Agenda Item	6.10
Report No	PLS-013-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 03 February 2021

Report Title: 20/04611/FUL: Mr & Mrs M Hornby

Land 120M SW Of Culchunaig Farmhouse, Westhill, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use and conversion of steading to form house

Ward: 19 – Inverness South

Development category: Local

Reason referred to Committee: Five or more objections from members of the public

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for the conversion and change of use of a redundant traditional, stone built agricultural steading building to form a single detached dwelling house. The site sits to the SW of the National Trust owned section of Culloden Battlefield and is within both the Inventory of Historic Battlefields area and Culloden Muir Conservation Area.
- 1.2 This proposal follows on from a recent planning application which was granted by the South Planning Applications Committee on 17 September 2019 (18/04194/FUL) but later refused by Scottish Ministers on 17 November 2020. The 2018 proposal included additional outbuildings as well as the conversion of the steading, and the Minister's Decision letter stated that "It is considered that this part of the battlefield is so sensitive that it cannot support any additional development beyond the sensitive conversion and adaptation of the existing steading". In response to the issues raised in the Ministerial decision this current application is for a scaled back version of the 2018 proposal, with all outbuildings and extensions removed and the focus being on the repair and refurbishment of the building in its current form and within its current footprint.
- 1.3 Building works comprise the internal conversion of the building to create living accommodation. Externally the alterations are relatively minor, with the existing form of the building retained in its present form; all stonework being repointed; the majority of windows inserted into existing openings; insertion of rooflights and one small dormer; creation of a fully glazed corridor linking the northern and southern wings; retention and repointing of the stone walls which form the courtyard; and repair and retention of boundary walls.
- 1.4 The site is accessed via a private track leading from the B9006 which already serves 3 properties and provides access to the adjacent fields. Drainage will be provided by septic tank and soakaway. An existing area of hardstanding will be gravelled over to provide a parking and turning area.
- 1.5 Pre-Application Consultation: None
- 1.6 Supporting Information: Archaeological Survey; Bat Survey and Species Protection Plan; Design Statement; Private Access Checklist; Contamination report
- 1.7 Variations: Drawings updated to clarify hardstanding area and materials and minor amendments to elevations.

2. SITE DESCRIPTION

2.1 The existing steading building sits to the south west of Cuilchunag Farmhouse within grassland with mature trees along its northern boundary. The u-shaped building is derelict and unused, with walls to wallhead level and roof largely intact. It is enclosed by a stone dyke and post and wire fencing and is accessed via a private track off the B9006. The proposed development is located within Culloden Battlefield as identified by the national inventory, just to the south of the National Trust owned land.

It is also located within the Culloden Muir Conservation Area and around 300m NW of the Clava Cairns Scheduled Monument.

3. PLANNING HISTORY

3.1	02 Oct 2015	15/02941/FUL – Conversion of steading to form dwelling and erection of outbuildings	Planning Permission Granted	
3.2	17 Nov 2020	18/04194/FUL – Conversion of steading to form house and erection of outbuildings (amended design to planning permission 15/02941/FUL)	Planning Permission Refused Scottish Ministers	by

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 65, Affecting a Conservation Area and Unknown Neighbour

Date Advertised: 04.12.20

Representation deadline: 04.01.21 (25.12.20 plus 10 days to account for holiday

period)

