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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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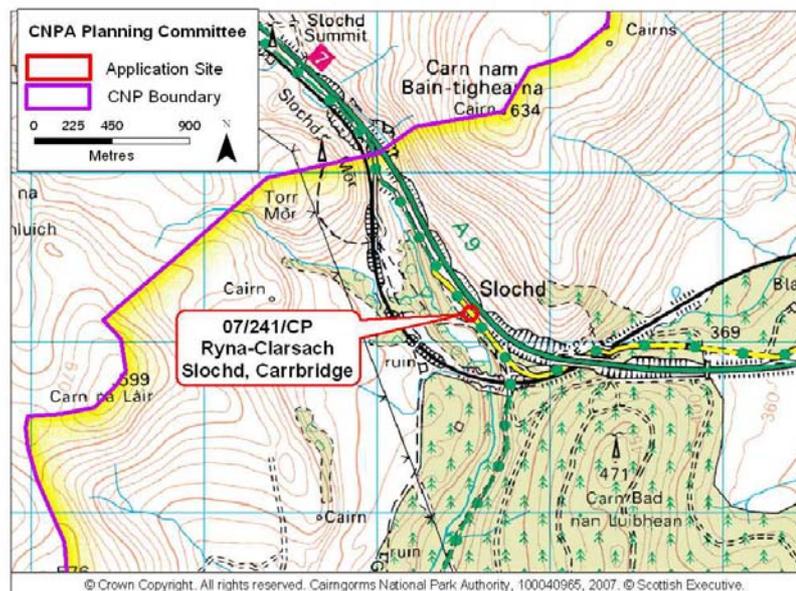
**DEVELOPMENT PROPOSED:** FULL PERMISSION FOR ALTERATIONS, EXTENSIONS AND SUB-DIVISION OF HOUSE TO FORM TWO HOUSES; CHANGE OF USE OF MOORLAND TO FORM EXTENSIONS TO HOUSE CURTILAGES

**REFERENCE:** 07/241/CP

**APPLICANT:** MR. AND MRS. V. SANDILANDS, RYNA-CLARASACH, SLOCHD, CARRBRIDGE, PH23 3AY

**DATE CALLED-IN:** 15<sup>TH</sup> JUNE 2007

**RECOMMENDATION :** REFUSAL



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

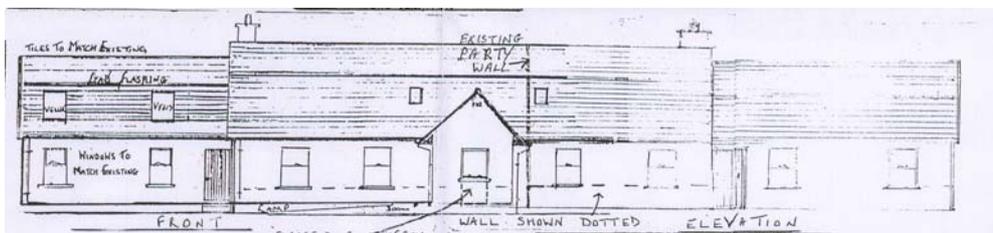
1. Full permission is sought in this application for “alterations, extensions and sub-division of house to form 2 houses; and change of use of moorland to form extensions to house curtilages.” The subject site is located close to the northern boundary of the Cairngorms National Park on the former A9 at Slochd, Carrbridge. The existing A9 is a short distance to the east of the subject site on significantly higher ground. The property is known as ‘Ryna-Clarsach.’ The existing dwelling house on the site is located very close to the roadside, with its front elevation only being separated by the existence of a low boundary wall. Hard standing areas, which are open onto the road, exist at either end of the existing dwelling house. The majority of the garden ground associated with the property is located to the rear of the existing structure, on land which slopes downhill from the dwelling. A new dwelling house is in the course of construction in the southernmost area of the site, close to the location of a former steading (Highland Council planning reference no. 04/00154/FULBS refers).



