Initially, raised concern that the proposal would result in the loss an entirely typical improvement-period hill farm. Because of this, an archaeological survey was required. This was provided and has been placed on the web-site of the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). The survey identified at least two dwellings and a number of dry stone enclosures.

No precise evidence as to the foundation of the settlement was uncovered though the community was largely in its present form in the middle of the 19th century when it was mapped by the Ordnance survey. The presence of modern cement mortar repairs to some of the buildings suggests that at least some of the site was in use into the 20th century. Traces of possible earlier structures were uncovered to the east of the main settlement, though no further dating evidence has been uncovered. Further work may be required at the site dependent on the Council archaeological advisor. The survey has provided a detailed record of the settlement and the Archaeologist now has no objection to the scheme, subject to an archaeological monitoring condition.

17. **Angus Council Planning** had encouraged the proposal at pre-application stage and comment that the site is located within an area of Angus where there is a presumption in favour of new housing in the countryside on appropriate sites. Some doubts were expressed as to the appropriateness of the site. In terms of the requirement for an essential worker dwelling it is usually required that significant evidence is provided on the nature of the business and the justification for that business. In this instance this has not been provided, but it is however recognised that the property would be a base for a business rather than just a private house.
18. **Angus Council Roads** have no objection providing that intervisible passing places are provided at maximum intervals of 150 metres along the track.
19. **CNPA Natural Heritage Group** raised some concern about the potential landscape impacts of the buildings and the track to access them and sought further information on this issue. This information was provided and shows that the track runs along side a dry stane dyke for much of its length and has some screening from existing scattered groups of trees. Landscaping proposals have subsequently been submitted up front.
20. **CNPA Visitor Services and Recreation** has no comment to make on the proposal.

REPRESENTATIONS

21. None received.

APPRAISAL

Principle

22. For this proposal, there are a number of issues to be examined. Firstly there is the principle of a new building on the site of a ruined hill farm; secondly the development needs to be considered as both a new rural business (a sporting estate's accommodation and hospitality centre) and a house. There are also the issues relating to archaeology, design of the building, access and sustainability.
23. Land associated with the Glencally, Fergus and Glenmarkie estate has been a traditional sporting estate providing red deer stag and hind stalking in season as well as grouse shooting and some roe deer stalking. A new residential centre is proposed for this estate, providing generous, modern facilities for potentially up to at least 20 people at one time. The existing house and steading at Fergus, to the south, will be part of the estate, and will provide ancillary accommodation for a keeper as well as the necessary vehicles and equipment base.
24. In terms of planning policies, the building of this new complex of buildings would provide the centre for a sporting estate, for visitors to stay in and be provided with quality accommodation under Angus Council Policy EMP9 'Rural Employment'. The complex therefore has to be viewed both as a large country house / dwellinghouse, under Policy H9 but also as the centre of a rural business for visitors to this remote part of the countryside to take part in the sporting interests on the estate. Accommodation for staff within the new buildings and at Fergus are key parts of the overall development, providing jobs on site, and enabling the domestic and / or business elements to operate and be maintained. This type of proposal in my view is exactly what is being encouraged by latest Scottish Executive guidance in the form of SPP3, SPP15, PAN 72 and PAN 73 as set out in the development plan section of this report. The crucial importance of traditional sporting activity to the economy of the Angus Glens is also emphasised by Angus Council Policy EMP9.
25. In respect of either of these uses (domestic and business) the policies for housing in the countryside, rural employment and countryside recreation would all support a new property here in principle. However, I am less certain that policy would support the detail of the proposal if it was to be considered as a new dwelling alone (because of its scale). As part of a sporting complex, the new group of buildings' association with the hill land is crucial and the loss of this link could be fatal to the business in terms of the principle of the development being accommodated here. While this is not an area where there is a presumption against housing requiring the usual land management justification and consequent legal agreement the link between the house and the land is key. A Section 75 Agreement is therefore proposed to ensure that this is, and remains, an essentially viable

business proposal. The agent accepts and understands the requirement for this.