Timeous representations: 38

Late representations: None

- 4.2 Material considerations raised are summarised as follows:
 - a) Proposal is contrary to HwLDP Policy 57 as it would have a negative impact on the special sense of place and character of the area.
 - b) Battlefield's wider area should be sacrosanct; an important site of pilgrimage for descendants of the Scottish diaspora; the site must be preserved as the historic battlefield that it is.
 - c) Current application has the same footprint as the recently refused application, being essentially the same this application should be refused.
 - d) The historical and cultural significance of this site has been well documented by Dr Christopher Duffy and others which was duly recognised by the Scottish Ministers in their recent determination.
 - e) Will result in the urbanisation of the Culloden Battlefield and surrounding area.
 - f) Impact on environment and biodiversity.
 - g) No demonstration of a need to develop the site has been provided. Proposal fails to address policies 28, 29, 35 and 57 of HwLDP.
 - h) Culloden Moor is a war grave and should be protected as such.
 - i) Site contains an unsightly, derelict building. Development will sympathetically upgrade these buildings and repurpose them into a family home; will preserve the character of the building; will make safe a hazardous structure.
 - j) Proposal is situated within a rural location which makes a significant contribution to the cultural and historic landscape of Culloden Battlefield. This development would be detrimental to its character and appearance.
 - k) The Managing Change in the Historic Environment: Historic Battlefields guidance sets out the importance of identifying less tangible values such as its

- contribution to our sense of place or cultural identity. Proposal would have a negative impact on the sense of place and character of the area and is therefore contrary to these policies.
- I) No developments within the battlefield should ever be considered.
- m) Steading is in a location used during the battle and as such has historic significance.
- n) Applicant has taken on board the previous reasons for refusal and has amended the proposal, highlighting a desire to keep the design sympathetic and respectful to the site and original building. The renovation of an existing ruinous building is the complete opposite to being disrespectful to our history.
- o) Not permitting developments that will have a negative impact on the area but local residents being able to renovate and improve their properties to a design sympathetic to the traditional builds of the area. Otherwise we are in danger of living in a museum town.
- p) Scottish Ministers refused the previous application despite it bringing an existing building back into use, stating that the adverse benefits would significantly outweigh these benefits.
- 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 Flood Risk Management Team: No objection
- 5.2 Historic Environment Team (Archaeology): No objection. Pre-determination works were carried out in advance of the previous application; this included metaldetecting, trenching and building recording. This work noted significant disturbance in the area from its use as a steading and an agricultural hub and that much of the topsoil surrounding the steading has been scraped back and laid down as bunds at the edges of the site, in addition to the presence of imported material surrounding parts of the steading. The applicant notes that as the area has previously been stripped back to hard surfaces, it is likely that material will be laid down on top of this, rather than further stripping being necessary. Nevertheless, there remains the potential for buried remains to survive. Despite the negative results of the archaeological work (with regard to evidence for the Battle of Culloden), the limited groundworks required for the development may still impact on surviving buried remains. The impacts have been significantly reduced by the removal of three outbuildings from the previous application, though works such as stripping back the interior of the courtyard, drainage and any undergrounding of overhead cables are still relevant here. The potential for buried remains to survive and to be impacted by these works is considered to be low, but as a precaution a watching brief is recommended where stripping works are necessary and resulting spoil must be examined using a metal detector. A condition is recommended.
- 5.3 **Historic Environment Team (Conservation)**: No objection. "The steading is currently in reasonable condition but is starting to show signs of deterioration which will continue to accelerate giving rise to increased dereliction resulting in a building at risk contributing negatively to the character and appearance of the conservation

area. As is the case in all conservation areas, a proactive approach to the repair and reuse of historic buildings is encouraged and welcomed.

The building remains a good example of a traditional steading and it retains the potential to make a positive contribution to the wider character and appearance of the conservation area. Policy 1 of the Conservation Area Management Plan allows for the sensitive repair, reuse and conversion of redundant traditional buildings provided the design and finish is sensitive to the original building. It is noted that the current proposal has been refined from the previous refused application. Importantly, the outbuildings/ancillary structures have been deleted and the scheme is now confined to the existing footprint and plan form of the steading only. Extensive areas of hardstanding, formal lawns and soft and hard landscaping have also been removed from the current scheme, although a small area of additional hardstanding (extending an existing area, and to be finished in gravel) to provide parking is proposed. The proposal to raise the height of the roof has also been deleted and the existing slates will now be re-used for all roofs; a positive amendment with regard to retaining the character and integrity of the building and ensuring that there are no additional impacts relating to increased scale, height and indivisibility with other parts of the conservation area. The choice of materials and finishes is sensitive and appropriate to the traditional character of the building. The design overall is to be sympathetic with the most substantial contemporary addition/alteration well contained within the central steading courtyard, which is largely screened from public view.