**Fig. 2 : Existing dwelling house**

2. The existing dwelling house on the site is quite a distinctive design, which has been created through various additions and extensions to a smaller, perhaps more traditional roadside cottage. The main section of the property is a one and half storey structure, with upper floor accommodation served by windows positioned in the mansard roof. A traditional projecting pitched roof porch is centrally positioned in the front elevation of this section of the dwelling. The northern section of the dwelling has a lower ridge height, although it too has a mansard roof. This northern section has the appearance of a single storey structure. However, an upper floor window is in existence on the northern gable elevation, above triple garages and in addition the submitted floor plans show a stairs leading to this area. Various single storey extensions have also been developed to the rear of the structure, with roofs sloping down from the mansard roofs creating a 'lean to' type effect.

3. The proposed development has a number of aspects. Firstly, the subdivision of the existing property is proposed, in order to create two dwelling units. This is proposed to be achieved by blocking an internal doorway, which leads at present from the existing kitchen to the hallway. In order to provide adequate accommodation in each of the two residential units that are proposed to be provided, the second aspect of the proposal involves the creation of a number of extensions, as well as minor alterations to the existing structure. On the southern most unit a large double garage and storage area is proposed adjoining the existing southern gable. The proposed extension is of similar proportions to the existing dwelling described earlier, in that it has a lower ridge height than the existing main section of the property. It is proposed to have a mansard roof, incorporating windows in the front and rear to provide natural light in the first floor storage area. The front elevation of the proposed extension incorporates two windows, with vertical emphasis similar to those existing in the front elevation. It also incorporates a single door providing pedestrian access into the garage area. In the rear elevation two 'up and over' doors are proposed to provide vehicular entry. In addition to the garage / storage area extension, a 'sun porch' is also proposed on the rear elevation. Due to the quality of the drawings it is not possible to establish definitively whether or not the roof is proposed to be flat or sloped<sup>1</sup> and it is also difficult to establish the extent of glazing proposed in the sun porch. A minor alteration is also proposed on the front elevation where the existing door involving the repositioning of the front door to the side of the projecting porch. Part of the former door opening would be built up and a window would be installed in the remainder of the opening.



**Fig. 3 : Proposed front elevation  
(proposed garage extension proposed on the left)**

4. A further extension is proposed on the second dwelling unit that would be created as a result of the sub-division i.e. the more northerly unit. The extension to the rear would create a dining room and sitting room. The drawings appear to show patio doors in the rear elevation, as well as other smaller areas of glazing. The most recently submitted drawings state that a "slope / flat roof" would be used in this area.<sup>2</sup>

<sup>1</sup> The most recently submitted drawings indicate "flat roof" on the proposed sun porch. The type of roof proposed was queried with the applicant prior to that and in providing the amended drawing an accompanying letter was also submitted. In response to the query the applicant stated that "it is clearly written on the drawing that they are both flat roof detail obviously a slope to run off snow or rain water. The north elevation is as accurate as possible."

<sup>2</sup> Please refer to footnote 2 (above) for the clarification from the applicant on the roofline.