Siting of the Buildings/Access Track and Archaeological Implications

26. There is the question as to whether this is the right site for the development. Normally the redevelopment of a brown-field site would be the most logical approach to take – a complex of buildings has been associated with this site for a long time. Although, the remains of some of the buildings are not particularly obvious. The regional Archaeologist has indicated that the ruins represent a good example of an improvement period hill farm. The ruins are not scheduled or listed, and therefore do not have any statutory protection. An archaeological survey of the site was requested to obtain more information on what exists, and its value, and from that there needs to be some assessment of whether the ruins should be retained 'as is', or whether the best of the remaining features could be excavated and retained within the new development. An archaeological survey has been carried out and the Archaeologist advising Angus Council considers the development to be acceptable providing a watching brief is maintained by planning condition. In fact, the survey commissioned by the applicant has provided a useful information tool for the Royal Commission for Ancient and Historical Monuments of Scotland and a copy of the survey has been published on their web-site. This in itself has added to the knowledge of the cultural history of this part of the National Park. A watching brief can be maintained during the works and it is important to note that any invasive archaeological investigation of the site would result in its removal in any case. It must be recognised that settlements and buildings evolve over time and with the lack of an objection from the County Archaeologist this is an opportunity to gain more information about the site while potentially adapting the site to a positive new building and economic proposal still associated with the land around it.
27. The building will be in view from the road on the opposite side of the glen. However, in historic terms there was once a settlement in this area and the site is at the hub of a number of dry stone walls. The site is no more prominent than other sites would be on this side of the glen and in my view the building is of such a high quality, individual design that it would actually contribute positively to the landscape character of the area. Appropriate landscaping proposals have been provided up front.
28. Some concern was raised with the applicants regarding the access track to the site and potential landscape impacts from any upgrading. A landscape assessment has been provided which shows that for much of the route the track runs alongside existing landscape features such as trees and dry stone walls. The track proposed will be 3 metres wide with a permeable crushed stone surface, drystone dyking adjacent to parts of the access track will be restored. The track will be

more visible from surrounding hillsides than is currently the case. However, this would be the case with any route chosen to the site and it must be recognised that from time to time appropriate development can only be expected in an inhabited glen.

Design

29. In terms of design, although this is a large amount of accommodation and associated facilities being provided in this very rural location, the total accommodation is effectively broken down amongst a number of different (but linked) buildings. From a distance this should appear as a typical cluster of rural (hill farm) buildings, albeit of a slightly larger scale and more modern appearance than others in the glen. Traditional materials of slate, stone and wood are being used, and sustainable design features are incorporated into the overall design of the buildings. Provided the planned landscaping is carried out, around the site at an early stage in the development, the new development will be able to be well integrated into the landscape here. Overall, the design is considered to be of a very high quality combining traditional layout of building footprints with modern openings for glazed sections. The proposal is considered to comply with the development plan but would also set a positive example of the type of designed development that is being promoted by PAN 72 from the Scottish Executive as set out at the beginning of the Development Plan Context section of this report.

Sustainability

30. The proposal is viewed very positively in terms of sustainable design. In principle, this is an economic proposal that will provide local employment in the area and ensure that benefits derived from the sporting business accrue predominantly to the immediate vicinity.
31. In terms of the fabric of the building a number of benefits are offered. The scheme includes a geothermal heating system and many of the facings of the building will be finished in Scottish grown larch vertical boarding. Solar panels are also to be included on the west elevation of the 'butt and ben' building. A significant amount of glazing is also included in the south elevation of the Great Hall. The scheme also proposes the repair of dry stone walls in the vicinity of the site. The project also includes the creation of a small vegetable garden to grow produce for the business.

