
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF AN AGRICULTURAL SHED AT ASHFIELD, DRUMGUISH, BY KINGUSSIE – AS AMENDED

REFERENCE: 11/097/CP

APPLICANT: MR ANDREW MCBAIN

DATE CALLED-IN: 31 MARCH 2011

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

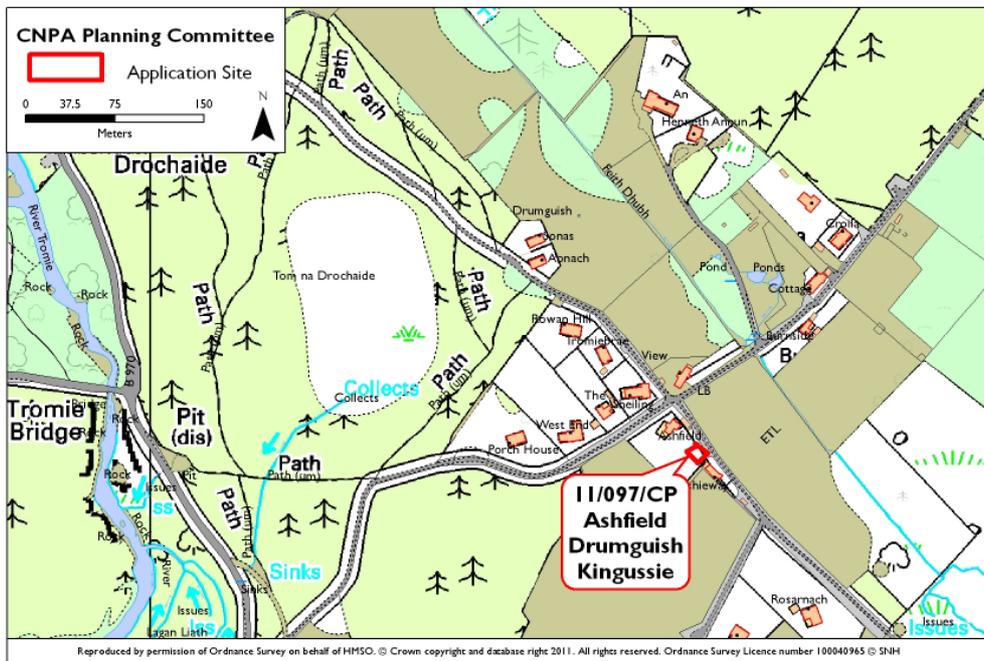


Fig. 1 - Location Plan

ALL AMENDMENTS IN BOLD

HISTORY

1. **At the meeting on 24 June 2011, the Planning Committee decided to defer this application as it was unable to favourably determine the application – see Appendix I. This was due to concerns over its overall size and appearance. The applicant has subsequently appointed a professional consultant and submitted new drawings and information. For a copy of the previous paper see <http://www.cairngorms.co.uk/resource/docs/boardpapers/24062011/CNPA.Paper.4313.Planning%20Committee.Paper.2.-.Drumg.pdf>**

SITE DESCRIPTION AND PROPOSAL

2. The application site lies within the township of Drumguish, by Kingussie, adjacent to the crossroads of the Feshieway path (core path LBS 83 Badenoch Way) and the public road. It comprises an area of grassland (formerly garden ground but now to be used for agriculture) associated with a cottage known as 'Ashfield.' The cottage and some surrounding agricultural land extending to 2.8ha, within 3 paddocks, has recently been designated as a croft holding (Crofters Commission – ref. no. 441/0054). A number of residential properties are located nearby, mainly to the immediate northwest; while farmland and woodland make up the remainder of its setting.



