
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE AT TOMINTOUL CROFT, BRAEMAR

REFERENCE: 11/024/CP

APPLICANT: MR & MRS CALUM INNES

DATE CALLED-IN: 04 FEBRUARY 2011

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

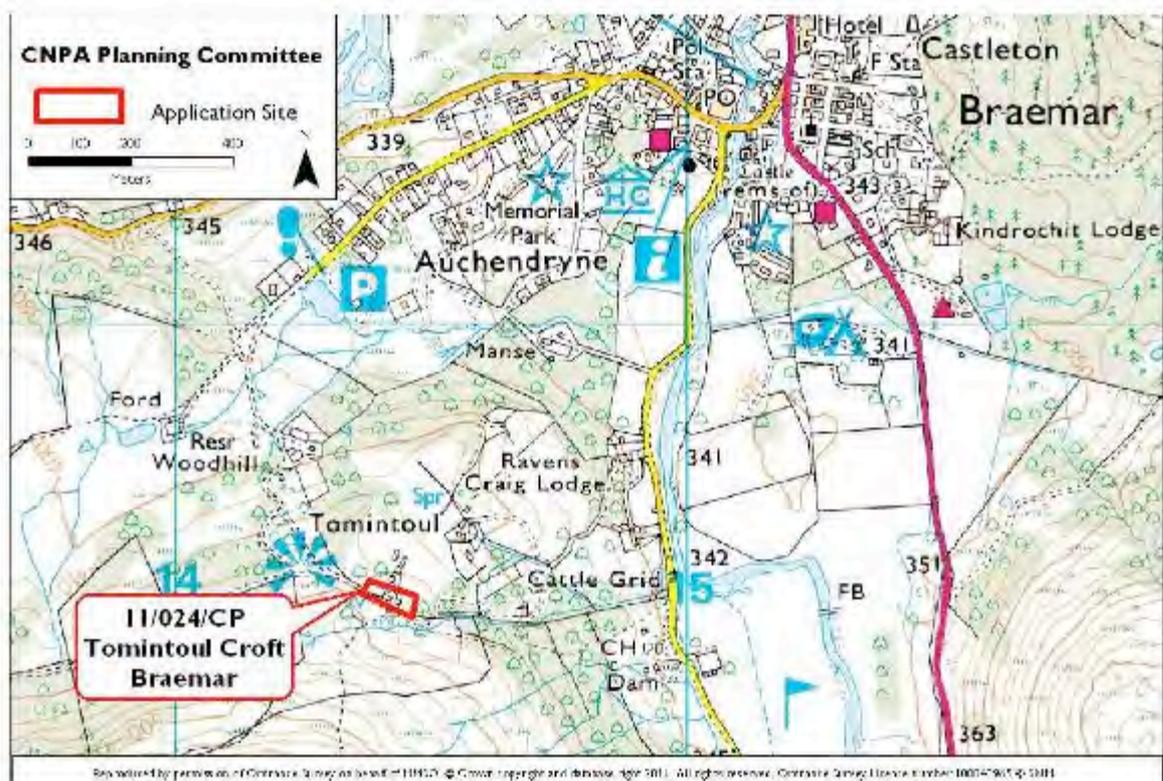


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site lies to the south west of Braemar, on the lower slopes of Morrone, adjacent to the Birkwood of Morrone Natural Nature Reserve (NNR) and comprises a rundown croft house called 'Tomintoul' and the remains of a steading. The site occupies an isolated and elevated position above the village, set against the backdrop of the hill, amongst a sweeping area of hummocky grassland, trees and scattered houses.
2. The existing croft house is typical of an early 19th century Scottish vernacular building, with drystone rubble walls, harling and a corrugated iron roof with heather thatch underneath. Its interior is recognised to be well preserved and largely unaltered with the original hanging 'lum,' box beds and other woodwork still in place.
3. Planning permission was granted in 2006 by Aberdeenshire Council (APP/2006/1124) for 'alterations and extension' to the croft house allowing for the internal features of the building to be replaced and a linked extension (see fig. 10) to be built out on the western gable (the site of the hanging lum). A structural survey identified that the building was structurally sound and suitable for conversion however the west gable and roof would be demolished and rebuilt.
4. However, at the invitation of the applicant (who bought the croft house with the planning permission in place) it has recently been assessed by Historic Scotland. They have provisionally proposed that it is worthy of Category B Listing (denoting regional significance) due to its largely intact original interior *and the recognition that unaltered historic interiors in old buildings are becoming increasingly rare (Historic Scotland).*



Fig. 2 & 3 – Tomintoul Croft House, from front and rear, new house located on steading remains.

