

Agenda Item	9.7
Report No	PLS-51-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 June 2022

Report Title: 20/02579/PIP: Mrs Shirley Nield
Land 40M Southwest of Woodside Insh Kingussie

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Member referral

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.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This planning application is for the erection of a single house (in principle) at land to the south of the established housing at Insh.
- 1.2 There is no known infrastructure on site.
- 1.3 Pre-Application Consultation: 18/04764/PREAPP
- 1.4 Supporting Information: Access and drainage report, habitat and protected species survey, tree survey, supporting statement
- 1.5 Variations: Revised site plan

2. SITE DESCRIPTION

- 2.1 The site is located to the south of Insh and is open agricultural land. The northwest and northeast boundaries of the site are formed by housing, with the boundaries demarcated by a mix of hedging/trees and fencing. The south-eastern boundary is formed by trees, while to the southwest the boundary is more open.
- 2.2 Access to the site is from the east from an existing single track residential road, which joins the B970 to the north.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-------------------------------------|
| 3.1 | 03.03.2020 | 19/05234/PIP Erection of six houses | Withdrawn |
| 3.2 | 20.12.2018 | 18/04764/PREAPP Erect 4 houses plus 2 affordable houses | |
| 3.3 | 09.12.2005 | 04/00238/OUTBS Erection of dwelling | Outline Planning Permission Refused |
| 3.4 | 09.12.2005 | 04/00237/OUTBS Erection of dwelling | Outline Planning Permission Refused |
| 3.5 | 09.12.2005 | 04/00229/OUTBS Erection of dwelling | Outline Planning Permission Refused |
| 3.6 | 09.12.2005 | 04/00228/OUTBS Erection of dwelling | Outline Planning Permission Refused |
| 3.7 | 09.12.2005 | 04/00227/OUTBS Erection of dwelling | Outline |

			Planning Permission Refused
3.8	09.12.2005	04/00226/OUTBS Erection of dwelling	Outline Planning Permission Refused
3.9	11.12.1998	98/00217/OUTBS Outline application for dwelling; formation of access road to serve 4 plots	Outline Planning Permission Granted
3.11	11.12.1998	98/00216/OUTBS Outline application for dwelling; formation of access road to serve 4 plots	Outline Planning Permission Granted
3.12	11.12.1998	98/00215/OUTBS Outline application for dwelling; formation of access road to serve 4 plots	Outline Planning Permission Granted
3.13	08.06.2001	98/00292/OUTBS Development of nine house plots (revised application)	Outline Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 30.07.2020

Representation deadline: 15.08.2020

Timeous representations: 19

Late representations: 6

4.2 Material considerations raised are summarised as follows:

- a) Application should be considered by CNPA
- b) Site outside of the Insh SDA
- c) Impact on character and setting of Insh
- d) Light spillage
- e) Flooding / flood risk assessment, storm water runoff
- f) Access/capacity of road, road safety
- g) Public sewage works capacity

- h) Impact on right of way/ footpath
- i) Impact on protected species
- j) Impact on landscape
- k) Size of plot
- l) Screening for EIA not undertaken
- m) Planning history - previous refusal (98/00217/OUTBS)
- n) Short-term letting
- o) Further housing development

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.

5. CONSULTATIONS

5.1 **Access Officer:** Public access rights over the path and "agricultural field" will not be exempted by s6 or 7 of the Land Reform (Scotland) Act 2003. Following receipt of amended plans – whin dust path, steel gate opening and culvert plan - recommend conditions in relation to:

- the completion of the new route and installation of the access furniture before the original route is fenced off and development starts on the house site
- 2m is the standard width for a shared use path; in this instance a recommended built width of 15m is an acceptable minimum
- plans showing the dimensions and relative locations of the garden fence, swale and path should be submitted with an MSC application

5.2 **CNPA:** No call in necessary. Application does not raise any planning issues of general significance to the park aims.

