

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
28 MAY 2013**

Agenda Item	5.1
Report No.	PLS/029/13

**13/01031/PIP : Roslyn Oakes and Gary Fowler
Land 60 metres west of Lynvoan, Old Spey Bridge Road, Grantown-on-Spey**

Report by Area Planning Manager – South

SUMMARY

Description : Erection of house

Recommendation : REFUSE

Ward : 21 Badenoch & Strathspey

Development category : Local

Pre-determination hearing: Not required

Reason referred to Committee: Majority of Ward Members requested the application be referred to Committee.

1. PROPOSED DEVELOPMENT

- 1.1 Erection of a house. As a PIP application there are no details other than the site boundary.
- 1.2 Pre-application advice is not mandatory for Local developments but was sought through the Council's pre-application advice service for local developments under reference 12/04459/PREAPP. The response issued on 7th December 2012 advised that the site did not appear to meet any of the tests of Local Plan policies which would permit a house to be developed as an exception to the general presumption that new non-essential housing should be accommodated in recognised settlements or recognisable housing groups.
- 1.3 The site fronts on to the superseded section of the A95 to which a vehicle access could be formed. A connection to the public water supply, and private waste water treatment arrangements, are proposed.
- 1.4 A supporting statement accompanies the application detailing the planning history of the application site and the area generally (with one erroneous reference to a grant of permission on a nearby site having been secured on appeal), and making a case that the site forms part of a housing group such as would mean that the development would comply with Local Plan Policy 21.

1.5 **Variations:** No variations have been made to the application.

2. **SITE DESCRIPTION**

2.1 The site is an area of sloping uncultivated ground on the south side of the old Spey Bridge Road, formerly part of the A95 but by-passed in the 1980s and now a vehicular cul-de-sac. The site lies to the east of a watercourse which passes under the road, flowing down to the Spey, and 60 metres west of the nearest house on the same side of the road (Lynvoan), separated from it by an intervening area of similar land. To the east of Lynvoan, there are a number of houses, and beyond the watercourse and the line of the road where it connects to the A95 is a house (Riverholme) in a curtilage enclosed by trees and hedging. The relevance of these other houses is discussed in section 8.4 below. Land to the south of the site, up to the present line of the A95, formerly accommodated the railway station and yard known as Grantown on Spey East station; this land is slowly revegetating, although the station building, platforms and parts of the station yard retain the character of derelict land.

3. **PLANNING HISTORY**

3.1 02/00332/OUTBS - erection of house OPP (PIP) refused 6/12/02
12/04459/PREAPP - erection of house response issued 7/12/12

4. **PUBLIC PARTICIPATION**

4.1 Advertised : Unknown neighbours. Expiry date 11/4/13
Representation deadline : 11/4/13
Timeous representations : 0
Late representations : 0

5. **CONSULTATIONS**

5.1 **CNPA** : No objection

6. **DEVELOPMENT PLAN**

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

6.2 **Cairngorms National Park Local Plan 2010**

16	Design Standards for Development
21	Housing Development in Rural Groups

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 Cairngorms National Park Supplementary Planning Policy Guidance

Housing Development in Rural Building Groups

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

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 key issue, as recognised in the supporting information, is whether the application falls to be considered as complying with CNPLP 21, no justification being argued or evident in terms of the exceptions noted in CNPLP 22.

8.4 Material Considerations

LP21 supports housing in an existing rural building group of 3 or more occupied houses where the proposal reinforces and enhances the character of the group, does not detract from the landscape setting and does not add more than one-third to the size of the group. The related SPG indicates that any proposal must demonstrate satisfactory integration into the group in terms of pattern and layout within appropriate and clearly definable sites. Groups are expected to be well connected and cohesive. The new development should recognise and respond to the character, siting and design of the group. Linear (ribbon) development will not be supported unless it clearly reflects the traditional building pattern. Infill proposals may be considered but extension beyond the limits of existing groups will generally be discouraged.

Applying CNPLP 21 and its SPG tests, it is not considered that there is a housing group in this area meeting the SPG test of cohesiveness and connectedness, as opposed to a number of houses which happen to be in close proximity to each other. Reading from east to west there are:

Hillhead Cottage, a small metal roofed cottage on an isolated site, disassociated from the road and elevated above the road, orientated to the south-east and partly enclosed by scattered mature trees;

Beyond an intervening gap of undeveloped open land there is:

Speybridge House, a large formal villa set closer to the road but secluded from it by elevation and a large garden area with its principal elevation facing north-west;

Speymoon, a modern 1 storey and attic house granted permission in 2001 with a conventional “street” relationship to the road and its principal elevation facing the road;

Braeraich, an older single storey house with a similar orientation and street relationship to that of Speymoon;

Lynvoan, a 2-into-1 conversion of 19th century railway cottages, set back from the road and with its principal elevation facing south away from the road.

Could any or all of these properties be regarded as a coherent group? In terms of related scale and orientation, it is difficult even to say that more than Speymoon and Braeriach are coherent; Speybridge House, although nominally facing the same way, is set much further back from the road and in an elevated position, giving it a markedly different relationship to the road, to its neighbouring properties, and to the landscape. Simple proximity could be used to categorise as many as four of the houses as a coherent group (Speybridge House, Speymoon, Braeriach and Lynvoan) but Lynvoan’s orientation undermines any such cohesiveness. But even if those four houses were accepted to be a coherent group, the application site would still not relate well to it because of the intervening open land between it and Lynvoan. Finally, even had the site been right next to Lynvoan and the existence of a coherent group based on the four adjacent houses been accepted, it would represent an extension beyond the limits of the putative group, of the kind which the SPG says will generally be discouraged. Any argument that the site represents infill (or partial infill) between Lynvoan and Riverholme would rely on acceptance of Riverholme as the western extremity of a coherent rural group. The siting, orientation and seclusion of that property, and the intervening watercourse, underline the incoherence and disconnectedness of any purported “group” extending that far west.

8.5 Other Considerations – not material

Not applicable

8.6 Matters to be secured by Section 75 Agreement

Not applicable

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.

It is recommended that permission be refused.

10. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	No	
Referral to Ward Members	Yes	Reason : Delegated refusal
Notification to Historic Scotland	No	
Conclusion of Section 75 Agreement	No	
Revocation of previous permission	n/a	

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

1. The proposed house would be contrary to Policy 22 of the Cairngorms National Park Local Plan 2010 as it does not meet any of the qualifications of that Policy subject to which housing development outside settlements will be permitted.
2. The properties in the environs of the proposed house do not meet the tests of a "Rural Building Group" as set out in the Cairngorms National Park Authority's Planning Guidance supplementary to Cairngorms National Park Local Plan Policy 21, because of the lack of a clear and cohesive relationship between existing houses in terms of pattern and built form, reinforced by the divisive nature of intervening landscape features such as topography, trees and a watercourse. The proposed house would therefore not accord with Policy 21 of the Local Plan.

Signature: Allan J Todd
Designation: Area Planning Manager - South
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Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan

APPLICATION IN PRINCIPLE TO BUILD A HOUSE ON GROUND AT OLD SPEY BRIDGE, GRANTOWN-ON-SPEY.

SITE LOCATION PLAN AT SCALE 1: 2500.