5. This application seeks full planning permission to erect a new dwellinghouse adjacent to the croft house on the footprint of the steading remains. The dwellinghouse proposed is a four bedroomed, 1.5 storey detached dwelling, with exposed eaves and finished with timber linings (colour to be agreed) larch shingles and wooden windows and doors. This would enable the croft house to be restored. The new house would be located 9.0m away from the croft house (amended from 4.0m). In addition a small wooden extension to the croft house is also proposed replacing a recently demolished outbuilding.

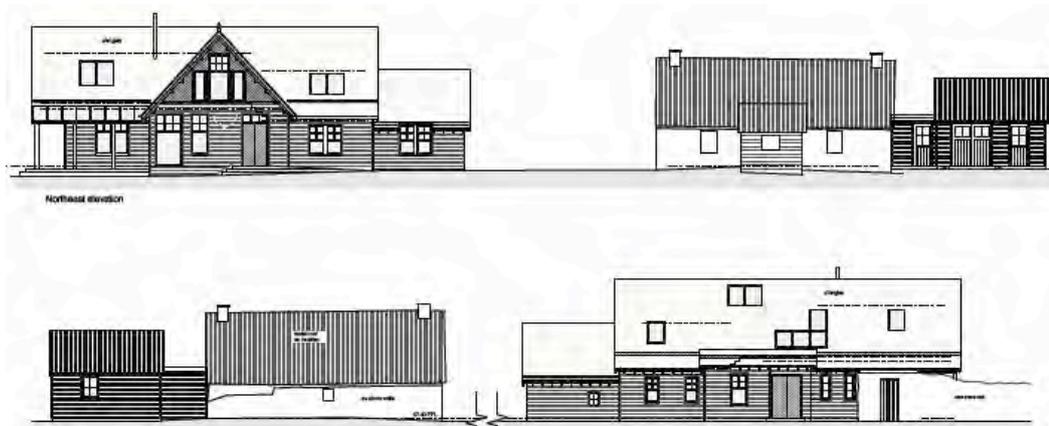


Fig. 4 & 5 – Proposed dwellinghouse and croft house elevations



Fig.6 – Proposed dwellinghouse gable elevations

6. The proposed house would use a new access (planning permission granted separately by Aberdeenshire Council in 2010), utilise private services (water and foul drainage – planning permission was also granted for this in 2010) and drain surface water via a separate soakaway.

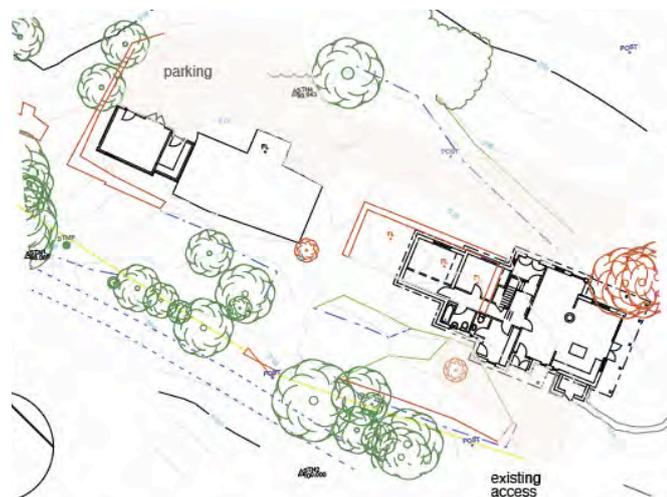


Fig. 7 – Site layout plan (showing 9.0m separation distance)

Applicants Justification

7. The applicants bought Tomintoul croft house in 2007 with the benefit of detailed planning permission for alterations and an extension to provide a substantial dwellinghouse (see supporting letter – **Appendix I**). Some limited restoration works have been undertaken to make the building wind and watertight (and therefore the permission has been implemented). However, it was quickly realised that the original house was in such a good state of preservation internally that it would be unfortunate to destroy the original historic interior and the applicants have now considered a series of alternatives to allow for the conservation of the croft house.



