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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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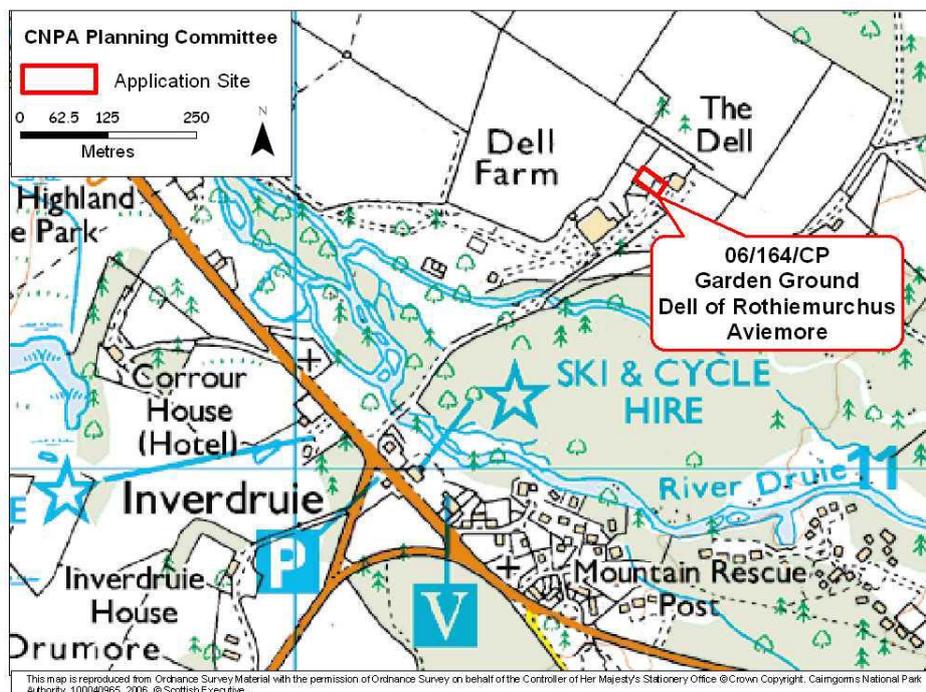
**DEVELOPMENT PROPOSED:** DEMOLITION OF COTTAGE BOTHY AND ERECTION OF DWELLING, GARDEN GROUND, DELL OF ROTHMURCHUS, AVIEMORE (FULL PP)

**REFERENCE:** 06/164/CP

**APPLICANT:** MR & MRS McGRATH

**DATE CALLED-IN:** 19 May 2006

**RECOMMENDATION:** REFUSAL



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site is located at the Dell of Rothiemurchus immediately to the north of Rothiemurchus Estate Offices. The site is on the garden ground belonging to the Dell (owned by the applicants) which is a large house that was formerly a hotel. The bothy referred to is a single storey structure on the left hand side of the garden just past the entrance gate set among large trees. The bothy is currently used for storage for the main house, but is understood to have been used at one time for the accommodation of staff working at the hotel. The site lies within the Cairngorm Mountains National Scenic Area (NSA)
2. The proposal is for full planning permission for the demolition of the bothy and its replacement by a two storey house with 3 bedrooms in the roofspace and an integral garage on the ground floor as well as kitchen, dining and living room. The roof is to be finished in natural slate with walls being finished in render. Two small trees (see fig 3) would be removed to accommodate the dwelling, although all large trees around the site are to be retained.



**Figs 2&3 showing bothy to be demolished and site behind for house**

3. The bothy (see fig 2) will be demolished to create a driveway and turning area for the new house incorporating two parking spaces. There is an existing public water supply to the bothy and this will be utilised for the house. Foul drainage is to a septic tank and soakaway. Percolation tests have been carried out prior to the submission of the application.

