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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** **REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by:** **KATHERINE DONNACHIE  
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DEVELOPMENT MANAGEMENT)**

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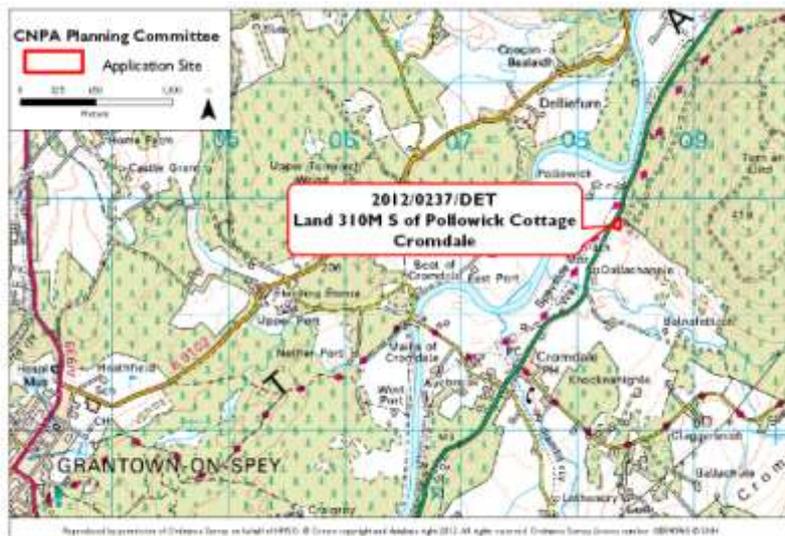
**DEVELOPMENT PROPOSED:** **ERECTION OF HOUSE &  
DOUBLE GARAGE,  
INSTALLATION OF SEWAGE  
TREATMENT PLANT, SAMPLE  
CHAMBER AND INFILTRATION  
FIELD AT LAND 301 metres  
SOUTH OF POLLOWICK  
COTTAGE, CROMDALE**