Fig. 8 – Tomintoul Croft House (showing limited restoration work)



Fig. 9 – Some internal perspectives showing features

8. The new dwellinghouse would allow the applicants to conserve and restore the existing croft house without the need to implement the internal alterations and the extension which they have permission for. They have committed to undertaking restoration work to the croft house and yet wish to realise their required levels of accommodation. In broad terms, the applicants state that the erection of a new house would allow them to safeguard a building of 'significant cultural heritage merit.'



Fig. 10 – Existing Planning permission (2006): alterations and Extension

9. A current application for an alternative form of extension with a glazed link has been held in abeyance pending the outcome of this application (see fig. 11).

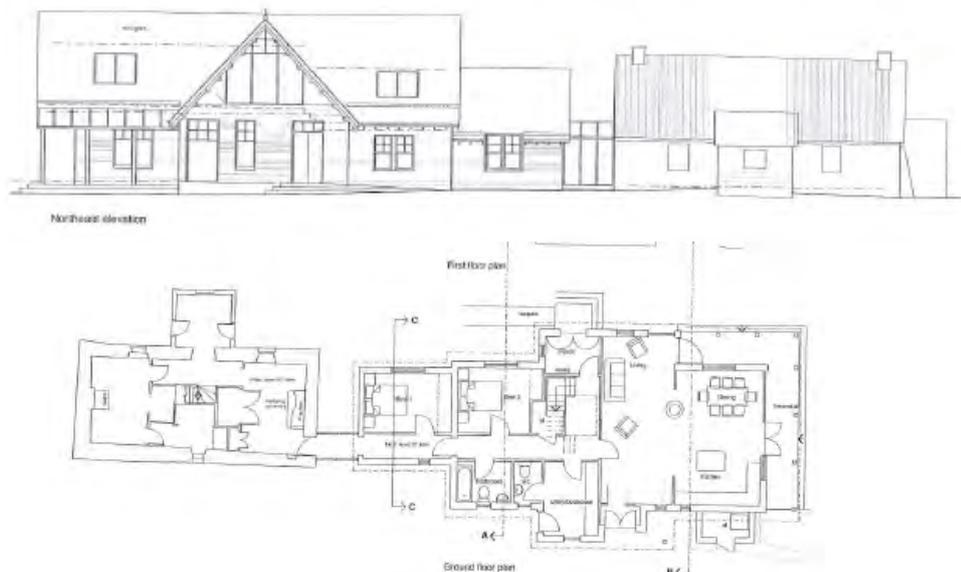


Fig. 11 – Alternative Planning Application (in abeyance): Alterations and Extension

DEVELOPMENT PLAN CONTEXT

10. 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 Aberdeen & Aberdeenshire Structure Plan (NEST) 2001 and the Cairngorms National Park Local Plan 2010. The National Park Plan is also a material consideration.

National policy

11. **Scottish Planning Policy 2010** is the statement of the Scottish Government's policy for the land use planning system, supporting the central purpose of increasing sustainable economic growth. All new development should respond to the specific local character of the location, fit into the landscape and seek to achieve high design and environmental standards.
12. As a replacement for a variety of previous planning policy documents the new **SPP** 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.
13. 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.
14. Landscape and Natural Heritage: Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas 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 local landscape character.
15. **SPP** 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.¹ 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 Policy

Cairngorms National Park Plan (2007)

16. **The Strategic Objectives for Landscape, Built and Historic Environment include;** ensuring that development complements and enhances the landscape character of the Park; and new developments within settlements and surrounding areas complement and enhance the character, pattern and local identity of the built and historic environment.
17. 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.