5.3 **Scottish Water:** No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Local Development Plan 2021

- 1 - New Housing Development
- 3 – Design and Placemaking
- 4 – Natural heritage
- 10 – Resources
- 11 – Developer Obligations

6.2 Cairngorms National Park Guidance:

- 1 - New Housing Development, Non-statutory Guidance
- 3 – Design and Placemaking, Non-statutory Guidance

10 – Resources, Non-statutory Guidance

11 – Developer Contributions, Supplementary Guidance

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) flooding
- d) roads and services
- e) landscape
- f) protected species

Development plan/other planning policy

8.4 There is general support for housing development within settlements as defined in the Development Plan with housing located outwith settlements assessed against Policy 1: New Housing Development at:

- (1.2) Housing Development in existing rural groups – where they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development
- (1.3) Other housing in the countryside – supports proposals where they reinforce the existing pattern of development, and are necessary for or improve the operational and economic viability of an active business; or is on a rural brownfield site

8.5 Policy 3: Design and Placemaking requires, amongst other things, proposals to demonstrate sensitive siting and design that respect the traditional pattern and character of the area as well as the amenity of neighbours. Policy 3 Design and Placemaking Non-statutory Planning Guidance identifies that new house proposals should be:

- sympathetic to the traditional pattern and character of the surrounding area; and
- create opportunities for further biodiversity and promote ecological interest

8.6 Policy 10 Resources 3 Connection to sewerage states that a connection to the public water and waste mains should be secured where possible.

Siting and design

- 8.7 As the application is in principle, there is no detailed design of the house. The indicative plan submitted suggests placement of a house in the south-eastern part of the site, which is generous for a single house, measuring around 0.9ha.
- 8.8 The site is however located outwith the settlement of Insh defined by the CNPA LDP 2021. As it would result in the development of an area of agricultural land it would not reinforce and/or enhance the character of the grouping of houses to the east and north within the settlement and would not integrate with this existing built form or the pattern of development.
- 8.9 It has not been demonstrated that the site is necessary for, or would improve the operational and economic viability of, an active business; or is on a rural brownfield site. Therefore, the proposal does not accord with housing Policy 1 of the CNPA LDP 2021.
- 8.10 The development site, as it is located outside of the Insh settlement, is not considered to demonstrate sensitive siting, respect the established pattern and character of Insh, as it would result in the development of a field, which helps to provide character and establishes the setting of the southern edge of the of the village. Therefore, the proposal does not accord with the placemaking Policy 3 of the CNPA LDP 2021.

Flooding

- 8.11 The site is located on an area of relatively flat ground, with an area of extensive woodland to the southeast. The site is not identified by the flood constraint mapping as at risk of flooding.
- 8.12 The application is in principle and accordingly, full details of building design, site access, and surface water drainage are not provided. Accordingly, an up-to-date assessment of surface water drainage at the site has not been provided – a previous earlier assessment has been resubmitted.

Roads and Services

- 8.13 Access to the site is from a private, single-track road with passing opportunities. This serves six houses and accordingly it would be expected that the road would be brought up to adoptable standards by the developer. The use and maintenance of this private road are the responsibility of the users.
- 8.14 The applicant has indicated that they would intend connecting to both public water and foul water networks. It is considered likely that a connection to both is

physically achievable, given the proximity of the site to the settlement of Insh. Notwithstanding this, such connections are a private matter for the developer to agree and secure with Scottish Water as the service provider. Scottish Water has not objected to the application but are unable to confirm capacity for water and foul water connections at this time.

- 8.15 To the southeast of the site there is a Core Path running northeast to southwest. The Access Officer has indicated that there will remain a right of public access over the agricultural field and has identified conditions which would be required should planning permission be granted.

Impact on landscape

- 8.16 The site does not have any landscape designations covering it, although is within the Cairngorm National Park. The development of the site is considered to have a detrimental impact on the agricultural landscape setting of the village of Insh, as it would introduce a built development into an area of agricultural land which forms the southern framing of the settlement.