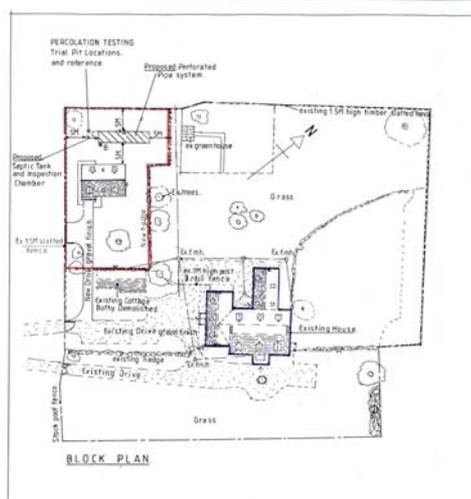


Fig 4 layout plan



Fig 5 Elevations/floor plans

4. Planning history for the site indicates that permission was granted for the change of use of the hotel to 2 dwellings in 1995. Previous to this an application for hotel staff accommodation blocks within the garden area was refused in 1983 on the grounds of over development.

## DEVELOPMENT PLAN CONTEXT

### National Guidance

5. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.

### Highland Structure Plan

6. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. **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. **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, species, landscape, scenery and freshwater systems.

7. Proposals which will result in suburbanisation, ribbon and backland development, involve excessive infrastructure or loss of prime agricultural land or important areas of woodland, will not be considered acceptable.

### **Highland Council Development Plan Policy Guidelines 2003**

8. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

### **Highland Council Housing in the Countryside Development Plan Policy Guideline 2006**

9. **Highland Council have produced a new Planning Development Policy Guideline Housing in the Countryside (March 2006) which sets out policy within and outwith (wider rural areas) the hinterland of towns (areas to be identified in Local Plans). The CNPA was not consulted on and has not adopted these guidelines.** The policy is more relaxed in relation to **wider rural areas** where local populations are experiencing difficulty in maintaining population and services and where proposals will be measured against the relevant Local Plan policies and the extent to which they support the viability of the wider rural community; demonstrate appropriate siting and high quality design; taking into account croft land and being in-keeping with settlement pattern. However this guideline, considers that even in 'wider rural areas' that settlements identified in Local Plans are the preferred areas for development. This document sets out the Council's approach to housing in the countryside, taking account of Structure Plan Policy and also more recently issued national guidance on rural development. The following paragraphs set out the more detailed approach in relation to **the hinterland of towns**.

10. **Land management or family purposes related to the management of the land (retired farmers and their spouses).** Any proposal for new housing in the countryside associated with land management activities must demonstrate that a sequential approach to the identification of the need for that house has been followed. This means that applicants must be able to demonstrate that: there is no potential to use existing accommodation in the area; there are no existing permissions (not time expired) for dwellings that have not been taken up or developed; there is no evidence of houses or plots having been previously sold off from the farm holding; and there is no land on the farm holding that has been identified within an existing settlement. New housing will only be regarded as essential where it is related to material planning considerations and meets the criteria specified. **The personal preferences or financial circumstances of any individuals involved are not material planning matters.** Applicants must provide evidence of existing land management activities to justify a new house, as detailed below.
11. **Agriculture.** Applicants must provide an independent statement of the level of need related to the management of land. The Council reserves the right to validate any consultant's report and the applicant will be charged for this validation. Justification will be judged against both a functional test (scale and nature of enterprise) and a financial test (viability of enterprise).
12. **Croft Land Management.** It is recognised that a degree of flexibility will be required, for example, in such circumstances it may not be possible to sustain full time employment and this will be taken into consideration in the tests. Any application for a house associated with crofting should be on a registered croft or associated common grazing and accompanied by appropriate confirmation from the Crofters Commission of the bona fides of the crofting application. Regard should also be had to the history of the previous housing development on the croft and the density of development. Any new housing must support and respect the traditional settlement pattern, the better agricultural land of the croft and not compound sporadic suburban type development.
13. **Conversion or re-use of traditional buildings or the redevelopment of derelict land** The development of rural brownfield sites is supported by national policy, and Planning Advice Note 73 defines these as sites which are occupied by redundant or un-used buildings or land that has been significantly degraded by a former activity. It will be important through this policy to secure the retention of historically valuable buildings which are no longer required for their original use, as well as to offer the opportunity to remove former agricultural or industrial buildings which remain an eyesore in the countryside. The key is to achieve net environmental benefit through the conversion or re-use of traditional rural buildings or the redevelopment of derelict land.