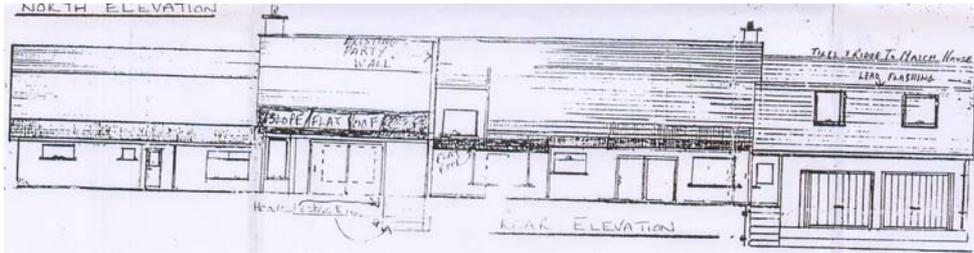
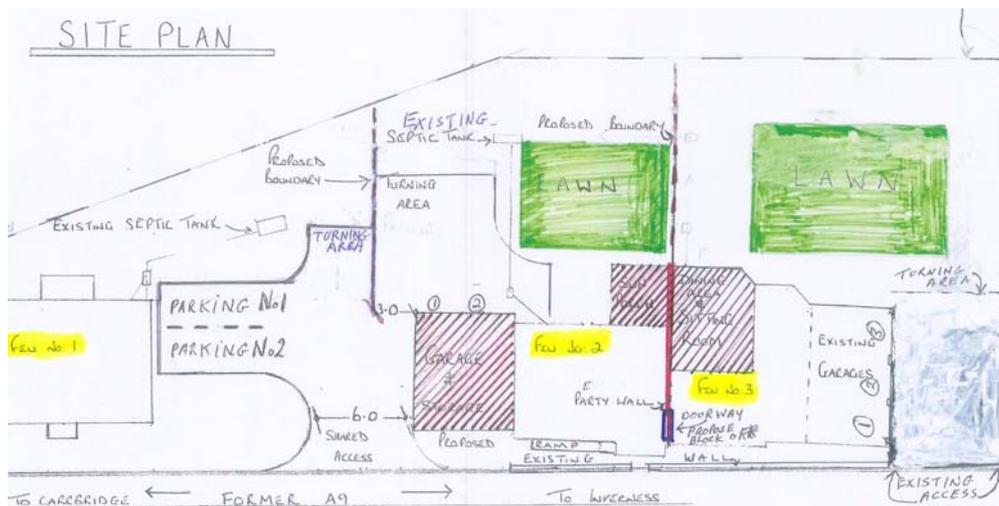


Fig. 4 Rear elevation and proposed extensions

5. The submitted information only includes ground floor plans, which show the southernmost unit having a lounge with kitchen area, a dining room, bedroom and a sun lounge, as well as a stairs leading to the upper floor. That unit is also proposed to include the existing double garage, with the drawings also showing a stairs which is described as leading to a storage area. The ground floor plan of the second unit, in the northern area of the house, incorporates a kitchen, utility area, the proposed new lounge and dining area. It also shows a stairs to upper floor accommodation. The unit also incorporates the existing triple garage.
6. The third aspect of the development proposal, as notified to the CNPA by Highland Council at the initial notification stage prior to the 'call in' of this application is the "change of use of moorland to form extensions to house curtilages." The applicant has expressed concern about this description and in his submission of 8<sup>th</sup> August 2007 states "there is no moorland which is being changed to form an extension to curtilage. The area of curtilage is where the steading was situated."
7. The applicant has provided a site layout plan identifying the proposed extent of land that would be associated with each of the three residential dwellings that would potentially exist within the currently identified site boundaries i.e. the two units created through the proposed sub-division and the new dwelling house which is currently in the course of construction). As all of the structures are close to the roadside boundary, areas of private open space are confined to the rear. The plot area associated with the new dwelling house (identified on the site plan as Feu no. 1) extends to approximately 660 square metres. This includes an access off the public road which is proposed to be shared with the southernmost unit that would be created by the sub-division. Two on site car parking spaces are identified to serve Feu no. 1, as well as a turning area.
8. Feu no. 2, associated with the southern most dwelling unit of the proposed sub-divided dwelling units has an overall area of approximately 609 square metres. The footprint of the existing structure and the proposed extensions occupies approximately one third of the identified feu. The third residential unit (identified on the site plan as Feu no. 3) would be on an area of land of approximately 720 square metres.