Fig. 2 – Application Site (between neighbouring house and barn)

3. Planning permission is sought to erect an agricultural shed on the site, to the south east of the cottage. **The proposed shed has been relocated to move it further back into the curtilage of the site, away from its previously proposed position by the dyke. The shed would continue be of a steel portal frame construction and finished in sheet metal cladding on its walls and roof (coloured green – to be agreed), fibre cement roofing was previously proposed. The only exception to this**

is the roadside and rear elevation which would be treated with larch timber cladding – as per amendments. Following on from further discussions, several other amendments have been made, reducing the height from 5.5m to 4.4m (from 9.0m originally), the length from 16.0m (NW to SE) to 12.0m and its width from 8.0m to 7.0m (initially 9.0m). For clarity, amendments put forward by the applicant propose to move the building back, dimensions of 12m (L) x 7.0m (W) and 4.4m (H). Replacement tree planting would be undertaken between the shed, the roadside and the neighbouring house. See **APPENDIX 2 – Superseded Elevations and Location Plan**

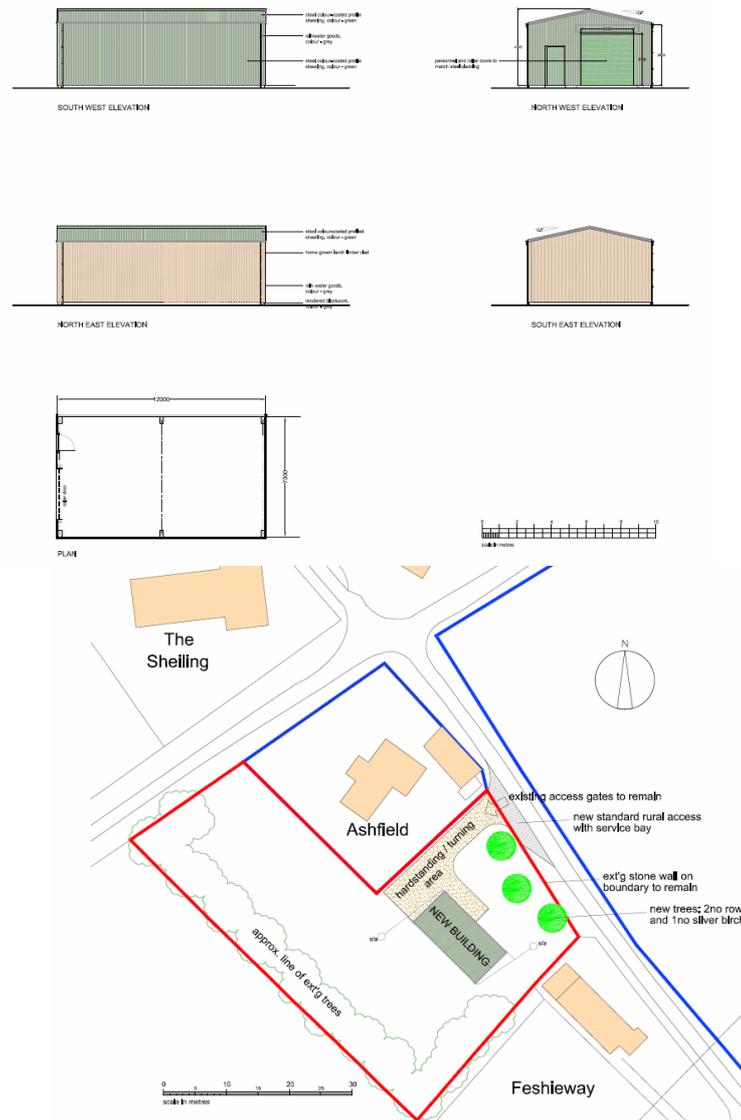


Fig. 3 & 4 – AMENDED Site Layout and Shed Elevations

BACKGROUND

3. The CNPA Monitoring and Enforcement Officer was alerted that some works had taken place on site in early April 2011, including some tree felling and earthworks. At the time of a site visit by CNPA officials, the site was noted to contain various plant equipment and builders supplies (scaffold, piping and tools) alongside piles of fallen timber. The larger area has recently been cleared of several trees (outwith planning control) and partly excavated. The croft was not subject to any agricultural work but the applicant has intimated that he will build the croft activities up. He further highlights that the existing small barn is not suitable for use for storing tractors and implements.