Impact on protected species

- 8.17 The application has been accompanied by a protected species survey undertaken in 2019. It concludes that the development of the site would have a low impact on any wildlife within the site, subject to appropriate mitigation measures being put in place, including timing of any works.

Other material considerations

- 8.18 As the application is in principle the details of any lighting at the site are not identified in this application and would be for a further Matters Specified in Conditions application to confirm.
- 8.19 The proposal does not meet the trigger level for consideration of whether an EIA is required under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 8.20 The planning history of the site is material to the consideration of the current application. Previous refusals of applications are from 2004, with outline approvals in 1998. A more recent application for a larger development of 6 houses in 2020 was withdrawn. It is for Members to consider the degree of weight that may be placed on this history in the consideration of the application.
- 8.21 Representations suggest that the house could potentially be used for holiday letting rather than permanent residential use and therefore could have associated impacts on amenity. The applicant has not identified such a use within the application and therefore the proposal must be considered on its merits as presented, not on what may happen in the future.
- 8.22 It should be noted that there is currently no specific planning control over the short-term letting of housing. However, within Badenoch and Strathspey, the Council has agreed to pursue the establishment of the Short-term Let Control Area and this

would allow the Planning Authority to control such development in the future.

Non-material considerations

- 8.23 Any further development proposals would need to be considered on their own merits.

Developer Contributions

- 8.24 All planning applications in the Cairngorms National Park are assessed against CNPA LDP Policy 11: Developer Contributions and Policy 1: New Housing Development. An affordable housing contribution of £1250 would be required for residential development (£1250 for each new property).
- 8.25 For the Highland area of the park the Highland Council's Developer Contributions Supplementary Guidance (DCSG) is also used to determine such requirements. The DCSG requires all scales of residential development to make proportionate contributions towards services and infrastructure in areas of identified need. Whilst the property is within the catchment area for both Kingussie High School and Kingussie Primary only the primary school requires a contribution of £623 in line with Highland Council's Developer Contributions supplementary guidance.
- 8.26 Therefore, should the application be granted permission, the total developer contributions required would be £1869.

9. CONCLUSION

- 9.1 The site is located adjacent to, but outwith, the settlement of Insh. In this southern part of Insh, the settlement is formed by individual houses and their extensive curtilages. These provide a well-defined residential area, the southern edge of which is formed by the Core Path and trees beyond.
- 9.2 The site has a significant amount of planning history. This must be taken into consideration in the assessment of the proposal as a material consideration. However, it is not considered that any weight can be given to this history in relation to the application site and the current application, particularly due to the significant time period involved – 24 years – to warrant a recommendation to grant planning permission.
- 9.3 Proposals must be assessed on the basis of the current development plan policies. In this respect, there is a new 2021 CNPA Development Plan. This clearly sets out that the site is outside of the settlement of Insh. Accordingly, it is not considered that the proposal accords with the 2021 CNPA Development Plan policies.
- 9.4 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

It is recommended that the application is **REFUSED** for the reason set out below.

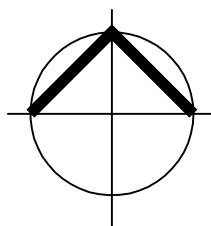
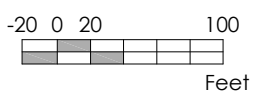
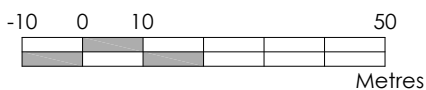
1. The application is contrary to Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2021, as no exceptional circumstances have been demonstrated which show that:
 - a house would connect to, reinforce and enhance the character of the housing group, integrating with the existing built form and pattern of existing development within the defined settlement development area of Insh; and that
 - it supports reinforcement of the existing pattern of development;
 - is necessary for or improve the operational and economic viability of an active business; or
 - is on a rural brownfield site
2. The application is contrary to Policy 3 Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 as its location and placement to the south and outside of the Insh settlement development area is not:
 - sympathetic to the traditional pattern and character of the surrounding area; and does not
 - create opportunities for further biodiversity and promote ecological interest

