

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
20 May 2014

Agenda Item	5.6
Report No	PLS/037/14

14/00342/FUL: Mr D and Mrs A Black
Land 300 m SE of Garlyne, Nethybridge

Report by Area Planning Manager - South

SUMMARY

Description : Erection of new farmhouse

Recommendation - REFUSE

Ward : 21 Badenoch and Strathspey

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Requested by Ward Members

1. PROPOSED DEVELOPMENT

- 1.1 Erection of a 1¾ storey H-plan house with attached single storey wing to rear, on land south-east of Garlyne (south of public road), near Nethybridge.
- 1.2 Pre-application consultation is not mandatory for local developments but advice was sought by the applicant from CNPA. Advice given by CNPA officers was that the development would not complement and enhance the landscape.
- 1.3 There is no existing surfaced access to the site; the application proposes formation of a new vehicle track leading from an existing field gate at the north-east corner of the applicant's property. It is proposed to use a private water supply and a septic tank and soakaway for waste water disposal.
- 1.4 The application is supported by a design statement, visualisations and a site section.
- 1.5 **Variations:** No variations have been made to the application since lodging.

2. SITE DESCRIPTION

- 2.1 The site is an area of land near the middle of a 20 acre block of agricultural grazing land bounded by woodland on its west, south and east sides and the Nethybridge to Corriechullie public road on its north side. The agricultural land drops south- and south-westwards from the Nethybridge to Corriechullie Road in a series of stepped slopes and the house plot is partly situated on sloping ground between two of the flatter “steps”, on the edge of an area of slightly rougher ground dotted with old tree stumps and some boulders (shaded pink on the site plans and described as “uncultivated scrub land”).

3. PLANNING HISTORY

- 3.1 BS/00/00151 Erection of house OPP (PIP) refused 29/9/00; appeal dismissed 13/8/01
12/01735/PREAPP General purpose agricultural building - response 6/6/12
13/01162/AGR General purpose agricultural shed - Refusal of prior approval 20/5/13
14/00526/AGR Erection of agricultural building - Refusal of prior approval 26/2/14

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour. Expiry date 6/3/14
Representation deadline : 6/3/14
Timeous representations : 5 from 3 households (all in support)
Late representations : 1
- 4.2 Material considerations raised are summarised as follows:
- Will help sustain farming in area
 - Well designed and landscaped development fitting well into landscape
- 4.3 All letters of representation are available for inspection via the Council’s eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Community Council** : No objection.
5.2 **CNPA** : No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- G1 Conformity with Strategy
G2 Design for Sustainability

H3 Housing in the Countryside

T6 Scenic Views

L4 Landscape Character

6.2 Cairngorms National Park Local Plan 2010

6 Landscape

16 Design Standards for Development

19 Contributions to Affordable Housing

22 Housing Development outside Settlements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Cairngorms National Park Local Development Plan

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 Scottish Government Planning Policy and Guidance

SPP

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The principal Policy issue derives from SP G2's test of impact on landscape and scenery particularly within designated areas; SP T6's intention to protect important scenic views enjoyed from tourist routes and viewpoints; SP L4's regard to maintenance and enhancement of landscape character; CNPLP 6's presumption against development which does not complement and enhance the Park's landscape character and the setting of the development; and CNPLP 16's requirement to use materials and landscaping which will complement the setting of the development and create environments that can be enjoyed by everyone. The applicants are a local farmer and his wife who are proposing to sell their existing farm and "downsize" their farming activities; it was understood that the ultimate aim was to retire. Either way, the principle of a house for such an applicant is not contrary to the housing Policies of the Development Plan.

However the proposal has to also be assessed against Policies relating to landscape, siting and design. It is an important qualification of CNPLP 22 that development will be considered favourably “where the development does not detract from the landscape setting”.