**REFERENCE:** **2012/0237/DET**

**APPLICANT:** **MR ALEXANDER DRUMMOND**

**DATE CALLED-IN:** **22 July 2012**

**RECOMMENDATION:** **REFUSE**

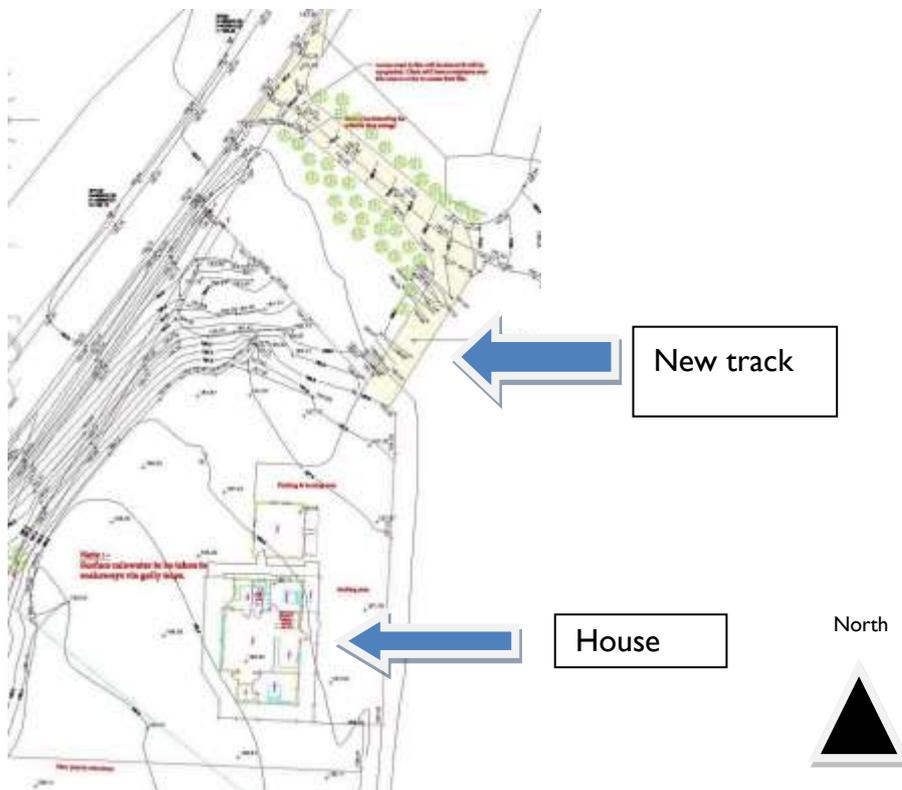


Grid Reference: 308342 829717

Fig. 1: - Location Plan

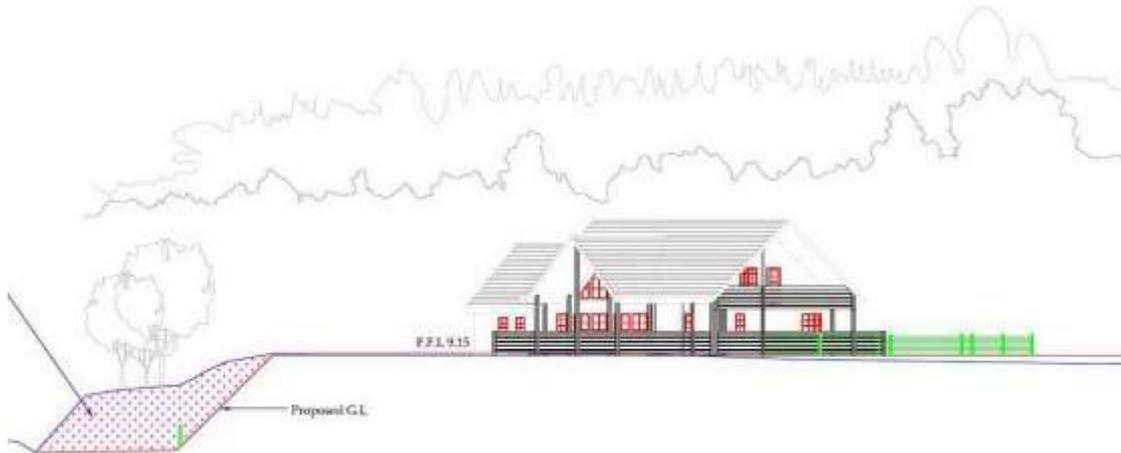
## SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought to erect a new house and garage near Pollowick, to the north east of Cromdale. The site comprises part of a larger agricultural field located to the south east of the A95 Aberlour to Granttown on Spey trunk road. This field is located on a “plateau” sitting above the road, with an embankment leading down to the trunk road. To the rear (north east) of the site is the Tom an Uird wood.
2. It is proposed to site the new house back from the edge of the plateau, into the site with the above mentioned trees acting as a backdrop when viewed from the south west (Cromdale) approach. Figure 2 below shows the site layout