The proposal is, however, located close to the core area of both the Inventory Battlefield and Conservation Area and the site is therefore sensitive to change. Taking cognisance of Scottish Ministers' comments in their refusal of the previous application (particularly Para 17) and Policy 1 of the Conservation Area Management Plan, it is considered that – on balance – the proposal for residential re-use of an otherwise redundant and unoccupied building will not significantly harm the character and appearance of the conservation area. The renovation and occupation of the building will halt and reverse the ongoing deterioration of what is a good example of traditional vernacular architecture ensuring the preservation and long-term viable use of this historic traditional building within the conservation area; this is a positive outcome. There are no additional buildings proposed and landscaping within the wider site is to be retained in its natural condition, with minimal additions to hard surfaces. In conservation terms, the proposal can therefore be supported."

- 5.4 **Transport Planning Team:** No comments received
- 5.5 **Environmental Health (Contaminated Land):** No objection or comment
- 5.6 **Historic Environment Scotland:** No objection. "The Battle of Culloden was a significant event in Scotland's national story. The proposed conversion of the existing steading would not significantly change the character of this sensitive part of the battlefield landscape and does not raise issues of national significance. We therefore do not object to this application. We do, however, recommend that additional information is sought on access and related infrastructure and that archaeological mitigation is conducted during any related ground-breaking works.

This application follows the refusal of a previous application (18/04194/FUL) which was called in for determination by Scottish Ministers. In their refusal, Scottish

Ministers signalled what might constitute an acceptable scheme at this location. The 2018 application was itself an amended design to a previously consented scheme (15/02941/FUL). We did not object to the 2018 application but offered substantial comments pertaining to the requirement for adequate archaeological works to be undertaken prior to determination. Our predecessor organisation Historic Scotland did not object to the 2015 application. We are not aware of any significant research having been undertaken subsequent to the 2018 application that might alter or improve our understanding of the battlefield and its landscape in the Culchunaig area. The baseline against which this application should be assessed had not, therefore, changed.

Contemporary records indicate that the Jacobite lines initially anchored their left and right flanks on stone enclosures (Culloden Parks to the north and Culwhiniac to the south) to block the Government army's approach across the Muir and towards Inverness. The Government Left engaged the Jacobites across a hollow, possibly to the northwest of, or somewhere close to, the present Culchunaig farm and steading. The north wall of the Culwhiniac enclosure (thought to have been located to the east of the application site on the other side of the access road) was used as cover by other Government troops The Jacobite Right wing's advance collapsed, shortly followed by the rest of the army. A staggered retreat westward followed, possibly with some standing somewhere near the present Culchunaig farm and steading, but ultimately resulting in many Jacobites fleeing in all directions. The battle was followed by massacres of fleeing, injured and captured Jacobites. Whilst many of the dead were buried in mass graves, some have suggested that others were buried where they fell.

The farmstead, labelled Culchuinach, comprised a group of buildings as shown on the first edition Ordnance Survey map surveyed in the late 1860s. The second edition Ordnance Survey map surveyed in 1903 suggests that the group of buildings were replaced by the existing steading and a new dwelling to the northeast, now labelled Culchunaig. The present Culchunaig steading therefore appears to have been built in the later 19th Century on the site of an earlier farmstead. It is possible that physical remains relating to the earlier farmstead exist below ground or even incorporated into the walls of the steading.

Limited trial trenching undertaken as part of the 2018 planning application uncovered what appear to be the footings of buildings close to the Culchunaig steading, but the function, date and potential relationship with the battle remains unclear. Whilst a metal detecting survey was undertaken as part of the 2018 application, this was limited in scope and efficacy by the presence of vegetation and modern debris in the area, and therefore its nil return findings must be treated with an element of caution. The archaeological potential of the area is therefore relatively high, there may be remains within the development footprint, the topsoil also could contain artefacts related to the battle.