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 001 - Location Plan
Plan 001A - Proposed Block Plan

SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 281416, 801470

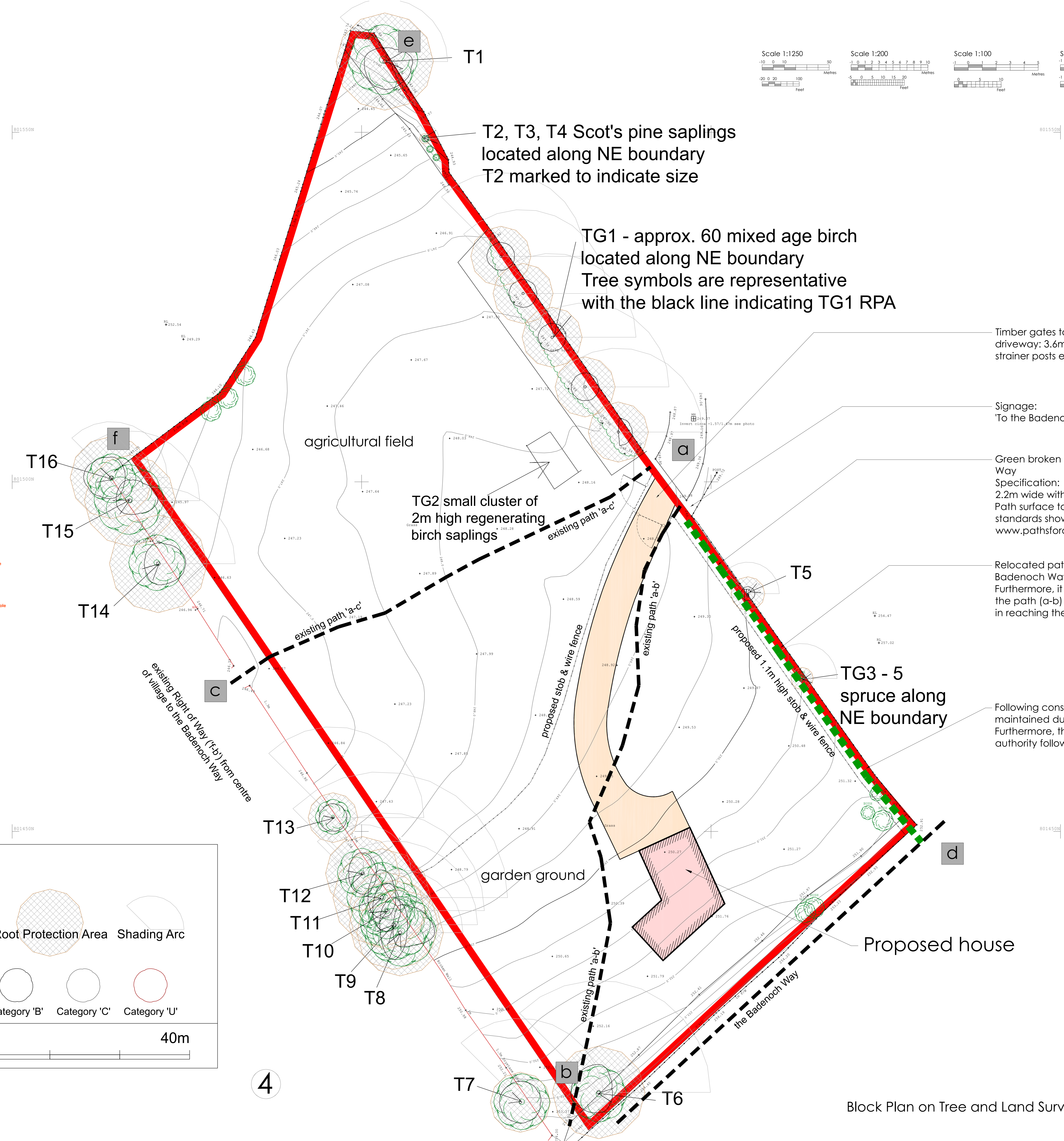
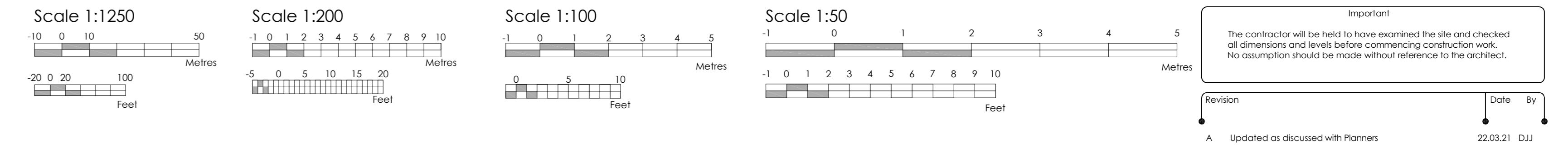