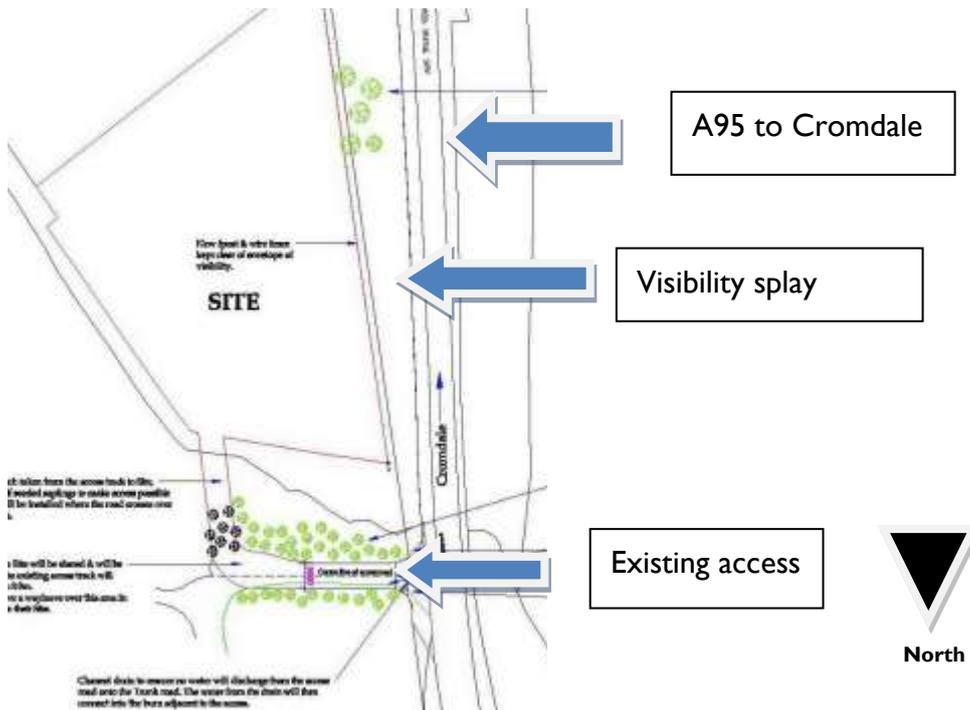
**Fig. 2: Site Layout**

3. The site will be accessed by means of an existing access track off the trunk road, which leads into the woodland. This track is to be upgraded by way of lowering the track in order to reduce the gradient, and removing roadside embankment to the south in order to achieve the visibility splay required by Transport Scotland onto this busy trunk road. The removal of roadside embankment will also necessitate the removal of native trees on this banking. Figure 3 below illustrates the extent of these visibility splay works. (Confirmation has been received that the landowner is agreeable to these works being carried out if the application were supported.)



**Fig. 3: Site Sections**

4. A new track into the site is proposed off this existing track. This will involve felling of some trees and also culverting of an existing watercourse to create the new access. This is shown in more detail in Figure 4 below

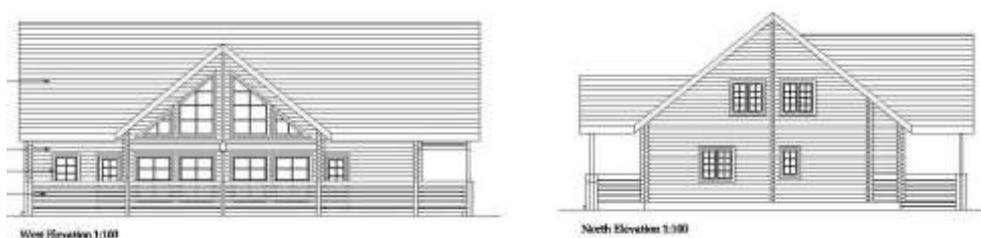


**Fig.4: Access Arrangements**

5. Otherwise servicing will be by means of private sewage treatment plant with certification submitted to demonstrate this will work, and the landowner confirming agreement to the drainage arrangements being located on his land. A new private water supply is proposed within the site and testing of the water will be carried out if the application were supported, and work started on site, given the costs involved in digging boreholes at this application stage. Should

the application be supported this matter could be covered by appropriate planning conditions.

6. The house type itself is a log cabin design, with pitched slated (or tiled) roof and detached pitched roof garage finished to match. The proposed house is one and half storey, with four bedrooms, balcony features and decking with areas of glazing. It is designed to be energy efficient with various sustainable measures such as sheep's wool insulation, and grey water recycling. The applicants' supporting design statement expands upon these measures and explains the reason for the choice of house type which relates to the sustainability credentials of this Finnish cabin. This is attached as **Appendix I**



**Fig.4: Elevations of House**

The applicant has also submitted photographs of other examples of other log cabin type wooden houses in the Park to substantiate their case that there are precedents for similar development.