Fig. 5 & 6 –View of croft fields and site area (alt. view)

4. In terms of the applicant's personal circumstances, he has stated that he recently inherited the cottage and would like to croft the small area of land belonging to it. He currently works as a self-employed joiner and confirms that the plant and stores are owned by him. Additional information has been submitted confirming that he intends to work the croft (which would have historically been croft land) and would store a tractor, implements and machinery within the shed.



Fig. 7 – Photomontage of proposed agri. shed – roadside view

DEVELOPMENT PLAN CONTEXT

5. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering

the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National policy

6. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” 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.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include Rural Development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. *Rural Development*: States that opportunity to build individually designed houses and to provide limited new housing along with converted rehabilitated buildings should be supported where possible. 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.

¹ February 2010

11. *Landscape and natural heritage* : The **SPP** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
12. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."

Strategic Plan

Cairngorms National Park Plan (2007)

13. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
14. Under Section 5.1 **Conserving and Enhancing the Park Strategic objectives** include new development in settlements and surrounding areas should complement and enhance the character, pattern and local identity of the area. Raise awareness and understanding of the influences of land management and culture on the landscape character, and encourage the continued development of crofting.

Structure Plan

15. **Highland Council Structure Plan (2001)**
16. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

² Para. 256.

17. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

18. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
19. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
20. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
21. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
22. Policy 11 - The Local and Wider Cultural Heritage of the Park: development should protect, conserve and enhance the cultural heritage of the area.

23. Policy 16 - Design Standards for Development: requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.

CONSULTATIONS

24. **Highland Council (TECS) Roads** do not object but have concerns regarding further development at Drumguish given the generally poor standard of the existing public road, including its junction with the B970 road. A number of conditions requiring the upgrading of the access are recommended in the event that planning permission is granted.
25. **Kincraig and Vicinity Community Council** have taken a neutral position to the application; however they note the prominent position of the building, plus the limited detail in the drawing.

REPRESENTATIONS

26. The application was advertised in the Badenoch & Strathspey Herald on 6th April 2011. Ten letters of representation have been received from neighbouring properties. **Note the amendments have not been seen by neighbours as part of a re-notification.** Many of the objections support crofting on the land and recognise the need for an agricultural shed. However, a number of points are raised about the building including:
- its prominent siting, in view of neighbouring houses and the well used Badenoch Way walking route;
 - inappropriate siting when other possible sites are available;
 - the appearance of the building in general, poor material finishes, excessive scale, size, proportions and height, particularly dominating the adjacent 'Feshieway Cottage,' and;
 - the use of the area for storing construction machinery and the likely use of the shed for similar purposes associated with the applicants business;
 - the inappropriate impact on the immediate surroundings of Drumguish and its mainly traditional houses;
 - impact on residential amenity (noise, smells and loss of views) and commercial holiday letting;
 - concern at the felling of large mature larch trees, loss of physical screening and impact on the character and appearance of Drumguish;
 - Concern that the applicant will run his business from the garden ground,
 - Concern at the lack of crofting activities currently, while the small unit size may not warrant the need for such a shed;
 - Lack of detail on materials, cladding, colour and landscaping

APPRAISAL

27. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
28. The main issues to consider in this application relate to the principle of the development, the nature of the proposal including design, scale and its impact on residential amenity and the character and nature of Drumguish. **The changes brought about by the amendments and whether they are satisfactory is also considered.**

Principle of Development

29. In terms of the principle of development, there is general support for agricultural buildings associated with land use management. Ashfield Cottage and its associated grounds, has recently been designated a croft and the applicant has intimated that he intends to build up the agricultural activities. Despite concerns from objectors whether 2.8ha is sufficient, it is considered that a croft is entitled to an agricultural shed (many of the objectors acknowledge this). In this case, the proposed shed would be associated with a newly designated croft and would sit in the context of a township with numerous houses, outbuildings and within a farmland and wooded backdrop. However, this is to be balanced against the requirement for any development to respect its setting and the landscape character of the National Park as set out in Policy 6 – Landscape and Policy 16 Design Standards.