Location Plan | Scale 1:1250



Supplied by Streetwise Maps Ltd.
Licence No. 100047474

Project Title
Proposed Detached House Plot at
Site South West of Woodside, Insh
Kingussie PH21 1NT



T2, T3, T4 Scot's pine saplings located along NE boundary
T2 marked to indicate size

TG1 - approx. 60 mixed age birch located along NE boundary
Tree symbols are representative with the black line indicating TG1 RPA

Timber gates to agricultural field and to driveway: 3.6m wide with 390mm Ø strainer posts each side

Signage: 'To the Badenoch Way'

Green broken line: the relocated access path up to the Badenoch Way
Specification: 2.2m wide with surfaced path 1m wide and 600mm wide margins. Path surface to be blaes on crusher run and complying with standards shown in the 'Lowland Path Construction Guide' see: www.pathsforall.org.uk/mediaLibrary/other/english/lowland-path-guide.pdf

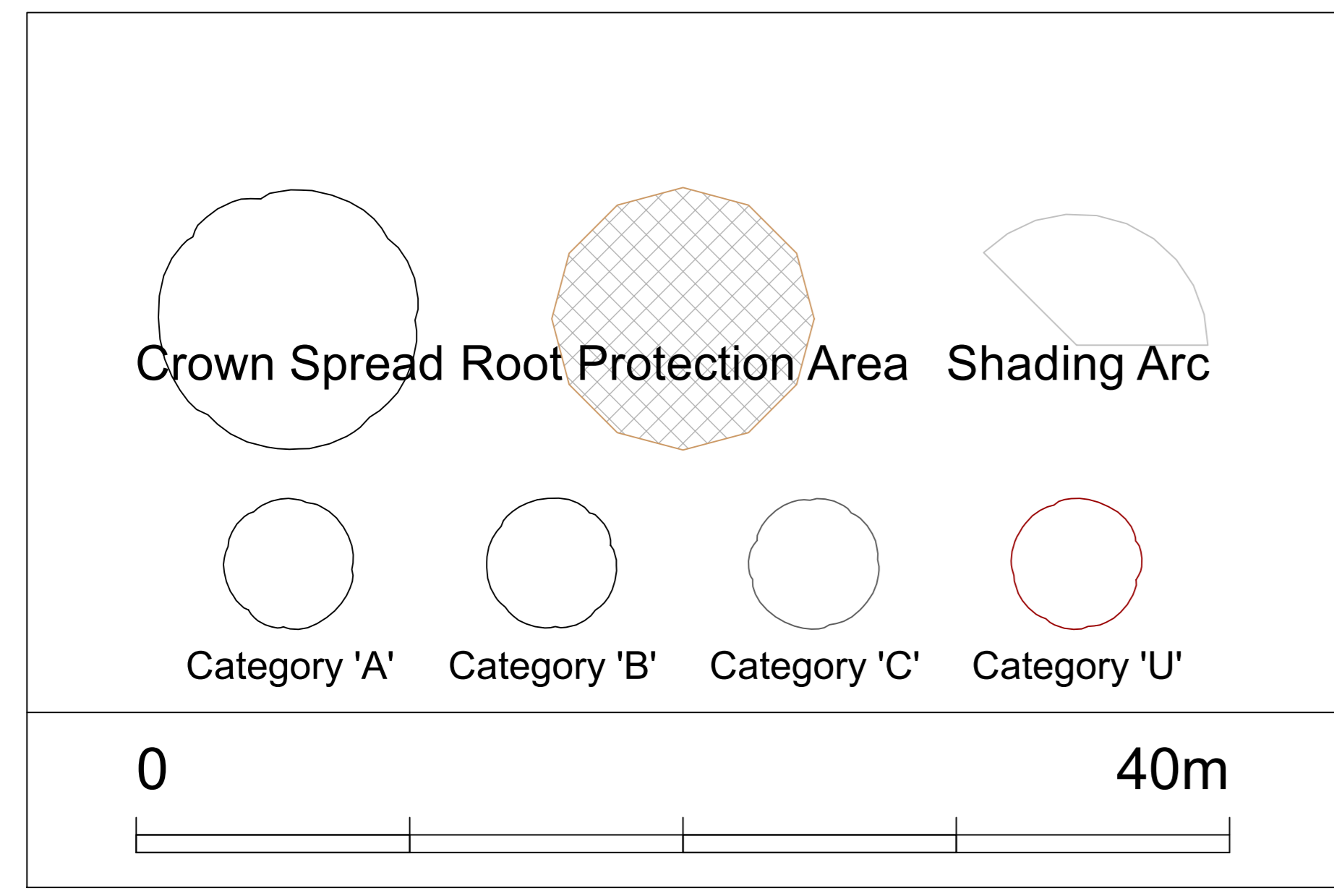
Relocated path constitutes a shorter and more direct route to the Badenoch Way from the existing road that serves our application site. Furthermore, it is the residents in the existing road who have created the path (a-b) and the relocated route is more direct and 50% shorter in reaching the Badenoch Way.