7. The applicant has submitted a summary of the circumstances in support of the case that this house is an affordable one, in relation to Local Plan policies for new housing in the countryside, and also to demonstrate their local need for a house. (This is attached as **Appendix 2.**) This also includes supporting letters from local residents and the Cromdale and Advie Community Council. The applicants have requested the opportunity to be heard at Committee in support of their application.
8. Further more detailed information has been provided, in confidence, by the applicants to the Highland Small Communities Housing Trust to enable assessment of the affordability case.
9. In terms of planning history pre application discussions took place with the applicants and the CNPA Development Management officers in 2011. At this time the applicant was advised of policies for housing in the open countryside and the need to provide a supporting case to demonstrate compliance with policy in terms of their case for a house. The response highlighted that the applicants would require to explain the options considered and provide information to substantiate the affordability case. Advice was also provided on servicing, access and siting should the applicants pursue an application. There have been no previous applications on the site itself.
10. There have been a number of applications for housing in the area as follows which are relevant to this case as follows:

- Pollock Cottage to north west – planning consent granted by the CNPA for a replacement house attached to the existing cottage here Reference 11/155/CP)
- Site at northern edge of Cromdale (Reference 12/01422/FUL) – consent refused earlier this year by the Highland Council for a new house within the settlement boundary of Cromdale on the basis of road safety and also on the basis that the works required to access the site would have a detrimental effect on the landscape as a result of the earthworks and tree removal.
- Planning consent granted in 2012 by the Highland Council for a new house at Balnafettach to the south near to the steading buildings. This followed on from an earlier consent granted under previous planning policies which was still live.
- In the wider area various house plots have been granted around the Balmenach area which were covered by a separate Highland Council Supplementary Design Document specific to that area

## DEVELOPMENT PLAN CONTEXT

### National Policy

11. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
12. As a replacement for a variety of previous planning policy documents Scottish Planning Policy includes 'subject policies', a number of which are applicable to the proposed development. Key policies relate to affordable housing, with SPP setting out that affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. There are different forms of affordable housing from social rented accommodation to low cost housing without subsidy. Policy highlights that affordable housing needs should be met where possible within the housing market area where it arises. SPP stresses the need for Planning Authorities to be clear on the scale and distribution of affordable housing for their area, and to highlight any differences in approach between urban and rural areas as necessary. SPP concludes that where it is considered that housing built to meet an identified affordable housing need should remain available to meet such needs in perpetuity, then the measures to be used to ensure this should be set out in supplementary guidance.
13. SPP also sets out policy for rural development, highlighting the need to support more opportunities for rural housing with the need to allocate generous supplies of land to meet housing needs (including affordable housing needs) applying equally to rural and urban areas. The need for Development Plans to

provide opportunities to support rural housing is highlighted with the importance of new housing in supporting economic regeneration highlighted. SPP stresses that all new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards particularly in relation to energy efficiency

14. SPP also sets out the policy approach to landscape and natural heritage, setting out the need to support opportunities for enjoyment and understanding of the natural heritage with siting and design to be informed by local landscape character
15. National Parks are also discussed under the heading of national designations, and the four aims of the Park are outlined with SPP concluding that in circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence.
16. Further guidance is provided in Planning Advice Note 2/2010 on affordable housing and housing land audits. This also explains that in some places the market provides some or all of the affordable housing needed, while in other places it will be necessary to make housing available at a cost below market value to meet an identified need. Planning Advice Note 72 on housing in the countryside sets out general design and siting principles noting that within some areas such as National Parks, there may be a case for more prescription and a preference for traditional design, but highlighting it is also important to encourage the best of contemporary design.

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan 2012-2017**

17. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.  
Three long term outcomes for the Park are set out as follows:
  - A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.
18. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the

outcomes is set out in the Plan with an aim being to ensure that people working in the Park have access to housing that meets their needs. Policy 1.1 sets out the need to provide a housing land supply which will meet identified need and demand.