8.4 **Material Considerations**

The land offers open panoramic views free of buildings in the foreground in two directions from two viewpoints:

1. To the south, from the level part of the public road alongside the central part of the north boundary of the property, through a “window” created by a drop in the top of the tree canopy in the woodlands to the south, towards Cairn Gorm, and over the tree line to the Craiggowrie-Creagan Gorm-Meall a’ Bhuachaille ridge;
2. To the south-west and west, from the road adjacent to the highest (north-easternmost) part of the property, over a wide arc encompassing the floor of the strath from Rothiemurchus to Tullochgorm.

The impact on the first of these views was a material consideration in the rejection by both the Planning Authority and the Reporter who dealt with the subsequent appeal of a proposal to develop a house on the property. The visualisation view 4 shows that the proposed house would have only a brief impact on the direct view of Cairngorm and none on the view of the Craiggowrie ridge, but views 1,2 and 4 confirm that it would still be a prominent new structure in the foreground of what is at present a view of open countryside. This is still a fundamental defect when read with the Reporter’s assessment, which found that “both the appeal site and the surroundings have an attractive landscape character that is dependent on the absence of development in the foreground of very impressive views towards Cairngorm and nearby mountains”. Furthermore the precedent which approval of the proposed site would set cannot be disregarded. The applicant has twice sought, and been refused, prior approval for erection of an agricultural shed close to the proposed house. Once one building had been erected on the site proposed the case for resisting further building nearby would be significantly undermined; indeed grouping a house and the agricultural shed might be perceived as a logical association avoiding the intrusion of another new building impacting on other views.

The second view is if anything of greater value and distinctiveness than the first. Almost uniquely for the west side of the Park, it offers the traveller from east to west a suddenly opening panorama of the strath and of the Monadhliaths which contain it to the west, creating a sensation of impending arrival at a destination as the road starts to drop in the direction of the floor of the strath. Development on the north side of the road at Garlyne is hidden from view at this point; by the time that it comes into view the road has dropped and the panorama becomes a more restricted one, enclosed by the woodlands through which the traveller continues to descend to reach the strath floor. As view 3 shows, both the proposed house and any associated agricultural buildings would sit prominently in this panorama and detract from its special qualities and from the open character of the foreground.

The plans and visualisations suggest landscaping by means of ground contouring and tree planting. It is assumed that this is the basis of contributors' comments. However none of these trees exist at present and even the limited effect suggested by the visualisations would take many years to come to fruition. There is no detailed specification of the ground mounding and planting but the latter is clearly limited and would never have the effect of screening the house from view. Notably nothing is shown on the west side of the house plot. The source of material for mounding is unclear. Both the house site and the agricultural shed site require a balance of "cut and fill" due to the siting of the buildings in a way which crosses contours, but stripping soil for creation of the new access road would be a possible source of some material.

On the basis of the foregoing considerations it is concluded that the siting of the proposed house would have a significant detrimental effect on the landscape character of the area and of the National Park, contrary to CNPLP Policy 6. Whilst that Policy is qualified in two respects, it is not considered that either of those outweigh the development's detrimental effects. The first qualification refers to "social or economic benefits of national importance". Whilst there are clearly benefits in allowing farming to thrive and allowing the applicants to remain in the community it would be exaggerating to say that this one case is of national importance. It is also the case that alternative sites on land owned by the applicant would be capable of delivering those benefits without such harm to the area's landscape character. In particular, pre-application advice has pointed to the eastmost end of the 20 acres as offering opportunity to site buildings outwith the westwards panorama of the strath in particular. In relation to the second qualification the adverse effects of the proposed development cannot be satisfactorily mitigated by landscaping works of the extent and character which can be surmised from the drawings and supporting information.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. RECOMMENDATION

Action required before decision issued	No
Notification to Scottish Ministers	No

Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No
Revocation of previous permission	No