14. **The replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on the economic or environmental grounds (subject to the existing dwellings being demolished)** The replacement of an existing dwelling may be supported where there is a clear case made that the costs of upgrading are not justified on economic or environmental grounds. Any proposal must meet the following criteria **1)** The existing building should exhibit all of the essential characteristics of a dwelling house, including the existence of reasonably sound and complete walls and roof. Exceptionally, where a recently inhabited or habitable dwelling is destroyed by fire or similar accident, planning permission may be granted for a replacement in situ. **2)** The application should be in detail and replacement house must be exemplary in its design emphasising the character and style as well as materials of the original and absorbing the principles of designing for sustainability. **3)** The application should be accompanied by a certificate from an architect or surveyor that the existing house is not reasonably or economically capable of being reinstated/renovated to a habitable condition for occupation. This will be validated on inspection by a Planning or Building Standards Officer. **4)** The resultant footprint should ideally not exceed by 50% the floor area of the original or a maximum of 100 square metres whichever is the greater- thereby ensuring a supply of modest replacement houses reflecting the character and scale of houses in the countryside. **5)** The siting of the new house must be within the same curtilage as the original house. **6)** The property must have had no subsequent change of use since its last period of occupation as a house. **7)** The property must be in the ownership of the applicant.

### **Badenoch and Strathspey Local Plan**

15. In terms of site specifics the site is located on land zoned as **Forestry/Restraint in the Badenoch and Strathspey Local Plan** where policies **1.6, 5.2 and 5.3 apply**. **Policy 1.6** relates to Cambusmore and a section of that policy which considers that major buffer zones (safeguarded from development) to maintain the community's setting, provide separation from adjoining villages and nature conservation sites, and give opportunities for future leisure facilities. **Policy 5.2** relates to the Council's safeguarding of a major "park-land" corridor comprising the River Spey/Druie flood plain and adjoining open land for future agricultural, amenity and leisure purposes. This will include substantial buffer zones to secure a high amenity setting for any new community at Cambusmore, associated opportunities for recreation and separation from adjoining villages and nature conservation sites. Enhancement of opportunities for public access and related activities will be encouraged. **Policy 5.3** relates to village edges and points out that the Council will safeguard the following amenity and heritage areas; Craigellachie NNR and other SSSI's; important agricultural or croft land; areas of commercial forestry

and amenity woodland; buffer corridors extending along the B9152 approaches as far as the A9 junction.

## CONSULTATIONS

16. **Highland Council Area Roads Manager** comments that provided the development proposed will not result in more than 4 dwellings in separate ownership being served by the existing private access road; there is no objection to planning permission being granted. It is recommended that a condition is attached to the consent to ensure that parking and manoeuvring space for at least two cars is provided within the curtilage so that the vehicles can enter and leave in forward gear.
17. **SEPA** note that foul drainage is to be to a septic tank/soakaway and percolation tests have been carried out. SEPA point out that as of 1 April 2006 there is a requirement that all discharges to land and water require authorisation from SEPA. Surface water drainage is to be via soakaways and there is no objection in principle to this.
18. **Scottish Water** has no objections, noting that the site is already served by the public water system but point out that there has been a change in contact details for requests to connect to their services.
19. **Highland Council Archaeology** recommends that a photographic record is taken of the bothy before any work is carried out.

## REPRESENTATIONS

20. **Rothiemurchus and Glenmore Community Association** has no comment to make on this planning application, it would however, like a photograph to be taken of the bothy prior to its demolition.
21. The applicants for the scheme have submitted a detailed representation, particularly referring to the required buffer zone for Cambusmore and in relation to the actual status of the bothy at the site. A range of photographs are provided showing the site and its surroundings. Reference is also made to the recycling re-use of under utilised buildings and that the bothy could be used as a dwelling which is also an incidental use to the main house without the need for operational consent (see back of report).