Open fields lie on all sides of the development site, with a cluster of residential dwellings a short distance to the east at Culchunaig farm. It remains relatively easy to appreciate the topography of this part of the battlefield and the likely locations of important features. Apart from minor transient screening from hedges, it can be seen from the broad area where the Jacobite Right initially lined up at the Culwhinniac enclosure, it also forms the ground the Government Right probably passed through in order to perform the flanking manoeuvre in the latter stages of the battle.

The conversion would result in some visual changes to the steading; it would become occupied rather than derelict, and windows and doors would be inserted into currently open openings. Although not clear from the application the surrounding area would presumably be used as a garden and contain some parking and other related infrastructure. As such, it would not have a significant impact on the way that the battlefield landscape is appreciated and understood.

It is possible that the development site might contain archaeological deposits associated with the battle, including artefacts and potentially human remains. Whilst the existing steading was built in the later 19th century and is not likely to be the same as the farmstead that was standing during the battle, there is nevertheless the potential for remains to survive somewhere in the proposed development area, be it below ground nearby, under the existing farmstead or incorporated into the existing structure.

It is recommended that a precautionary approach be adopted in respect of any groundworks associated with the development. Archaeological excavation and recording, including metal detecting, should be carried out as advised by the Council's Historic Environment Team (Archaeology). This should take place prior to the final agreement of the design and layout of foundations, services, etc. and any impacts on sensitive buried remains should be avoided."

- 5.7 **Scottish Government (Historic Battlefields):** Noted in records. Advise no further comment.
- 5.8 **Scottish Water:** No objection.
- National Trust for Scotland "Object to the application on the grounds that the proposal represents a threat to the historic character of Culloden Battlefield, in the light on new and ongoing historic and archaeological research. We did not object to the previous application as we misunderstood the full implications of this application, and the impacts it could have on what we now realise is a very important part of the Battle of Culloden. All historians and archaeologists agree that this is land which was fought over during the battle and as such there is much more for us to learn about this area, and the responsibility to protect it, as set out in national policy. Research suggests that this specific area played host to pivotal 'pincer movements' which could have played a decisive role in the outcome of the battle. To this end NTS are currently interoperating LIDAR data that could provide physical landform evidence to support and strengthen historical evidence.

Any development in this area could have a significant negative impact on the cultural and historical value of the site. It certainly would not enhance the historic character in any way. Since the original application back in 2015 Culloden Battlefield has come under ever-increasing pressure from development and the NTS wholeheartedly agrees with the Scottish Ministers' opinion that this cumulative development represents a 'creeping suburbanisation' which is totally unacceptable.

NTS is very keen to increase access and understanding of the Battle of Culloden and should the current ongoing research confirm the vital role that this site played we should like to open this area up for interpretation and visitor access. This would not be possible if this area is significantly developed.

The Highland Council Conservation Area Management Plan refers to modern developments on the periphery of the Conservation Area and notes that future development towards the Conservation Area will need to be carefully controlled to prevent any adverse impact upon the character and appearance of the Conservation Area from urbanisation of the cultural landscape. The proposed application fits within this description and constitutes significant encroachment on to what we now realise is an important part of the known battlefield. In light of our increased historical knowledge, this application also contravenes Scottish Planning Policy 2014 with regard to battlefields."

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 35 Housing in the Countryside (Hinterland Areas)
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

No site specific policies

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

SPP

7.2 Historic Environment Scotland

Historic Environment Policy for Scotland (2019)

Managing Change in the Historic Environment: Historic Battlefields

7.3 Highland Council Non-statutory planning guidance

Culloden Muir Conservation Area Character Appraisal and Management Plan (2015)

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 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Determining Issues

8.3 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

- 8.4 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy;
 - b) planning history and issues raised by Scottish Ministers;
 - c) historic environment;
 - d) archaeological impact;
 - e) siting and design;
 - f) infrastructure; and
 - g) any other material considerations.