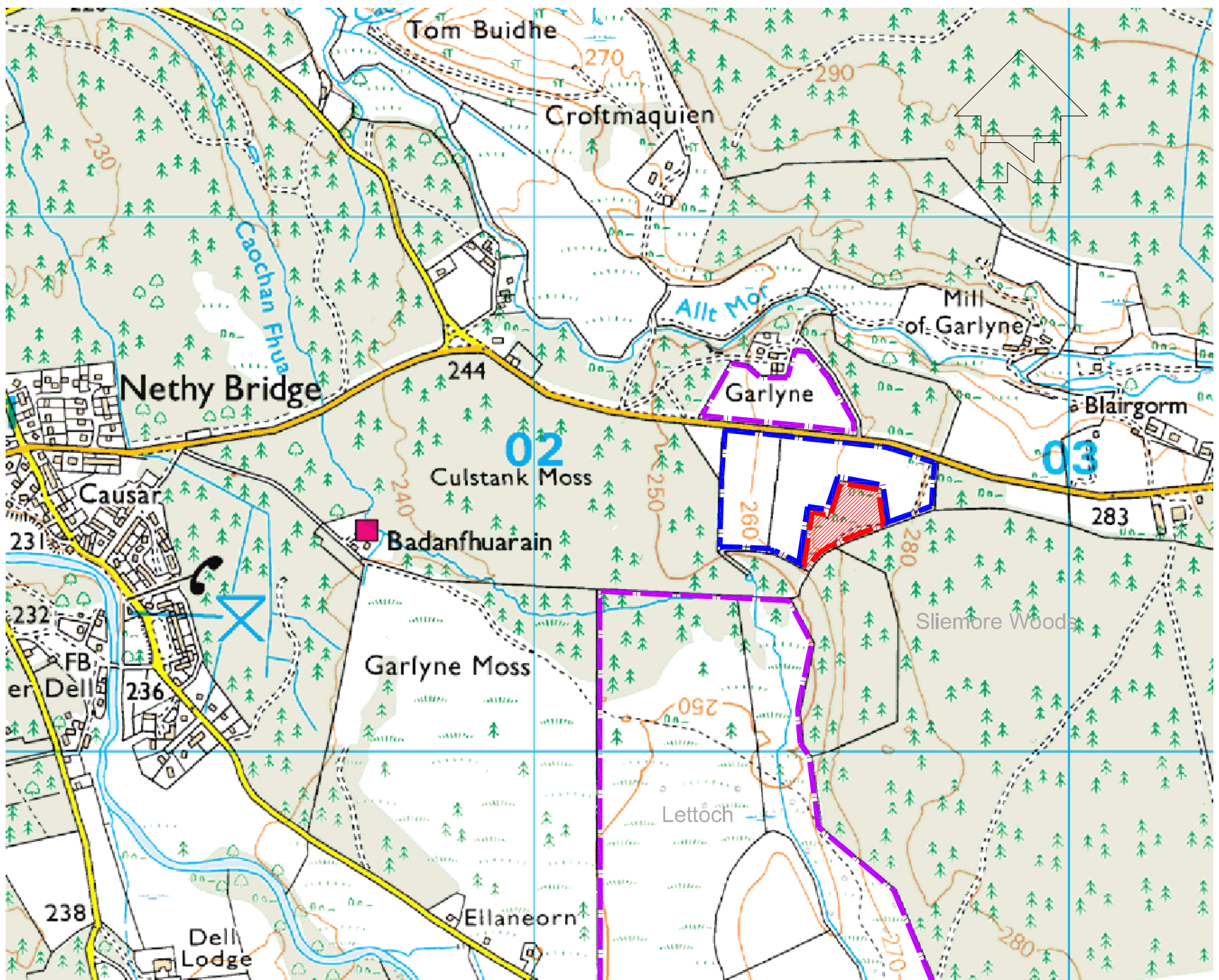
Subject to the above, it is recommended the application be **Refused** for the following reasons:

1. The proposed house would introduce development in the foreground of views of Cairngorm, and of views of an extensive tract of the floor of the strath of the River Spey and the hills beyond, which are available over the area from the adjacent public road. The quality of these views and the landscape character of the area are dependent on the absence of development in the foreground. Development of the proposed house would therefore not accord with Policy 6 of the Cairngorms National Park Local Plan, which presumes against development which does not complement and enhance the landscape character of the Cairngorms National Park and the setting of the development.
2. The proposed house, if approved, would (particularly having regard to the occupational case accepted as existing in terms of Policy 22 of the Cairngorms National Park Local Plan) establish a precedent for further development in the vicinity of the house, which would further detract from the quality of the views of the hills and the strath which are available over the area from the adjacent public road.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: A. McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Block Plan
Plan 4 – Floor Plan
Plan 5 – Elevation Plan
Plan 6 – Photo/Visual Information

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Paul Culliford	Gargowan, the Causer, Nethybridge	26/2/14	For
Stewart Fulton	Upper Derraid, Grantown on Spey	3/3/14	For
James Fraser	33 Argyle Grove, Dunblane	4/3/14	For
Paula Fraser	33 Argyle Grove, Dunblane	4/3/14	For
Susan Culliford	Gargowan, The Causer, Nethybridge	5/3/14	For
James Grant	Creagan Gorm, Tulloch, Nethybridge	10/3/14	For



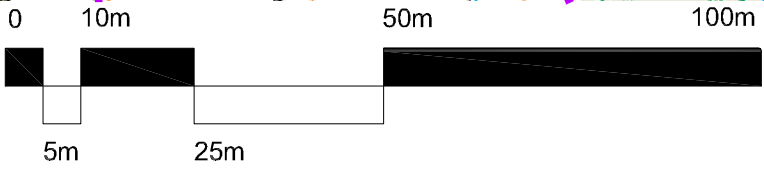
- - - APPLICATION BOUNDARY OWNED BY APPLICANT
- - - LAND OWNED BY APPLICANT AT GARLYNE
- - - LAND LEASED BY APPLICANT AT LETTOCH AND GARLYNE

REVISIONS		
rev	description	date

Project: PROPOSED FARM HOUSE AND AGRICULTURAL SHED GARLYNE NETHY BRIDGE
 Client: MR & MRS BLACK
 Content: LOCATION PLAN

Project No: BNB	Drawing No: PL.100	Draw by: AY
Scale: 1:10,000@A4	Date: 14 Jan 2014	Revised:

LOCATION PLAN 1:10,000



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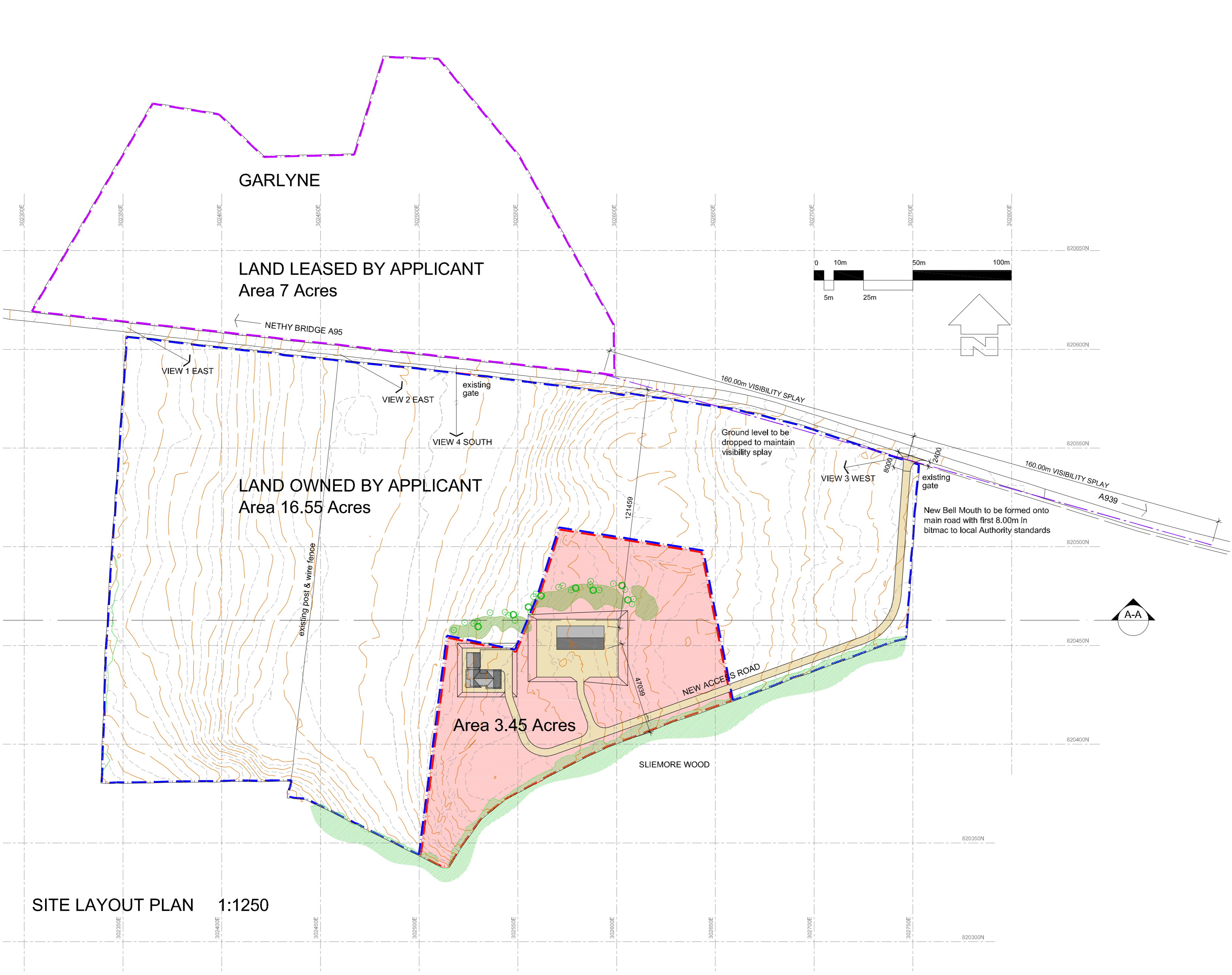
- SITE BOUNDARY
- LAND OWNED BY APPLICANT
- LAND LEASED BY APPLICANT
- EXTENT OF UNCULTIVATED SCRUB LAND

NOTES:

ACCESS:
 FIRST 5.00m TO BE 3.75m WIDE BITMAC SURFACE ON TYPE 2 SUB BASE CAPABLE OF TAKING 14tonne AXLE LOAD FOR FIRE TENDER. ALL TO LOCAL AUTHORITY SPECIFICATION. 3.75m WIDE ACCESS ROAD TO FOLLOW CONTOURS AROUND SITE. TO BE FORMED IN BLINDED HARDCORE CAPABLE OF TAKING 14tonne AXLE LOAD. LAID TO FALLS TO LOWER EDGE. SURFACE WATER TO DRAIN INTO 600mm WIDE PEA GRAVEL DITCH ALONG LOWER EDGE OF ACCESS AND SUBSEQUENTLY INTO THE FREE DRAINING SUBSOIL. FORM NEW BELLMOUTH ONTO MAIN ROAD WITH FIRST 8.00m IN BITMAC TO LOCAL AUTHORITY STANDARDS. DRAINAGE PROVIDED TO PREVENT WATER SHED ONTO MAIN ROAD.

VISIBILITY:
 VISIBILITY SPLAYS OF 160.00m x 2.40m TO BE ACHIEVED AND MAINTAINED.

VIEWS:
 FOR VIEWS 1,2,3 & 4 SEE DRAWING BNB PL.106 FOR PHOTO MONTAGE IMAGES.