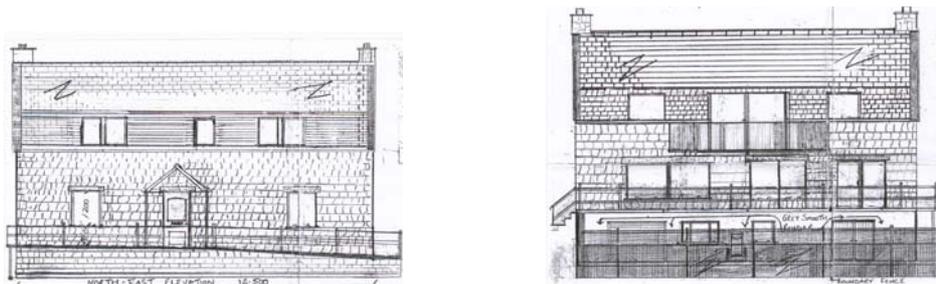
**Fig. 5 : Proposed site layout plan**

9. Upon entering from the shared access off the public road the southern dwelling unit of the sub-division (Feu no. 2), has a 3 metre wide opening between the proposed feu boundary and the new garage / storage area. A turning area is proposed to the rear of the garage. Other than the existence of the turning area no outdoor on site car parking provision has been identified to serve this proposed dwelling unit. This has been queried with the applicant (please refer to CNPA letter dated 30<sup>th</sup> July 2007) and in a letter dated 4<sup>th</sup> August 2007 reference is made to two parking spaces within the proposed new garage stating that "there is room to drive in off the road forward, turn, park and then enter the main road in forward gear."
10. The details on the application form indicate that the existing septic tank would be utilised and an existing private water supply would also be used. The proposed extensions would have a wet dash finish to match the existing dwelling house. Red roof tiles, similar to the existing, would also be used. Boundary enclosures would be created by means of post and chain link fencing, which is specified not to exceed 1.2 metres in height.
11. As the proposed subdivision of the existing property would result in an additional dwelling unit in an area designated as Restricted Countryside in the existing Local Plan, there was a need to investigate the background to the proposal in the course of the application assessment. Based on the information provided by the applicant in the course of telephone conversations, as well as information contained in the submission dated 8<sup>th</sup> August 2007, there is no land management justification. The proposal arises from family circumstances where the applicants wish to provide their son and daughter, who plan to return to the area, with a dwelling house each. Mr. and Mrs. Sandilands (the applicants) intend to reside in the new dwelling on the site which is in the course of construction at present, and subdivide their existing dwelling house into two units with associated extensions, to provide a dwelling house on the site for each of their two children. The

applicants have not clarified whether or not the properties on the site would be retained in single ownership or would be owned individually. The applicants have however expressed a wish that permission be granted without any “conditions or clauses.”

### Site History

12. Reference has been made in earlier sections of this report to the fact that a new dwelling house is currently in the course of construction on the site. Full planning permission was granted by Highland Council for a dwelling house, as an amended design, in August 2004 (Highland Council planning ref. no. 04/154/FULBS applies).<sup>3</sup> An earlier permission on the site dates from 1991. The permitted dwelling house is on three levels, with the change in ground levels at the site accommodating the incorporation of a basement. The three storey design is only evident in the rear elevation (which also incorporates balcony features at ground i.e. above basement level, and first floor level), while the front elevation has the appearance of a one and a half storey dwelling house, with a mansard style roof feature on the front and rear elevations. External wall finishes were identified as ‘random stone and block’.



**Fig. 6 and 7 : Front and rear elevation of permitted dwelling house on the site**



**Fig. 8 : Dwelling house currently in construction on the site**

<sup>3</sup> The CNPA were notified of the application (CNPA planning reg. no. 04/240/CP refers) and determined not to call in the application. Comments were however conveyed to Highland Council stating that “the CNPA accepts that the principle of a house on the site has been established. However, the site is located close to the entrance to the National Park from the north along the A9. As such, the CNPA is concerned about the amended design which proposes an unsympathetic mansard style roof configuration and it is suggested that attempts be made to amend the design to remove this element of the proposal.”