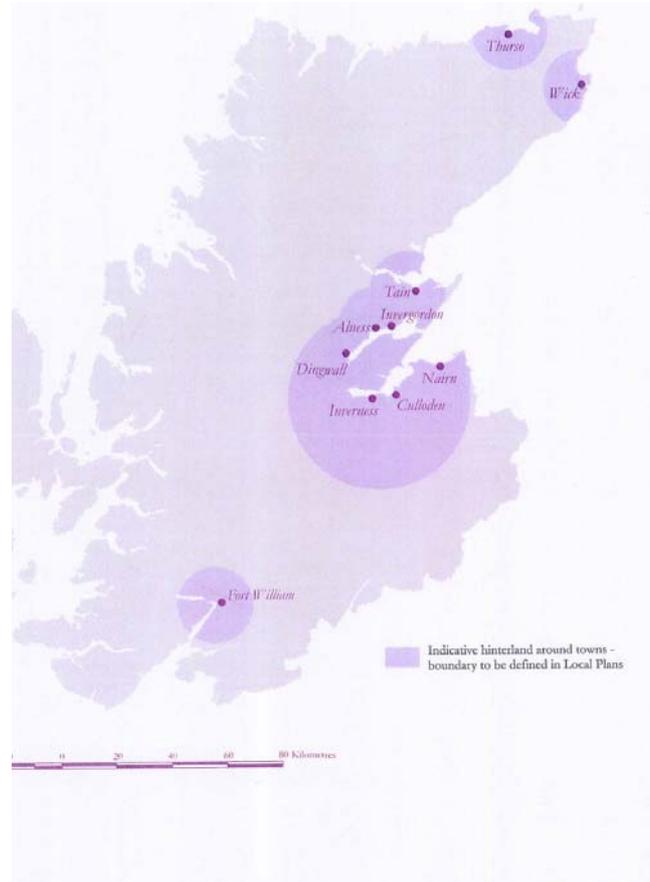
## APPRAISAL

22. This section of the report considers the policy context for the site/proposal and then a number of important material considerations that relate to the principle of the development including whether the proposal can be fairly considered as a replacement for the bothy at the site. This is to ascertain whether there are sufficient 'other' material considerations to justify setting aside a general policy of restraint on housing in this area. Issues relating to siting and design of the proposal are also addressed.

### Principle

23. The starting point for this application is the fact that the site is located outwith the boundaries of any settlement recognised by the Badenoch and Strathspey Local Plan. This means that there is a general emphasis upon restraint for the development of housing. More detailed policies also talk about the wider area in the vicinity of the site as providing a buffer for the potential Cambusmore development; the area is also referred to as "parkland" although this refers to the general character of the landscape in the area rather than any reference to the area being a public park. However, this does again emphasise the general importance of the area for recreation and access with reference to the potential future development of Cambusmore. Policy 5.3 of the Local Plan refers to protecting existing village's edges and preventing the coalescence of settlements. This background indicates that the site is **outwith** any settlement recognised by the Local Plan and should be treated as open countryside.
24. **Highland Council's Development Plan Guidelines 2003** provide more detailed interpretation of the specific policies contained within the Structure Plan with particular relevance in this case to Policy H3 on Housing in the Countryside. Again, the starting point with H3 is that all land outside of recognised settlements is open countryside and the application should be considered on this basis.
25. The guidance notes that new housing within open countryside will be exceptional and will only be permitted, in accordance with national guidance and the approved structure plan policy where it is: required for the management of land, or for family purposes related to the management of land (farmers, retired farmers and their spouses); provided by a social housing provider to meet a demonstrable local affordable housing need; the conversion/re-use of a traditional building; the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or as part of a comprehensively planned new settlement.

26. From the above it is clear that the prevailing policy in this area is one of restraint in relation to housing development unless it meets one of the detailed criteria described above under Highland Council's Development Plan Guidelines 2003.



**Fig 6 From Highland Structure Plan: Indicative Hinterland Around Towns**

27. The new guidelines, detailed at length in the development plan context section of this report and published this year identify what is essentially a two tier policy approach to land within the hinterland of towns and areas outwith (this to be identified in Local Plans see fig 6). Such areas are described as the wider rural area where communities are experiencing difficulties in maintaining population and services. Here the policy of restraint on housing is more relaxed but does still recognise that generally development should be directed towards settlements. However, such areas have to be defined in Local Plans. In addition the CNPA have not adopted the guidelines. This means that only very limited weight can be attached to these guidelines. The Aviemore area would appear to be just in the 'wider rural area' on the indicative plan in the Structure Plan (see fig 6). However, the area around Aviemore is clearly not one that is struggling to maintain population and services given the amount of investment and redevelopment taking place there, so it can hardly be considered to meet the principles of the wider rural area policy. Whether the site is considered within the hinterland policy area or the wider rural policy area and, despite its limited weight, the replacement policy within hinterlands is the only detailed advice that goes further than the 2003

guidelines in relation to replacement dwellings. Consequently, an analysis is included below under 'other material considerations'.