Structure Plan

Aberdeen & Aberdeenshire Structure Plan (NEST) Structure Plan 2001

18. **Policy 11 General Housing Considerations** requires that developments are well sited and properly designed to fit their surroundings.
19. **Policy 12 House Building in the Countryside** allows for house building when its associated with the rehabilitation of an existing house and the development is of the highest quality in terms of siting, scale, design and materials.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

20. **Policy 1 Natura 2000 Sites** development likely to have a significant effect on a Natura 2000 site should be subject to an appropriate assessment.
21. **Policy 3 Other Important Natural and Earth Heritage Sites and Interests** states that development that would affect a site such as an NNR will only be permitted where the objectives of the area are not compromised.
22. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
23. **Policy 9 Listed Buildings** states a presumption in favour of retaining listed buildings and if at serious risk of collapse or decay, some enabling

¹ Para. 256.

development may be permitted. (N.B. the croft house is not yet listed but Historic Scotland have intimated that this will take place in the event of the granting of planning permission)

24. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
25. **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.
26. **Policy 22 Housing Development outside Settlements** development will be permitted where there is no suitable accommodation available including reuse and conversion of other buildings on site.
27. **Policy 27 Conversion and Reuse of existing traditional and vernacular buildings** allows for the sympathetic and sensitive reuse of buildings.
28. **For Information:** the CNP Local Plan is the subject of an appeal under Section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and the recommendation made in respect of this application.

Supplementary Planning Guidance

29. The **Sustainable Design Guide** requires development in the National Park to be well designed, sustainable and wedded to its location in this special place. It requires the design of all development to minimise the effect of the development on climate change; reflect and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials; and demonstrate sustainable use of resources. It requires a Sustainability Statement to be submitted. This statement demonstrates that energy efficiency, passive solar gain and a ground source heat pump would be used. Timber and other materials would be sourced locally and felled trees from the site have already been cut by a mobile mill for use in the construction.
30. **Conversion and Reuse of existing traditional and vernacular buildings SPG** allows for the sympathetic and innovative reuse of buildings including residential buildings that conserves and enhances them.

CONSULTATIONS

31. **Historic Scotland** has no objections to the proposed house and supports the opportunity to sympathetically restore the Tomintoul Croft House. They suggest that further separation of the two buildings would safeguard the

setting of the croft house. They confirm that the process to list the croft house with a category B listing (denoting regional significance) will commence following the resolution to grant planning permission.

32. **Scottish Natural Heritage** has no objections and states that it is unlikely that the proposal will have a significant effect on any qualifying interests of Morrone Birkwood Special Area of Conservation either directly or indirectly. An appropriate assessment is therefore not required. Conditions requiring that a visual inspection of trees which will be affected by this proposal for signs of potential roosts is carried out and that the report is provided.
33. **Scottish Water** has no objections and confirms that no drinking water and waste water supply is available.
34. **Aberdeenshire Council Roads** has no objections, is content with the access track approved under separate application but requires conditions for visibility splays.
35. **Aberdeenshire Council Environmental Health** has no objections to the proposals for the private water supply. However this does not guarantee future supply.
36. **Aberdeenshire Council Archaeology Unit** has no objections and require a record of the remains of the standing buildings prior to any development of the site.
37. **Braemar and Vicinity Community Council** supports the development, confirming that the old croft is of significant heritage value and they feel the building should be conserved as much as possible.

REPRESENTATIONS

38. The application was advertised in the Deeside Piper on 4 February 2011. Four letters (**Appendix 2**) have been received stating support for the restoration of the croft house and suggesting the design of the new dwellinghouse is appropriate and sympathetic. No letters of objection have been received in respect of the proposed development.

APPRAISAL

39. In determining this planning application regard has to be made to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is highlighted in paragraphs 13 – 27 of this report. There are a number of issues to consider in assessing the proposal, including planning policy, the nature, scale and design of the development and its implications for the restoration and conservation of a building of significant cultural heritage value.

Principle of Development

40. In terms of the principle of development, there is general support in planning policy for appropriate development which allows for the renovation of a listed building (albeit in this case a building likely to be listed) typically called 'enabling' development. Policy 12 'House Building in the Countryside' of the NEST Structure Plan allows for house building when its associated with the rehabilitation of an existing house and the development is of the highest quality in terms of siting, scale, design and materials. The CNP Local Plan also contains an enabling policy - Policy 9 Listed Buildings, where any proposal would secure the preservation of a building at serious risk and allow for its conservation. The SPP in its section on 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.
41. Of course, it is recognised that the Tomintoul croft house is not yet listed, however Historic Scotland have undertaken an interim assessment of the architectural and historic interest of the building and have intimated that a provisional category B (denoting regional significance) listing would take place in the event of the resolution to grant planning permission – a draft Category B listing schedule has been prepared (as attached at **Appendix 3**).
42. Both structure and local plan policy are in favour of retaining listed buildings. If they are at serious risk of collapse or decay, some enabling development may be permitted. It therefore follows on from this, that the provision of a new house adjacent to the Tomintoul Croft would allow the applicants to preserve and retain the existing building without the need for the internal alterations and the extension which planning permission (2006) has been granted for. It will also allow them to undertake significant restoration work and realise their required levels of accommodation. It is considered that the opportunity to restore the croft house and safeguard this rare and unique part of the cultural heritage of the area and the National Park results in the right conditions to allow enabling development to take place. Overall it is considered that the principle of enabling development in the form of a new dwellinghouse is acceptable in this case.