## Local Plan

### Cairngorms National Park Local Plan (2010)

19. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. New development requires to be assessed in relation to *all* policies contained in the Plan. In this case the key policies are set out below.
21. Policy 22: Housing outside settlements sets out the circumstances where such housing will be supported. These can be summarised as follows:
  - If the house is required for a worker whose presence is essential on site
  - If the site is a “brownfield” one,
  - Finally if the site is for affordable housing in cases where there are no suitable sites available within settlements, where the development meets a demonstrable local need and the site does not detract from the landscape setting.
22. Policy 6: Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Further information on landscape in the park is provided within the landscape toolkit which has been developed.
23. Policy 16: Design Standards for new development applies which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide
24. Policy 5: Biodiversity sets out that there should be no adverse impact upon any habitat or species identified in the Local Biodiversity Action Plan
25. Other policies relating to transport, waste management, developer contributions and water resources also apply in terms of servicing.

### Supplementary Planning Guidance

26. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29<sup>th</sup> October 2010, a number of Supplementary Planning Guidance documents were also adopted.
27. Specific guidance on affordable housing is relevant here, although it is worded to address larger housing developments and refers to the use of a development

appraisal toolkit for all proposals for three or more dwellings on any one site. Guidance notes that development of sites solely for affordable housing will be supported provided the requirements of other policies are met. Scottish Government definitions of affordable housing are referred to in the guidance.

28. Guidance on Natural Heritage applies here too. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Also relevant is the Landscape Toolkit referred to in paragraph 23 above
29. The Sustainable Design Guide sets out key issues to be addressed when designing new development in the Park,

## CONSULTATIONS

30. **The CNPA Affordable Housing Officer** was consulted and advised that given this was the first example of a single house in the countryside seeking to demonstrate an affordable housing justification it would be appropriate to establish a robust methodology and approach to assessment based upon national guidance, and that this assessment should be carried out independently by a suitably qualified organisation.
31. **The Highland Small Communities Housing Trust** was consulted on this application to independently assess the affordability case. They have concluded that the applicants are in genuine housing need and have satisfactorily demonstrated their need for a house in the Cromdale community area. The HSCHT support this, and the need to find suitable accommodation for the family. At the time of preparing their report there were no reasonable alternatives on the market.
32. With regard to “affordability” the HSCHT have assessed the proposals against Scottish Government criteria, and in accordance with the guidance given by the Scottish Government on establishing affordability, as contained in Annex D of their Open Market Shared Equity Scheme Administrative Procedures guidance. Having undertaken this affordability assessment in line with Scottish Government guidance the HSCHT has concluded that the proposal does *not* meet all of the criteria in relation to the following:
  - The proposed house has an internal floor area above the maximum allowable under HSCHT criteria which are based on SG guidelines, but have been increased by HSCHT to take account of the latest building regulations.
  - The proposed project has not been fully costed, which HSCHT would ordinarily expect at this stage in order to reduce risk. However, the proposed project costs are similar to local market valuations and HSCHT would normally expect project costs to be at least 20% below market value if a rural housing burden were to be attached to the title to the property. (The Rural Housing Burden would lock in the difference

between cost and market value as an equity share which could then be passed onto subsequent purchasers of the property, thereby protecting its future affordability)