28. No case has been put forward that the proposal relates to land management (agriculture), crofting or affordable housing. In addition, the proposal does not involve re-use of an existing traditional building and the site is not derelict. Despite this, there are a number of 'other' material considerations to be weighted against the policy context and these are considered in the following paragraphs.

### **Other Material Considerations**

29. With regard to Development Plan Policy Guidelines, in my view, it is clear from the above that only the criteria relating to replacement dwellings could be applied to this site and this would appear to be the basis for the application. As part of the application it is proposed to demolish a building referred to as a bothy within the grounds of the applicant's house (The Dell). However, it is important to note that the bothy does not have to be demolished to accommodate the house. From conversation with the applicant the building was once a bothy used by farmers/estate workers and subsequently was also thought to have been used to house staff when the Dell was run as a hotel. As pointed out in the applicant's representation the bothy does have some of the features of a dwelling including electricity and a water connection with bathroom and bedroom, this points towards an original residential use of the bothy. However, no documentary evidence has been provided regarding whether the bothy can truly be considered as a dwelling in its own right and in land use planning terms and no evidence has been provided as to when it was last used as a free standing dwelling. One of the key criteria in the new Housing in the Countryside Guidelines relates that there should have been no subsequent change of use since its last period of occupation as a house. The information available would tend to indicate that this is an ancillary residential building to the Dell and is currently used for storage by the applicant's. Further to this, the new policy guidelines consider that any replacement must not exceed 50% of the floor area of the original, or be a maximum of 100 sq metres (whichever is the greater). The bothy is around 80 square metres; by comparison the new dwelling is in the region of 160 square metres. Although, this includes the integral garage at around 20 square metres. The point of this policy is to ensure that there is a supply of modest replacement houses reflecting the scale and character of houses in the countryside. It is considered that the proposal does not strictly meet this criteria.

30. The policy guidelines for both 2003 and 2006 are clear in that they state a replacement dwelling and not the replacement of an ancillary domestic building with a new house. Indeed, if this were the case it would question why many applications for developments such as granny flats and summerhouses are tied to the main house by means of planning agreements and conditions. While only limited weight can be attached to this given the lack of a Local Plan distinction between areas within the hinterland of towns and those in the wider rural area it is clear that the scheme does not meet either the 2003 the 2006 Highland Council guidelines as it cannot be fairly considered as a replacement.
31. In planning law terms the replacement of rural dwellings can be complex legal area and a summary of previous decisions to some extent relies on a test based on a number of factors including:- **a)** physical condition of the building in question **b)** the period of non-use **c)** any intervening use and **d)** the owners intentions for the building. These tests are essentially to inform a decision as to whether a dwelling, in land use planning terms, has effectively been (physically) abandoned, its use as a dwelling abandoned or whether an intervening use has replaced the original use as a dwelling.
32. In relation to the first test it is accepted that the building is in reasonable physical condition and houses some of the elements such as a bathroom and bedroom that one would expect of a dwelling and with this there could be little argument. The second test involves the period of non-use, in terms of this test the existing building can only be considered to fail. No evidence has been provided to show when the building was last used as a dwelling and anecdotal evidence would suggest the last use would appear to have been an ancillary residential use for staff accommodation when the Dell was used as a hotel pre-1995. With regard to the third test intervening uses it is apparent that the building has been used as ancillary storage in connection with the Dell, this would tend to indicate that the existing use is as an ancillary building to the main house. In terms of the test of 'intentions' it would appear that the intent is that the building is effectively being used as an ancillary storage building and alterations have been made to part of the building to aid in its use as a garden equipment store ancillary to the main house. This indicates that the intention has been for the building to be used as a storage building ancillary to the residential use of the main house. Despite its good physical condition (the first test) in my view the building fails the remaining tests and therefore cannot fairly be considered as a house in land use planning terms regardless of what it looks like, or its current physical condition.