## DEVELOPMENT PLAN CONTEXT

### National Policy

13. At national level, **Scottish Planning Policy 3 (Planning for Housing) (February 2003)** considers design in new housing developments to be an important issue when planning for housing development in both urban and rural areas. **Planning Advice Note 44 (Fitting New Housing Development into the Landscape) (March 1994)** states that “In seeking to protect and enhance the quality of the environment, developers should aim for a high standard of design and landscaping in new housing development.” Particular emphasis is given to the shape, layout and form of the development and its impact on the surrounding area; the choice of materials, with colours and textures that complement development in the locality; well designed proposals that respect both the local environment and the landscape setting; and the visual impact of new development as seen from major roads and rail routes.
14. **Planning Advice Note 67 (Housing Quality) (February 2003)** emphasises the essential role the planning process can play in ensuring that the design of new housing reflects a full understanding of its context in terms of both its physical location and market conditions; the design of new housing reinforces local and Scottish identity; and new housing is integrated into the movement and settlement patterns of the wider area. It refers in the main to more urban housing developments but it nonetheless emphasises the importance of general issues such as landscape and visual impact, topography, building height, relationship with adjacent development, and views into and out of a site.
15. **Planning Advice Note 72** is the new advice from central government on **Housing in the Countryside, (February 2005)** and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.”
16. **Highland Structure Plan 2001**  
**Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining

and enhancing present landscape character. **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) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.

**Badenoch and Strathspey Local Plan (1997)**

17. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a Restricted Countryside Area. Section 2.1.2.3 of the Local Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." Adherence to the principles of good siting and design will be required. The Plan also indicates that restrictions on the occupancy of any houses granted permission in Restricted Countryside Areas will be enforced.

**Highland Council Development Plan Policy Guidelines (2003)**

18. The Highland Council produced Development Plan Policy Guidelines dealing specifically with 'Housing in the Countryside' in 2006. The Cairngorms National Park Authority was not consulted on the guidelines. In view of the lack of involvement in the formulation of the guidelines and the eminence of the Local Plan for the Cairngorms National Park a decision was taken by the CNPA Planning Committee in January 2007 not to adopt the 2006 Guidelines. Accordingly the **Development Plan Policy Guidelines (2003)** remain applicable in the assessment of applications called in by the CNPA.

19. The 2003 Development Plan Policy Guidelines includes a specific section on 'Land Management Criteria for Housing in the Countryside' (of which the basic thrust is very similar to the aforementioned 2006 guidelines). The guidelines require that any case advanced 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. The sequential approach requires consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing house. In assessing an application it is also stated that "the Council will consider whether there is : an existing permission for a house that has not been taken up or developed; evidence of houses or plots having been previously sold off from the farm holding; or land on the farm holding that has been identified as an existing settlement." Detailed guidelines are included in respect of land management cases made on the basis of agricultural purposes or for croft land management. For example criteria required for a case based on

agricultural activity includes a functional test to establish whether it is essential for the proper functioning of the enterprise that one or more workers are required to be on hand day and night where animals or agricultural practices require essential care at short notice to deal quickly with emergencies. The guidelines state that there is no justification for housing in the countryside associated with forestry or aquaculture enterprises.

20. The **Development Plan Policy Guidelines** (2003) also includes a section on Design and Sustainable Construction. Various standards are set out. One such standard is plot ratio<sup>4</sup> - a maximum plot ratio of 30% is normally expected, although it is stated that this will vary according to the form of development proposed and the character of surrounding properties. In terms of private open space detached and semi detached houses are required to have space equating to '2.5 x ground floor area of house.'
21. The **Development Plan Policy Guidelines** also include standards for house extensions. The guidelines advise that extensions and other alterations should :
- not dominate the original structure;
  - be designed as an integral part of the property, reflecting its existing character;
  - ensure external materials, windows and doors are similar to those of the existing property; and maintain neighbouring amenity, daylighting and privacy at an acceptable level;
  - be set back from the side property boundary by at least 1 metre.

Advice is also provided on garages, which should be a minimum of 6 metres back from the edge of the public roadway; be designed to reflect the materials of the property; and not extend in front of the established building line.

#### **Cairngorms National Park Plan (2007)**

22. The Park Plan highlights the special qualities of the Cairngorms, stating that the "Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways." It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled 'Living and Working in the Park' the subject of 'housing' is explored. The Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.

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<sup>4</sup> Plot ratio is expressed as total building floorspace divided by plot area.