33. They further conclude that as the house does not fit with their affordable house criteria it would not be possible or practicable for the HSCHT to take any measures to help ensure that the house would remain in the local affordable housing market should it ever come up for sale.
34. **The CNPA Heritage Manager** has been consulted and advises that the proposed house site is in an elevated position, a short distance from the roadside, contrary to the settlement pattern. In addition the construction of the access and sight lines would mean the removal of a large amount of landform and trees, with more trees removed for construction works, resulting in significant intervention into this landscape. He further advises that the building would be prominent in the views from the main road to Elgin and the Speyside way. This is derived from the elevated position and the removal of existing vegetation. The design of the building is considered to be unsympathetic to the location, with neither vernacular references nor offering a contemporary approach to the integration of built form into the landscape setting.
35. The combination of these factors means there would be adverse landscape and visual effects, and that the development would not complement or enhance the landscape character as required by policy.
36. In terms of natural heritage issues, although there are no specific designations on the site, the habitat and trees are of some ecological value. Consequently if the application were supported then a condition requiring adequate compensatory measures would be necessary.
37. **Highland Council's Forestry Officer** has been consulted and has noted that some trees beside the existing track have been felled, and also notes that trees along the western (roadside) edge of the site will require to be felled to achieve visibility. He recommends that any residential development be 15 metres from the existing woodland edge and that conditions be imposed to protect existing trees and ensure that a landscape plan is submitted and agreed. On this basis he does not object to the application (*The proposed house would be some 10 metres from the trees to the east and on discussing this further with the Forestry Officer he advises that the proximity will not damage the trees but rather is a matter of future shading/leaf collection for the occupiers which could be highlighted by way of an informative.*)
38. **Cromdale and Advie Community Council** has been consulted and their comments are awaited at the time of writing. However they previously provided the applicants with a letter outlining their support for the principle of this development

39. **Aberdeenshire Council's Planning Gain Unit** has provided an assessment of their consideration of the impacts of the development upon local services and amenities and concluded that a contribution towards affordable housing is appropriate in this case. In the event of the application being supported the applicants would require to discuss this matter further with the Unit and reach agreement as necessary. However it is presumed that if the house were considered to be an affordable one then there should not normally be such a requirement
40. **Highland Council's Roads Officers** have noted that as access is onto a Trunk Road they have no comments. They highlight that the applicants should ensure that the site will be free from the effects of a 1 in 200 year flood event. *(Note in this regard it is noted that the site lies outwith the flood plain as defined by SEPA on much higher land whereby it is unlikely that this would prove to be an issue.)*
41. **Transport Scotland** has no objection to the application subject to conditions being imposed requiring the access improvement works to be completed before the house is constructed.
42. **Highland Council's Environmental Health Officer** has noted that it is proposed to connect to a private water supply. Accordingly they must be consulted to ensure the water supply is wholesome and adequate. Appropriate tests will be required.
43. **Historic Scotland** has been consulted in view of the site's location within the inventory of Battlefields (Battle of Cromdale) which is a nationally important asset. They conclude that the proposal is some distance from where the activities associated with the battle are believed to have taken place, and have no objection.
44. **Highland Council's Archaeologist** notes that the wider battlefield site may contain remains relating to the battle. These could be identified by a metal detecting survey and in the event of the application being supported the Archaeologist recommends that suitable planning conditions be attached.

## REPRESENTATIONS

45. The application was publicly advertised and one letter of support has been received. This is attached as **Appendix 3**. To summarise support is offered for the application on the basis of the following :
  - the applicants are local to the area, and work locally
  - they lived previously in Cromdale and required to move due to personal circumstances and now live between a caravan and a family members' house.
  - the applicants are unable to afford a house or plot suitable for their needs in Cromdale and have reached agreement with a local farmer to buy the application site which is affordable.
  - the timber house design is attractive and there are similar other examples in the area

- accordingly the applicants have a demonstrable need for a house in the area, and it is understood they will be able to make the case for an affordable house to comply with policies
- Finally, the proposal is in accordance with meeting the needs of the social and economic development of the area which is one of the aims of the CNPA, and it does not appear to detract from the other aims of the CNPA.