33. One other way of trying to assess the existing use of the building would be for the applicant to first apply to the planning authority for a certificate of lawfulness of existing use. This is essentially a legal application, and cannot be called-in by the CNPA, an assessment is made on the balance of evidence supplied and the likelihood that this evidence bears out an applicant's assertions that a building has been used for the particular use that it seeks a certificate for. The kind of evidence sought to bear out an assertion of an existing use of land or a building would include separate council tax documentation, separate utility bills, contracts showing occupants over a given period and bills for work carried out to a property. While this application is not being considered as an application for a certificate of lawful use this gives members an indication of the magnitude and the kind of documented evidence that would be required to positively prove that an asserted use is actually the lawful use of a building or piece of land for the purposes of land use planning. It is my view that this evidence is unlikely to be in existence for the bothy and has not been presented with this application.
34. Another material consideration relates to the letter attached at the back of this report from the former Area Manager for Planning and Building Control for the Badenoch and Strathspey Area. The applicant's for this proposal have, quite understandably taken some comfort from the letter which gives limited encouragement to the proposal. The letter does, however point out that the area is one where the Council would normally seek to safeguard amenity but considers that policy is not an insurmountable obstacle. While the letter could be considered to offer some encouragement it is by no means a 'green light' and implies that considerable justification may be required to surmount the policy background of restraint, no reference is made in the letter to the replacement dwelling issue/policy. No special justification has been submitted with this application to surmount the policy of restraint. It must also be recognised that the CNPA are now the determining authority for this application, are not bound in any way by this letter and must endeavour to determine the proposal against the existing development plan. The letter attaches some weight to the fact that the site is garden ground. However, in my view this is not a relevant factor and planning policies in the Structure and Local Plan do not make any distinction between garden and other ground. Given this, and the fact that the letter cannot be considered as unqualified encouragement for the development it is my view that the letter as a consideration does not provide sufficient weight for setting aside a prevailing policy of restraint in this area.

## Precedent

35. Given the above it is my view that granting the application would set a precedent, encouraging further applications for the replacement of buildings within existing curtilages that have ancillary residential use, this would set an undesirable precedent and undermine a prevailing policy of restraint. Indeed, it is important to note that when ancillary buildings are granted in the gardens of existing houses they are for good planning reasons almost always tied to the main house by use of Section 75 Agreements, or conditions to ensure that they do not have an independent dwelling use.

## Siting and Design

36. The house is sited within the flat garden ground of the Dell set back behind the existing bothy that would be demolished (although there is no need to demolish it to accommodate the proposed dwelling in physical terms) to create an access off the existing driveway to the Dell. There are a number of large trees around the site but since the pre-application letter the position of the dwelling has changed and these would all be retained. Two smaller trees on the lawn where the house is proposed would have to be removed but their loss is not considered to be significant and replacements can be sought elsewhere on the site. The site has some existing boundaries and is well screened from surrounding areas. Given this, the general siting of the house is considered acceptable. The subdivision of the garden ground of the Dell may be considered as a planning issue but the main house still retains a large garden on the plot given over to the new house relates well in terms of the relationship between the footprint of the house and the plot. Neither should the subdivision of the plot be of concern as a precedent because the subdivision of large gardens to accommodate housing has been a recognised means of providing additional housing **in policy compliant areas** with a minimal environmental impact as existing plot boundaries, screening, landscaping and services can be utilised.
37. **Policy G2 of the Highland Structure Plan** sets out a range of criteria with regard to the design of new buildings. In this instance the dwelling proposed is located within the grounds of an existing large country house that was at one time a hotel, a range of outbuildings around the site are understood to have been demolished in previous years. The applicant has received pre-application advice from officers at Highland Council on both the principle and the design of the building. What is proposed is a two storey house with upper floor rooms incorporated within the roofspace. The basic form of the building is along traditional lines with a steep pitched roof with pitched roof dormers which echo the design of the main house (see fig 5). The window openings on the front elevation are not symmetrical and this detracts slightly from the front elevation of the house. However, it is not readily visible from any public viewpoints. A natural slate roof is proposed with render walls.

While the existing building is constructed in stone the dwelling proposed is reasonably separated from the main house by some 30 metres and intervening trees.