Design, Landscape and setting

43. Looking now at design, landscape and the setting of the new house, policy requires enabling development to be appropriate, sensitive and of the highest quality. The proposed 1.5 storey house design adopts a very high standard of design using a blend of contemporary and traditional building features. A series of influences derived from the local area (exposed rafters, traditional glazing patterns and a veranda) while materials including stone, timber cladding and shingles would finish the building; ensuring a sensitive yet interesting building that would sit comfortably adjacent to the croft house. It is considered that the proposal accord with policy aims to encourage good house design in the countryside and policy 16 Design Standards.
44. The proposed building would not be intrusive in the landscape, and sit against the backdrop of Morrone. A scheme of landscaping around the site would also

ensure the proposed building would relate well to its context, on the lower slopes of the hill within a grassland area. The proposed house is considered appropriate to the local landscape and would not be detrimental to the NSA, the countryside or character of the area.

45. In terms of the setting of the croft house, it is considered that the new house would be a high quality, sympathetic building, with appropriate materials and the design, appearing as an 'estate' type building, which reflects much of the traditional architectural heritage of the National Park. A minor alteration to the layout of the site has drawn the proposed house further away from the croft house from 4.0 m to 9.0m to give more of a visual separation and further protect the setting of the respective buildings. This satisfies Historic Scotland's requirement for preserving the setting of the building.

Natural and Cultural Heritage

46. The proposal raises a number of issues in terms of natural and cultural heritage; the existing building was known to contain bats, while the site is located immediately adjacent to a number of designations – an NNR, SAC, SSSI and an area of SNAWI/AWI. The applicant has previously commissioned a Bat Survey at the request of SNH, which identified a roost in the wooden extension on the side of the building (this issue has been addressed in previous applications). Following this they applied to the Scottish Government for the appropriate licence which was granted in order that they could legally undertake the required works to the croft house and remove the extension (this has subsequently been done). They have installed a bat box on a nearby tree to offset the loss of this roost. It is considered that a condition (as attached) requiring a survey of any trees suitable for bat roosts affected by development (requiring two multi-stemmed birch to be felled) addresses SNH concerns.
47. SNH confirm that the proposal is unlikely to result in a detrimental impact on the various designations. No works are to take place in these areas, or effect them, including the septic tank (while the access track and water supply were previously considered and have been approved separately).
48. The most pertinent issue in the determination of this application is the protection and the promotion of cultural heritage, in terms of enabling the preservation and restoration of the existing Tomintoul croft house without the need to implement the internal alterations and the extension for which the applicants have permission. The applicants have gone through various iterations of proposals for safeguarding the building while trying to realise their required levels of accommodation. It is considered that the applicants should be commended for taking a proactive approach to safeguarding the croft house (it should also be mentioned that they have previously restored a 19th century dairy building at nearby Mar Estate). Ultimately, a separate detached house would seem to be the best solution, allowing restoration work to the croft house, a fine but rare example of a traditional Scots crofting cottage with many of its original features remarkably preserved and its upper floor lined with historic 19th century newspapers and magazine articles. Granting permission for an alternative development is undoubtedly preferable

to allow for its safeguarding than lose its distinctive character, features and identity. It should be recognised that there is normally a presumption against a new house in this area, under Policy 22 Housing Development outside of Settlements, however it is considered that the circumstances allow for enabling development to protect, preserve and enhance the croft house. This proposal is fully supported by Policy 11 which requires development to safeguard and enhance the cultural heritage of the area. The main justification for this proposal is the commitment to restore the croft house, which would then be used as a bothy or possibly as self-catering accommodation associated with the new house.