## **APPRAISAL**

### **Principle of Development**

46. Local Plan Policy 22 on housing development outside settlement states that new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements, where the development does not detract from the landscape setting, and they meet a demonstrable local need in the rural location.
47. The applicants were advised of this situation at the pre application stage, and have put forward the case that this proposal is for an affordable house on a suitable site and hence complies with policy. The first point to consider is whether or not the house can be considered to be affordable housing. As this is the first case the CNPA have dealt with for an individual affordable house it was considered appropriate to seek the independent advice of the Highland Small Communities Housing Trust to assess whether or not the proposal qualifies as an affordable house. Their comments are summarised in paragraphs 32- 34 earlier.
48. These conclude that a demonstrable local need has been made and that the sites available within Cromdale do not appear to suit the applicants personal circumstances. However they have concluded that the size of house is 25% larger than set down in their assessment criteria and also that the project costs are similar to local market valuations. As such they are not able to confirm that this is an affordable house.
49. This situation presents a difficulty in terms of confirming that the proposal complies with policy supporting new affordable housing in the countryside. The house is not an affordable one and would not be available, should it ever be sold, as an affordable house for others in the locality. As such whilst we can have every sympathy with the applicants' personal circumstances, and appreciate the local support offered for the proposal, the fact that the house does not meet independent affordability criteria means that it does not comply with planning policies.
50. The HSCHT have explored other options with the applicants, such as houses/plots for sale in the area and agrees that given the type of house the applicants wish to build and their personal circumstances, there are no serviced plots or reasonable houses available in the locality to meet the applicant's needs. Unserviced plots have not been considered. Whilst again we can sympathise with this situation, the fact remains that there are houses

and plots available in and around Cromdale which could accommodate a four bedroom house

51. It would not be appropriate to take personal circumstances into account or personal desires for a particular house type, and in these overall circumstances we must conclude that, as the proposed house does not meet affordability criteria, the site does not comply with Policy 22 for housing outside settlements. It does not fit into other criteria either such as accommodation for a retiring farmer or worker in the countryside.
52. Aside from this basic issue of the principle of the development, compliance with other planning policies for servicing, siting and design of new houses has also been considered as follows.

### **Access/Service Issues**

53. The site can be satisfactorily accessed, subject to the existing access point being upgraded to provide the necessary visibility splays and gradients. This will involve removal of trees and excavation of the roadside banking. Private drainage and water supply can be provided, although tests would require to be carried out on the water supply to ensure it was adequate if the application were supported – this could be covered by appropriate planning conditions. Similarly if the application were supported agreement may require to be reached on developer contributions. All these matters are likely to be capable of resolution and as such there are no particular technical servicing issues with the site.

### **Environmental and Landscape Issues**

54. Local Plan Policy 6 on Landscape expressly presumes against development which does not enhance and complement the landscape character of the Park whilst Policy 22 on Housing Outwith Settlements similarly seeks to ensure that house sites do not detract from the landscape. Houses in the area on this northern side of Cromdale, are generally focussed around traditional farm groupings on both sides of the A95. It is therefore important to ensure that any new development fits in this character and with the specific landscape character of the immediate area.
55. In this case the landscape character is set by the plateau type effect of the farmland here, sitting above (to the east) of the public road (A95), and set against the backdrop of Tom An Uird wood. In order to service the proposed development the roadside embankment will be excavated considerably, and roadside trees removed. Whilst some trees appear to be outwith the visibility splay it is likely that they may be damaged by the excavation works.
56. It is considered that this will change the landscape adversely and these works coupled with siting a new house on the plateau and forming an improved access track with resultant tree removal is not considered to meet the policy requirement to enhance and complement the landscape character, all as highlighted by the CNPA Heritage Manager.

57. Site sections submitted by the applicants' agents (see Figure 3 earlier) do not overcome this Service's concerns regarding the visual impact, instead serve to illustrate the extent of the changes and to highlight the extent of works which are necessary to render this site suitable for development.
58. Overall it is considered that this house site does not comply with Local Plan policy as it would not complement or enhance the landscape character of the Park.