### Technical Issues

38. In terms of technical details the bothy is served by a public water supply and no objection has been raised by Scottish Water in relation to this. Drainage is to be via a septic tank and percolation tests have taken place and an appropriate soakaway system has been indicated on the drawings. In terms of highways the Area Roads Manager has no objection to the proposal it is suggested that provision for 2 parking spaces is designed so that cars can enter and leave the site in forward gear are incorporated. The layout plan shows this.

### Conclusion

39. The key question with this application relates to the principle of a new house in this location. The proposal has been appraised against policy and balanced against this are a range of material considerations. The key issue is that the analysis would indicate that the proposal cannot be fairly considered to be a replacement for the existing bothy at the site in planning terms. Because of this, the proposal is effectively an application for a new house in an area where policy clearly indicates against. The aims of the Park are also a material consideration but there is nothing here beyond the provision of a single open market dwelling (that could be sold off as a second home) that would make a significant contribution to the aims of the Park. The whole of the Scottish planning system is based upon the Town and Country Planning (Scotland) Act 1997. Section 25 of the Act requires that planning applications are determined on the basis of the development plan unless material considerations indicate otherwise. In this case, the appraisal is that there are no material considerations that offer sufficient weight to consider setting aside the development plan. If this were an application for an ancillary building or a residential unit to be tied to the main house for say a member of the family then this would, perhaps, enable a more positive recommendation. However, no indication has been provided that this is the case so the proposal is assessed as an open market residential unit and given the policy background is consequently recommended for refusal.

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

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

40. The proposal has little direct effect upon natural heritage within the site apart from the removal of two small trees. However, this proposal sets a precedent in terms of allowing a house without a land management justification within an area recognised for restraint in the Badenoch and Strathspey Local Plan. Over time such proposals would lead to cumulative impacts, particularly in terms of landscape upon the natural and cultural heritage of the area. In terms of cultural heritage it is my view that the CNPA should not sanction the demolition of the bothy if an alternative access can be found as the bothy is part of the cultural heritage of the site.

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

41. There is no indication regarding the source of the materials to be used. However, the site could be accessed on foot from the public transport route along the Glenmore Road.

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

42. The proposal is not relevant to this aim.

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

43. The proposal would provide an additional house in the area which may be of some limited benefit to the local economy. However, there is no indication regarding the intentions for occupation of the house and given that this is single house proposal it would not be appropriate to apply a condition limiting its occupation to ensure that it is not a second home. Therefore, it is not possible to assess whether the proposal would contribute to the social development of the area.

## RECOMMENDATION

44. That Members of the Committee support a recommendation to: **REFUSE** Full Planning Permission for the Demolition of Cottage Bothy and Erection of Dwelling, Garden Ground, Dell of Rothiemurchus.
- 1. The proposed development is contrary to Highland Structure Plan (2001) Policy H3 (Housing in the Countryside) Highland Council Development Plan Policy Guidelines on Housing in the Countryside and Badenoch and Strathspey Local Plan (1997) Policies 1.6, 5.2 & 5.3 which seek to safeguard the area from residential development unless there is an acceptable land management justification. These policies state a strong presumption against the development of houses in countryside areas except where a house is essential for the management of land, and related family and occupational reasons, or where the development of a house can fairly be considered a replacement house. In this instance, there is no direct land management justification for a house on the land in question, and the site is not located in an area where a Local Plan has identified a need for housing development to support a rural community.**
  - 2. To permit the proposed development would set an undesirable precedent for further unplanned development in an area where the local plan indicates development restraint to protect the setting of existing and proposed (Cambusmore) settlements in the area and to provide a buffer between them. This form of unplanned development in the area is considered to directly conflict with development plan policies in the form of the Badenoch and Strathspey Local Plan (1997) Policies 1.6 Cambusmore , 5.2 Parkland & 5.3 Village Edges. The issue of precedent may also encourage further un-planned development resulting in cumulative landscape impacts that would be detrimental to the natural and cultural heritage aim of the Cairngorms National Park.**

## DETERMINATION BACKGROUND

This application was first prepared to be presented to the Planning Committee in July. However, the applicant requested deferral to take detailed advice on the proposal.

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8 December 2006

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.