23. In terms of 'Conserving and Enhancing the Natural and Cultural Heritage' the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to the built environment, which require that "new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment" and to "understand and conserve the archaeological record, historic landscapes and historic built environment."

## CONSULTATIONS

24. The proposal has been assessed by **SEPA** and the consultation response indicates that there is no comment to be made on the proposal. The consultation response was subsequently discussed with a **SEPA** official, who stated in the event of consideration being given to the granting of planning permission that it should be demonstrated that the shared septic tank system is sized appropriately for the occupancy of the properties.
25. Highland Council's **Archaeology Section** has examined the proposal and do not wish to make any comment.
26. The **Area Roads and Community Works Section** of Highland Council has examined the proposal and has recommended that a number of conditions be attached in the event of the granting of planning permission. Conditions include the achievement of adequate visibility (90 metres in each direction) and the provision of parking and manoeuvring space for at least 2 vehicles within the curtilage of each property so that all vehicles may enter and leave the site independently in forward gear.

## REPRESENTATIONS

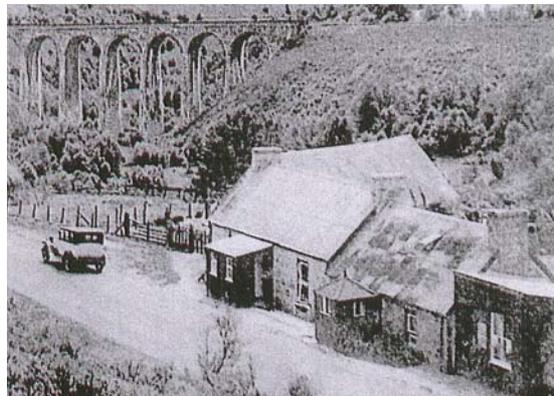
27. No representations have been received in respect of the proposed development.

## APPRAISAL

28. In terms of planning policies the site is located in a Restricted Countryside Area as defined in the **Badenoch and Strathspey Local Plan (1997)**, where there is a strong presumption against individual new houses, unless it can be demonstrated that such houses are

required for the management of land and related family purposes. The proposal to sub-divide the existing dwelling house would result in the creation of an additional dwelling unit in this Restricted Countryside Area. Whilst I am sympathetic to the wishes of the applicants to provide their children with dwelling houses, this does not negate the fact that there is no land management justification associated with the proposal. Consequently the proposal is contrary to planning policy and is therefore not supportable in principle.

29. Information supplied by the applicants indicates that there were originally two dwelling houses on the site (please refer to figure no. 9). In a letter dated 7<sup>th</sup> July 2007 from the applicants, reference is made to their purchase of the property in the early 1980's "the way it looks in the photograph." After the purchase of the property the structures on the site were amalgamated to form one dwelling house, as exists at present. The use of the structures as two dwelling units ceased several years ago and I do not consider that any significant weight can be placed on its former use to justify the current proposal for the subdivision and subsequent creation of an additional dwelling unit. It should also be borne in mind that the identified overall site area will eventually accommodate two dwelling houses – the existing dwelling house and the new house which is currently in the course of construction.



**Fig. 9 : Photo supplied by the applicant shows the original traditional nature of the structures on the site.**

30. The existing dwelling house on the site has clearly undergone several alterations and extensions which have significantly altered its original traditional appearance since the applicants purchase of the property in the 1980's. In design terms, the currently proposed alterations and extensions follow a similar design approach to that already taken and as such would be visually compatible with the present form of the structure, although not reflecting the original traditional character of the property. The property also has quite a high degree of visibility, particularly the front and side elevations from the adjacent former A9, and to a lesser extent the existing A9, while the rear elevations are visible from land to the south and west as well as from the railway line, which is located a short distance to the south west.