Other Issues

49. A Section 75 agreement would normally be used for a new house in the countryside to restrict the occupancy, but in this case the recommendation is to use a planning condition to restrict the occupation of the new house until the croft house has been restored to the satisfaction of the CNPA and Historic Scotland. The applicant would be at a considerable financial disadvantage should the new house be tied to the croft house and that would not realise the opportunity to preserve this important building intact. The applicant already has a planning permission in place that would not preserve the croft house in that way. This unique set of circumstances, enables the restoration of a building of significant cultural heritage and the benefits that this would bring. Within this context the CNPA has considered the circumstances have substantial weight to justify not placing any occupancy restriction in this instance.

Conclusion

50. Overall, it is considered that the proposed dwellinghouse is acceptable in planning policy terms, in that it would provide an appropriate form of enabling development that would allow for a prospective listed building to be safeguarded and restored. The construction of a dwellinghouse on the site to conserve the croft house is seen as ultimately more desirable than implementing the wide-sweeping changes to the building permitted under the existing planning permission. It is also consistent with policies requiring the quality and design of new housing to be of a high standard and conserve and enhance the landscape character of the Park through careful design and siting.
51. The application also accords with the aims of the National Park notably conserving and enhancing the natural and cultural heritage of the Park. The proposal is considered to be a positive proposal that would bring about significant cultural heritage benefits and preserve and restore a rare surviving example of a traditional Scots crofting cottage. It is recommended that members resolve to grant planning permission subject to the confirmation of the listing of the Tomintoul Croft House.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

52. The design of the building, incorporating traditional materials is considered to conserve and enhance the cultural heritage of the area. The preservation and restoration of the croft house is considered to bring about significant benefits to the cultural heritage of the National Park.

Promote Sustainable Use of Natural Resources

53. The applicant proposes the sustainable use of natural resources, and the Sustainable Design checklist confirms environmental aspects are key: energy efficiency and passive solar gain are maximised in the house design. Local timber would also feature heavily alongside some stone.

Promote Understanding and Enjoyment of the Area

54. The restoration of the croft house would be a significant benefit to the cultural heritage of the area and the wider National Park. The visual appearance of the new house results in a strong connection between the local vernacular and modern house construction, which should also enhance the understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

55. The proposal is generally positive in terms of this aim, in that it restores a building of exceptional cultural heritage to the area.

RECOMMENDATION

A. That Members of the Committee support a recommendation to resolve to GRANT planning permission for the erection of dwellinghouse at Tomintoul Croft, Braemar, subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.

2. Prior to the completion and occupation of the new dwellinghouse hereby approved, the restoration of the listed Tomintoul Croft House shall be completed to the satisfaction and written agreement of the CNPA acting as planning authority in consultation with Historic Scotland.

Reason: In the interests of enabling the conservation of the character and integrity of an important building within the cultural heritage of the National Park.

3. Prior to the commencement of any development relating to the dwellinghouse and the extension to the listed croft house hereby approved, details of the colour of the timber cladding, sheet roofing and the windows and doors shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: In the interests of the visual amenity of the area.

4. The development hereby approved shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-

(a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three 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. Visibility splays of not less than 2.4 metres x 45.0 metres shall be provided in both directions at the junction of the new access with the existing road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

6. Prior to the commencement of any development relating to the dwellinghouse, a visual inspection survey of any trees suitable for bat roosts shall be undertaken by a suitably experienced bat surveyor. The outcome of the survey shall be submitted to the CNPA acting as Planning Authority. In the event that evidence of bats is found, work shall stop immediately. The survey results and where necessary any appropriate mitigation measures shall be submitted to and agreed in writing with the CNPA, acting as planning authority.

Reason: For the avoidance of doubt and in the interests of conserving the natural heritage of the area.

7. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the CNPA acting as planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organization retained by the developer shall be given to the CNPA acting as planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: to record items of archaeological interest and finds.

8. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the CNPA acting as planning authority. All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on CD, either jpegs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.

Reason: to ensure a historic record of the building.

B. The decision notice shall not be issued until confirmation has been received from Historic Scotland that the croft house has been listed.

Robert Grant

16 May 2011

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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.