Conclusion

32. Overall, this proposal contributes strongly to the aims of the Park it represents economic development in the formation of a new business that will provide employment as well as the provision of a high quality, sustainable, individually designed building that while having modern features interprets the original footprint of the hill farm buildings while

utilising traditional materials. The recommendation is one of approval based on the supporting Scottish Executive guidance in the form of SPP3, SPP15, PAN 72. PAN 73 and Policy EMP9 of the Angus Local Plan.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The redevelopment of an abandoned rural hill farm is good in that the land will be more actively managed for its sporting interests, to the benefit of some aspects of local wildlife. However there are concerns here that some of the local heritage could be lost with the removal of the old ruins and the re-use of the material on the site for new build. This issue has been assessed by the Council Archaeologist and providing a watching brief condition is attached to the application then there is no objection. In addition, the survey carried out as part of this application has provided valuable information on the cultural heritage of this site. The very high quality design of the building will positively add to the cultural heritage of the area into the future while still retaining the important cultural link between built development at the site and surrounding land. The scheme also includes a considerable commitment to the re-building of the dry stone walls in the area ensuring the enhancement of the cultural setting of the site.

Promote Sustainable Use of Natural Resources

34. The building is reusing stone from the original house and steadings, and otherwise will be using locally sourced materials, including Douglas fir and Green Oak, slate and building stone. The Green Oak will be used for posts on the garage block. The heating system would be a ground source heat pump with underfloor heating. Passive solar collection has been designed into the building, with solar collectors to augment the domestic hot water. Sun pipes are proposed in the areas below ground against the hill, with natural ventilation to the kitchen with a ridge ventilator. The building overall, is considered to be individually designed with a high degree of sustainability built in. The project provides a good example of a modern building interpreting the existing layout of the site using a host of traditional/local materials but with a contemporary feel and a high degree of sustainability.

Promote Understanding and Enjoyment of the Area

35. There is the potential that such a destination in the glen will bring new people and visitors into the area, to appreciate the landscape, local history and to enjoy the sporting activities that the business would offer.

Promote Sustainable Economic and Social Development of the Area

36. The development of a complex of this scale will bring more people and visitors to the area, providing jobs, and the need for services, to maintain the property and the estate as illustrated by the business plan.

RECOMMENDATION

37. That Members of the Committee support a recommendation to: **GRANT Full Planning Permission** for the erection of an estate dwelling house and associated facilities subject to the following:

A. Section 75 Agreement

To ensure that the building is used for its stated purpose and to ensure that it is not sold separately from the new estate lands.

B Conditions

- I. The development to which this permission relates must be begun within five years from the date of this permission.
- II. The developer shall afford access at all reasonable times to any archaeologist nominated by the CNPA in consultation with the Planning Authority and shall allow time to observe work in progress and record items of interest and finds.
- III. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Planning Authority before any work commences on site.
- IV. Detailed drawings of the proposed repair/upgrading of the access track; including provision of intervisible passing places (150m spacing) within the CNPA section of the site shall be submitted to and approved in writing by the CNPA in consultation with Angus Council Roads prior to the commencement of the development hereby approved.
- V. All infrastructure requirements including roads, parking, drainage, water supply shall be in place and ready for use prior to the first occupation of the building.
- VI. The development shall be landscaped and maintained in accordance with the approved scheme as follows:-
 - (a) Completion of the scheme during the first planting season following the completion of the development, or such other date as may be approved in writing with the Planning Authority.

- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

PLEASE NOTE THAT ANY DECISION NOTICE WILL ONLY BE DISPATCHED WHEN ANGUS COUNCIL GRANT PERMISSION FOR THE REPAIR OF THE ACCESS TRACK UP TO THE POINT OF THE DEVELOPMENT WITHIN THE PARK BOUNDARY.

DETERMINATION BACKGROUND

The long delay in bringing this application before the Planning Committee almost entirely relates to the issue that the new estate lands were sold during the life of the application and the architect asked that we held the proposal during this period so that he could seek instructions from his new client. The new client instructed him to proceed with this scheme. Some smaller additional delays have resulted from the need for a full archaeological site survey and the need to establish drainage principles in line with the requirements of SEPA.

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28 February 2007

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.