Agricultural activities

30. The applicant lives in the cottage and is a self-employed joiner and builder, who is preparing to croft the surrounding land (he also highlights the potential of renting adjacent farmland) mainly with sheep. He wishes to use the former garden ground area for crofting purposes, while erecting this new shed for the storage of agricultural machinery, feedstuffs and supplies. He has provided supporting information that outlines this, and further states that the building is to be used for agricultural purposes only and he has no intention of using it for his business (ie not as a workshop or plant store). (N.B It is recognised that a small proportion of the shed could be used for storing plant etc, without the need for planning permission, provided it was of a modest level and could be considered ancillary to its primary and main use as an agricultural shed). It is considered that suitable conditions could ensure the use is for agriculture only and the CNPA Monitoring and Enforcement Officer would ensure compliance with this. Looking at other matters, the applicant states that he does not intend to remove any more trees beyond those that were a risk to the house. Lastly, he is also is going to relocate the fallen timber and generally make good the site.

Location, design and amenity

31. **The proposed amended location is considered satisfactory; it would continue to be well-related to existing buildings (both the applicant's and a neighbouring house and an adjacent barn), generally reflecting a cohesive group.** This relationship is seen elsewhere in the township, and prevents further sporadic isolated development. Other alternative siting positions were again further considered, including away from the houses further to the south west, however this would have had implications for a tree belt on that boundary, while options for siting it within the agricultural paddocks was also examined, however this was also discounted due its prominence in the landscape. A further location by the public roadside (the northwest site boundary) was also discounted for its likely prominence in the township.

32. **Following further amendments, reducing the overall height to 4.4m and its footprint to 12x7m (from 5.5m height and 14x8m respectively, from an original 9.0 m height and 16 x 9) the design is still considered to be acceptable and leads to an acceptable relationship to the site and its surroundings.** The reduction in the size would reduce the prominence of the building and is considered to address any concerns by objectors over the visual impact of the building. Timber cladding and landscaping on the roadside elevation should alleviate this further. The purpose of the building is primarily to provide storage for agricultural machinery, so by definition the building overall has been designed to be functional and practical in that it provides sufficient space to store the equipment envisaged by the applicant.

33. **It is generally recognised that these amendments may not go far enough to assure Board Members and address their original concerns. It should be recognised that the applicant has elected to incrementally decrease the size of the proposed shed (including an interim suggestion of 14m L x 7m W x 5.5m H) to the extent that they are at present. The applicant and his agent has been made aware of that these changes may still not go far enough but are not willing to consider any further changes and reductions in size as this would compromise the function and use of the building. However, to ensure fair and consistent decision-making, the recommendation is unaltered. It should be stressed that CNPA Officers originally recommended approval. To now alter the recommendation would be seen as inconsistent. Despite the planning committee expressing some concerns about the overall size and appearance of the shed previously, it is considered that the shed as proposed, continues to be acceptable in planning terms.**

34. In terms of amenity, it is considered that the reduction in the size, scale and height of the building would continue to safeguard existing residential amenity to neighbours and the township as a whole, recognising that the area of former garden ground is now to be used as part of the croft holding and would be subject to machinery movements and livestock husbandry. The reduction in the height of the building would alleviate concerns in its

relationship with the adjacent cottage, and would no longer be over dominant and overbearing. Additional planting is recommended between the gable of the proposed shed and the neighbouring boundary to further lessen the impact of the building. The neighbouring cottage – Feshieway Cottage, has a small window on its gable elevation that appears to serve a stairwell, so there are no issues with loss of light or other amenity concerns. In terms of loss of views or impact on holiday letting – these are not material planning considerations. It should be recognised that the area has been designated a croft by the Crofters Commission and will therefore be subject to a range of agricultural activities. Any concerns would be considered by Environmental Health officials, if particular problems were encountered but activities should be expected in a rural location such as this.

Roads issues

35. Concerns raised by Highland Council TEC services relate to the generally poor standard of the existing public road, including its junction with the B970 road and that this should preclude further buildings. It is considered the development of an agricultural shed is of limited significance to this, and recommending refusal on these grounds would be disproportionate. A number of conditions regarding upgrading the immediate site access are recommended.