Following construction of the relocated path, public access will be maintained during the construction phase of the development site. Furthermore, the Proposed path will be maintained by the local authority following completion and commissioning.

Proposed house

Legend

BH	Borehole	KO	Kerb outlet
BL	Bed level	LP	Lamp post
OSBM	OS Benchmark	MH	Circular manhole
BOL	Bollard	SMH	Square manhole
BOX	Control Box	MP	Marker post
BUS	Bus stop	TMH	Triangular manhole
BT	BT Manhole	POST	Post
COL	Column	PB	Post box
CULV	Culvert	RE	Rodding eye
D	Drain	RL	Ridge level
PD	Peg	RS	Road sign
EL	Eaves level	STUMP	Tree stump
EP	Electricity pole	TP	Telegraph pole
ER	Earth rod	TS	Traffic signal
FH	Fire hydrant	WHL	Wall head level
FL	Floor level	WM	Water meter
G	Gully	WSC	Water stop cock
GV	Gas valve	PIT	Trial pit
IC	Insp. cover		
IL	Invert level		



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PLANNING IN PRINCIPLE

Client: Shirley Nield

Planning Permission in Principle Application for a Single House, and Amended Location of Access Path from Existing Road Direct to the Badenoch Way Site South West of Woodside, Insh (Kingsgusse PH21 11T)

Drawing Title: Proposed Block Plan With Land and Tree Survey

T Rodney Boyd & Arch (Hons) RIBA FRAS
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Scale: As Noted for A0	Date: July 2020
Job No: B.948	Drawing No: 001
Rev: A	