SITE LAYOUT PLAN 1:1250

REVISIONS		
rev	description	date

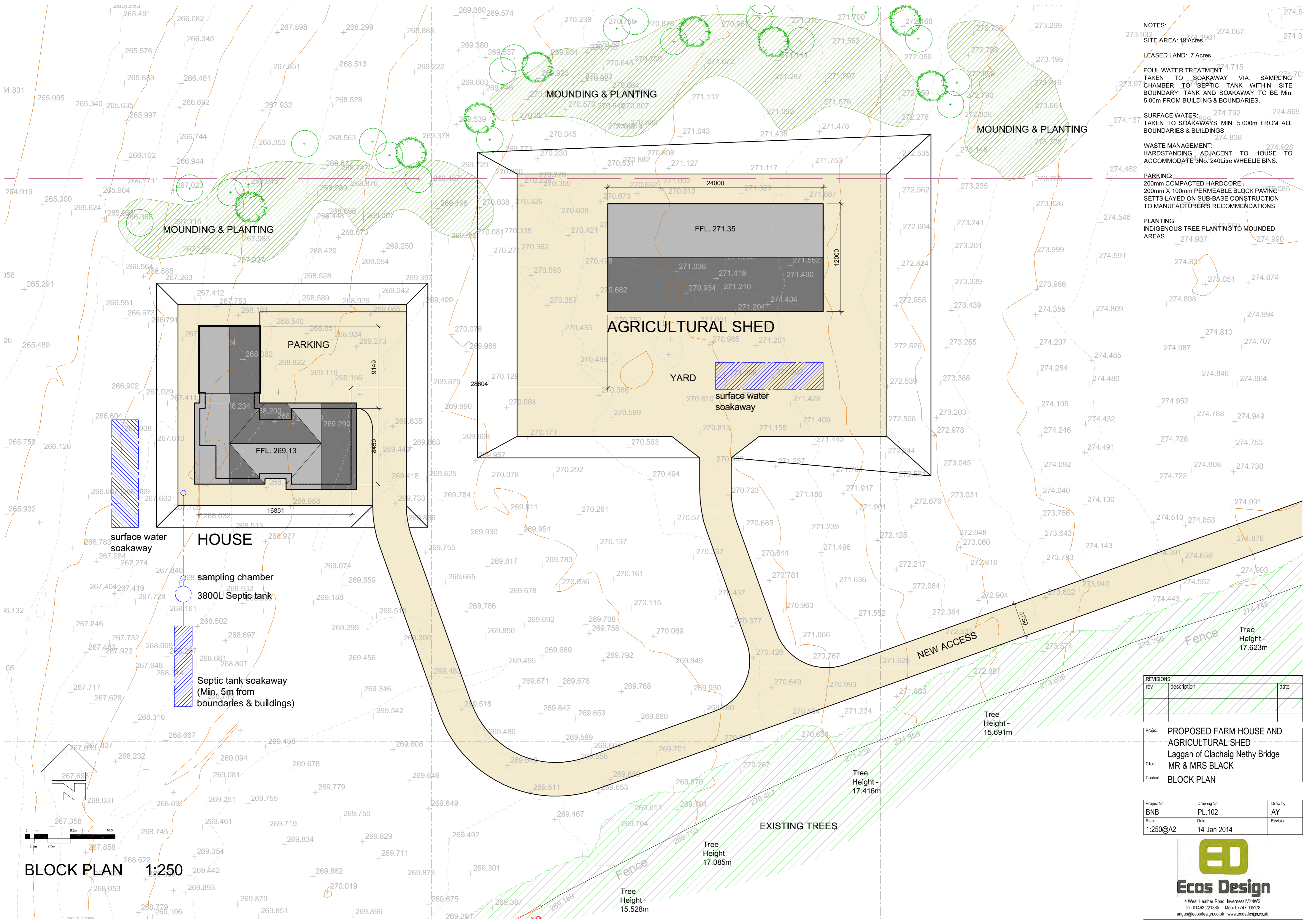
Project: PROPOSED FARM HOUSE AND AGRICULTURAL SHED
 GARLYNE NETHY BRIDGE
 Client: MR & MRS BLACK
 Content: SITE PLAN