Conclusion

36. The applicant has provided sufficient information to demonstrate that the proposed shed would be used for agriculture, associated with the management of the newly designated croft which he intends to build up and that he has no intention of using it for his business. The shed would allow for storage of machinery and foodstuffs. **The proposed amendments have brought about the further reduction in the overall height, scale and massing of the shed, while reducing its visual impact and preserving the character and amenity of Drumguish.** The applicant has agreed to suspensive conditions preventing the shed being used for any other purposes than those associated with the croft and landscaping.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The development is considered to have positive implications for this aim in terms of allowing for the re-emergence of crofting in the township, reintroducing a traditional way of life in a former crofting community. The proposal has no landscape and natural heritage impacts following the reduction in the overall scale and massing of the building.

Promote Sustainable Use of Natural Resources

38. The timber cladding would be sourced locally.

Promote Understanding and Enjoyment of the Area

39. The proposed shed would not undermine the experience of Drumguish as seen from the nearby Badenoch path.

Promote Sustainable Economic and Social Development of the Area

40. The shed is intended to be utilised for agricultural purposes only, and would allow for crofting to be reintroduced into this former crofting community thereby enhancing the social and economic development of the area.

RECOMMENDATION

41. **That Members of the Committee GRANT FULL PLANNING PERMISSION for the erection of an Agricultural Shed at Ashfield, Drumguish, by Kingussie, subject to the following conditions:-**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. The use of the agriculture shed hereby approved is restricted to agricultural purposes only (ie. not for use for any other unrelated purposes), and;

The shed hereby approved shall be retained in the same ownership of Ashfield and its croftholding in perpetuity, unless otherwise agreed in writing by the CNPA acting as Planning Authority.

Reason: To ensure the continued use of the shed for purposes only allied to agriculture.

3. Exact details, specifications and colours of all proposed external finishing materials (including roofing materials, sheet cladding and timber linings) shall be submitted for the further written approval of the CNPA acting as Planning Authority before any work commences on site.

Reason: In order to ensure that the materials are appropriate to the character of the building.

4. The development hereby approved shall be landscaped and maintained in accordance with the scheme submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority; this should show additional planting between the proposed shed and the neighbouring Feshieway Cottage boundary. Thereafter the development shall be landscaped and maintained in accordance with the approved scheme as follows:-
- (a) Completion of the landscaping scheme during the first planting season following the completion of the development, or such other date as may be approved in writing with the CNPA acting as 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 CNPA as 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.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

5. Prior to any other work starting in connection with the proposed development the works listed in the following paragraphs shall be completed and approved by the CNPA acting as Planning Authority in consultation with the Roads Authority.
- (a) The existing access shall be upgraded at its junction with the public road. The site access shall be fit for purpose and its geometry such that the largest vehicle requiring access will be able to safely enter and leave the site without overrunning the public road verges alongside and opposite the access. Construction for at least the first 10 metres measured from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Asphalt Concrete on 60mm Dense Asphalt Concrete Binder Course on a minimum thickness of 350mm Type I sub base, all on a sound formation.
 - (b) Parking and manoeuvring space to meet the needs of the development shall be provided within the curtilage of the property such that all vehicles may enter and leave the public road in forward gear.
 - (c) Any gates provided shall be set back at least 10 metres from the nearside edge of the public road and shall open into the property only.

- (d) The roadside verge fronting the roadside of the building shall be widened to the satisfaction of the planning authority in consultation with the roads authority.
- (e) The property shall be free from the effects of a 1 in 200 years flood event. No water from the site shall discharge onto the public road and the applicant shall be responsible for the provision of any measures necessary to prevent road water entering the site. Such measures shall be to the satisfaction of Highland Council.
- (f) Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall have been obtained from the Roads Authority.

Reason: To ensure that the works undertaken meet the requirements of the Road's Authority.

6. Prior to the commencement of development, visibility splays shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access road (the x dimension) and the nearside edge of the public road (the y dimension) measured 40 metres in each direction from the intersection of the access road with the public road. Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.

Reason: To ensure that the works undertaken meet the requirements of the Road's Authority.

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06 October 2011
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