31. While the proposed rear elevations are relatively small scale and inconspicuous, the garage / storage area proposed on the southern end of the property would have the effect of further elongating the structure, and taken in conjunction with the dwelling house in construction on the southernmost end of the site the overall appearance is likely to be one of overdevelopment along the frontage of the site. From a visual perspective this level of development within a relatively confined site in a rural area and in a prominent roadside position, would be inappropriate, have an adverse visual impact and would be out of character with the general pattern of development in the area.
32. Taken in conjunction with existing and permitted on going development the proposed development would ultimately result in a total of three dwelling units on a relatively confined site in a rural location, with the submitted site layout plan identifying limited plot areas to be associated with each of the properties. The plot areas and associated building plot ratio have a greater similarity to development within higher density settlement areas, as opposed to the proposed rural location adjacent to the northern entrance to the Cairngorms National Park. The site layout plan demonstrates that it is only possible to achieve compliance with the minimum standards for access and on site car parking provision required within the curtilage of each individual property, and this can only be achieved through the sharing of an access between the identified feu no. 1 and feu no. 2, and the use of the proposed garage as the only means of on site car parking provision for feu no. 2, with the adjacent proposed hardstanding area being required for turning movements. The land falls quite significantly to the rear of the properties, to the area identified on the site plan as 'lawn' and due to the change in gradients, use of the lower areas for car parking or turning movements would not be practical.
33. Despite identifying the plot areas to be associated with each of the dwelling units, the applicants have not clarified the intended future ownership arrangements of the units and their curtilages. It is not therefore possible to speculate whether or not the units would collectively remain in single ownership and occupied by various family members or alternatively would be individually owned. Regardless of the intended ownership situation the applicants have strongly indicated that they wish to create a home for their family "without any conditions attached."
34. In conclusion, the subdivision of the existing dwelling house would result in the creation of an additional dwelling unit on the site within this Restricted Countryside Area. Although I appreciate the point made by the applicant in one of his submissions that a sub-division of the existing property would essentially involve blocking up an internal door, the fact remains that this would create an additional dwelling unit, for which a land management justification cannot be advanced, and the proposal is therefore contrary to planning policy.

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

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

35. There are no natural heritage designations affecting the proposed site. The alterations and extensions which have been carried out to date on the property have resulted in the loss of the traditional appearance of the original structures and the current proposal involving further alterations and extensions would further diminish the cultural heritage of the property.

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

36. No details have been provided to suggest that the development would assist in promoting the sustainable use of natural resources.

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

37. The proposed development would result in the overdevelopment of the subject site which would be inconsistent with the general pattern of development in this rural area, close to the northern entrance to the Cairngorms National Park Authority. The development would therefore fail to promote understanding and enjoyment of this area of the National Park.

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

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

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

**Refuse planning permission for alterations, extensions and sub-division of house to form 2 houses; change of use of moorland to form extensions to house curtilages at Ryna Clarsach, Slochd, Carrbridge, for the following reasons –**

1. The proposal would result in the creation of an additional dwelling house in a location which is identified as a Restricted Countryside Area in the Badenoch and Strathspey Local Plan (1997). Within such areas there is a strong presumption against the development of houses, other than in exceptional circumstances primarily relating to land management. There is no land management justification for the proposed creation of an additional dwelling house and the proposal is therefore contrary to Policy 2.1.2.3. If approved the proposed

development would set a precedent for further unjustified housing in restricted countryside areas and would also encourage the ad hoc subdivision of existing residential properties and the sporadic siting of residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

2. Taken in conjunction with existing and permitted development the proposed development would ultimately give rise to three dwelling houses located within a relatively confined area of land, in a prominent roadside position in a rural area. The overall development constitutes an overdevelopment of the subject site, would be out of character with the general pattern of development in this rural area and would be detrimental to the visual amenity, quality and overall character of the local landscape. As such the proposal would be contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001), as well as the standards on Design and Sustainable Construction detailed in the Highland Council Development Plan Policy Guidelines (2003). The proposed development would detract from the enjoyment of the rural qualities of this area by the general public and in addition it would create a precedent for overdevelopment and unsympathetic design in the National Park.

**Mary Grier - Planning Officer**  
**12<sup>th</sup> September 2007**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

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