Project No:	Drawing No:	Draw by:
BNB	PL.101	AY
Scale	Date	Revised:
1:1250@A2	14 Jan 2014	

Ed

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- NOTES:**
- SITE AREA:** 19 Acres
 - LEASED LAND:** 7 Acres
 - FOUL WATER TREATMENT:** TAKEN TO SOAKAWAY VIA SAMPLING CHAMBER TO SEPTIC TANK WITHIN SITE BOUNDARY. TANK AND SOAKAWAY TO BE Min. 5.00m FROM BUILDING & BOUNDARIES.
 - SURFACE WATER:** TAKEN TO SOAKAWAYS MIN. 5.000m FROM ALL BOUNDARIES & BUILDINGS.
 - WASTE MANAGEMENT:** HARDSTANDING ADJACENT TO HOUSE TO ACCOMMODATE 3No. 240Litre WHEELIE BINS.
 - PARKING:** 200mm COMPACTED HARDCORE, 200mm X 100mm PERMEABLE BLOCK PAVING SETTS LAYED ON SUB-BASE CONSTRUCTION TO MANUFACTURER'S RECOMMENDATIONS.
 - PLANTING:** INDIGENOUS TREE PLANTING TO MOUNDED AREAS.

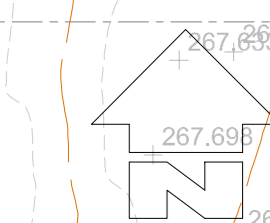
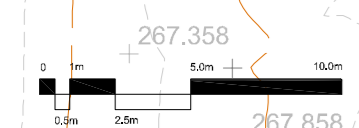
REVISIONS		
rev	description	date

Project: **PROPOSED FARM HOUSE AND AGRICULTURAL SHED**
 Laggan of Clachaig Nethy Bridge
 Client: **MR & MRS BLACK**
 Content: **BLOCK PLAN**

Project No: BNB	Drawing No: PL.102	Draw by: AY
Scale: 1:250@A2	Date: 14 Jan 2014	Revised:



BLOCK PLAN 1:250





SOUTH ELEVATION



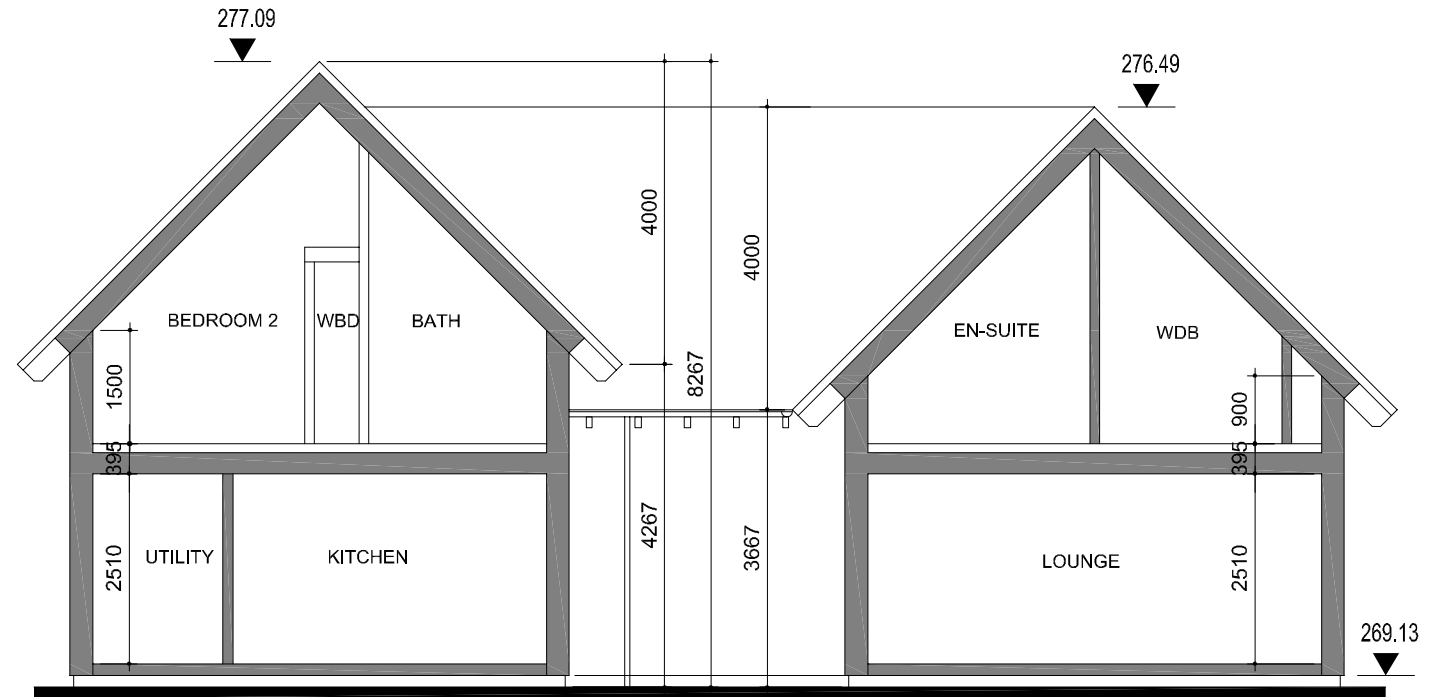
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SECTION

- INSULATED FLUE
- ZINC RIDGE
- DARK GREY CLAY ROOF TILES
- ZINC GUTTERS & DOWNPIPES
- OFF-WHITE RENDER
- PAINTED TIMBER WINDOWS

- PAINTED SOFFITS AND FASCIA
- WEATHER LARCH OR CEDAR CLADDING

Project: PROPOSED FARM HOUSE & AGRICULTURAL SHED
 Laggan of Clachaig Nethy Bridge
 Client: MR & MRS BLACK
 Content: FARM HOUSE ELEVATIONS & SECTION

Project No: BNB	Drawing No: PL.104	Draw by AY
Scale 1:100 @ A3	Date 14 Jan 2014	Revision:

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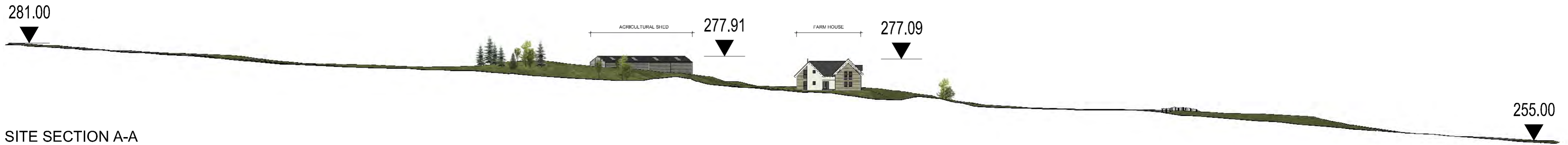
VIEW 4 SOUTH



VIEW 1 EAST



VIEW 3 WEST



VIEW 2 EAST

NOTES:

SEE SITE PLAN BNB PL.102 FOR VIEW DIRECTIONS AND SITE SECTIONS.

REVISIONS		
rev	description	date

Project: PROPOSED FARM HOUSE AND AGRICULTURAL SHED
Laggan of Clachaig Nethy Bridge
Client: MR & MRS BLACK
Content: PHOTO MONTAGE & SITE SECTION

Project No:	Drawing No:	Draw by:
BNB	PL.106	AY
Scale:	Date:	Revised:
NOT TO SCALE	14 Jan 2014	