### **Design Issues**

59. Local Plan policies (principally Policy 16) require the design of new development to reflect and reinforce the traditional pattern and character of the surrounding area and to reinforce the local vernacular and local distinctiveness.
60. The proposed house is a Finnish log cabin design which is not considered to be reflective of the local architecture of the National Park, nor to achieve the high design standards sought in the Park. Discussion has taken place as to whether the applicants would be in a position to revise the design in the event of other aspects of the proposal (i.e. siting and principle) according with policy. The applicants consider the proposal to be in keeping with the area, pointing to other examples of wooden houses in the Park (see paragraph 7 earlier) and have submitted a supporting design statement to outline why they feel the house type to be appropriate here
61. There are indeed numerous examples of timber clad houses in the Park, but these are reflective of the traditional wood and corrugated iron properties. The examples of log cabins referred to by the applicants are holiday home chalets, which are not considered to be equivalent. In addition they occupy locations generally *within* woodland settings or settlements. These cases are at Mondhuie, Nethybridge and at Malvern Nethybridge. Both are holiday/ ancillary houses with the case at Malvern involving negotiation with CNPA officers in respect of the log cabin design which was amended to try and reflect a more traditional appearance/style. Reference has also been made during discussions with the applicants to log cabins at Badaguish, which are again holiday accommodation
62. In these circumstances it is considered that the proposed house type does not comply with Local Plan policy and guidance on the design of new development

### **Conclusion**

63. Whilst this Service has full sympathy for the applicants' need for a new house , the proposal does not meet with independent assessments on affordability, as set out in paragraphs 32-34 earlier. As such the principle of this development does not comply with policies for housing outside settlements. Approval of the application in such circumstances would set a precedent for further new housing in the countryside which does not fully comply with policy.

64. In addition the design and siting of the proposal is not considered to meet with Local Plan policies and would not complement or enhance the landscape character as required by policy
65. Refusal of this application is therefore recommended.

### **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

#### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

66. As a result of its siting and design the proposed development would not conserve or enhance the natural heritage of the area, but rather would result in a loss of habitats and landscape as a result of the various infrastructure improvement works required. The impact on cultural heritage in terms of the Cromdale Battlefield site is considered to be neutral as the development would afford an opportunity to record any history of the battle during construction stage.

#### **Promote Sustainable Use of Natural Resources**

67. Whilst the house type has numerous sustainability credentials it does not use local materials and does not promote sustainable use of natural resources in terms of the local area.

#### **Promote Understanding and Enjoyment of the Area**

68. Whilst the proposal does not in itself directly relate to this aim, poorly sited new development detracts from the enjoyment of the Park by adversely affecting its overall landscape character and quality.

#### **Promote Sustainable Economic and Social Development of the Area**

69. The proposal would provide for additional housing and support a local family working in the area. However such housing should be provided in a manner which complies with planning policies.

### **RECOMMENDATION**

**That Members of the Committee support a recommendation to REFUSE planning permission for Erection of house & double garage and installation of sewage treatment plant, sample chamber & infiltration field at Land 310M South Of Pollowick Cottage, Cromdale, Grantown On Spey subject to the following reasons:**

- I. The proposed development is contrary to Policy 22: Housing outwith Settlements (as contained in the Cairngorms National Park Local Plan (2010)) as the development does not meet any of the circumstances where development is supported, in that (although a demonstrable need has been

demonstrated for a house), the proposed house is not an affordable one as required by policy. In addition the proposed site would detract from the landscape setting as a result of its design, siting and the impacts of the works necessary to provide access to the site.

2. The proposed development is contrary to Policy 6: Landscape and Policy 16 : Design Standards (as contained in the Cairngorms National Park Local Plan (2010)) in that the proposed design does not reflect the traditional character of the area as a result of its log cabin design, proportions and detailing. Furthermore the proposed development would not complement or enhance the landscape character due to the relationship to the surrounding area, the impact on the local landscape as a result of the loss of trees, banking and vegetation in a prominent roadside location. Approval of the application would set a precedent for further new housing in the countryside which did not comply with policies, and would encourage the siting of other houses in similar locations to the detriment of the overall character of the National Park.

**Katherine Donnachie**  
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**30 October 2012**

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.