Development plan/other planning policy

- 8.5 The site sits within the Hinterland of Inverness therefore the Council's Housing in the Countryside policy applies. Proposals must demonstrate that they meet one of the exceptions to the policy as set out in the Council's Housing in the Countryside and Siting and Design Supplementary Planning Guidance in order to be supported. One such exception is for the redevelopment of traditional rural buildings where it can be shown that the character of the building can be retained. The proposal is considered to meet the terms of this exception.
- 8.6 Policy 57 (Natural, Built and Cultural Heritage) states that for features of local or regional importance (concluding conservation areas) developments will be allowed if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource. For features of national importance (including historic battlefields) developments that can be shown not to

- compromise the natural environment, amenity and heritage resource will be permitted.
- 8.7 However, there are a number of other key local and national policy considerations against which the development must be assessed, including the siting, layout and design of the proposal and the impact of development on natural and cultural heritage features. This includes the potential impacts on the landscape setting and other natural, built and cultural heritage assets, and compliance with national policies relating to Historic Battlefields and set out in the Historic Environment Scotland "Managing Change in the Historic Environment: Historic Battlefields", and Historic Environment Policy for Scotland publications. All development proposals need to be assessed against the importance and type of heritage features, form and scale of development and impact on the feature or setting. Subject to the proposal having no significant detrimental impact on the aforementioned considerations the development would comply with the Development Plan.

Planning history and issues raised by Scottish Ministers

- 8.8 Planning permission was granted under delegated powers in 2015 for the conversion of the steading into a house and erection of outbuildings (15/02941/FUL). The 2018 application (18/04194/FUL) sought to amend the design of the 2015 permission. This was granted by the South Planning Applications Committee on 17 September 2019 and notified to the Scottish Ministers on 25 September 2019 in line with Regulations. The application was called in for determination on 21 November 2019 and was considered by procedure notice with an accompanied site inspection plus an unaccompanied inspection of the wider battlefield by a Reporter appointed by Scottish Ministers for that purpose. The Reporter's report was submitted to Scottish Ministers on 14 April 2020 with a recommendation to grant planning permission subject to conditions, however the final decision was taken by Scottish Ministers to refuse the application on 17 November 2020.
- 8.9 In their decision letter, Scottish Ministers agreed with the Council and the Reporter that the proposal complied with the development plan policies relating to siting and design and associated Supplementary Guidance. Ministers also agreed that that the conversion of a traditional building which is currently derelict and unused provides the policy exception against housing in the countryside. The Ministers did not, however, agree that the proposal accords with some parts of local Development Plan Policies 28 (Sustainable design) and 29 (Design quality and place-making). In particular the Ministers considered that the proposed development - including the erection of 3 new outbuildings (a garden room, a garage and a greenhouse) and the formation of hardstanding to accommodate six car parking spaces and a trailer set down area - represents overdevelopment of the site in what is a very sensitive part of Culloden Battlefield and would represent a suburbanisation of the site, causing a high level of harm to the significance that the battlefield draws from its rural setting. Ministers acknowledged that the proposed conversion of the existing steading would retain a traditional stone building that is falling into disrepair, however considered the redevelopment of the site, as proposed, would have an unacceptable suburbanising effect upon the existing countryside near to the core of Culloden Battlefield. Ministers considered that the area has a high sensitivity to all types of development due to the national historic significance and cultural associations of the battlefield. Ministers considered that the development would result in cumulative negative visual and

landscape impacts upon the local character of this part of the battlefield and would have an adverse effect on the character and appearance of the Culloden Muir Conservation Area.

- 8.10 However, the Ministerial Decision goes on to state that "It is considered that this part of the battlefield is so sensitive that it cannot support any additional development beyond the sensitive conversion and adaptation of the existing steading". The Ministers note that the first planning policy within the Culloden Muir Conservation Area: Character Appraisal and Management Plan states that there will be a presumption against all development within the designated Battlefield unless it would result in a development commensurate with the principal designation of the site as a Battlefield. The policy states that one such 'commensurate' development would include proposals for the repair, reuse and conversion of a redundant traditional building, of a sensitive design and finish, subject to any subsequent impact being considered appropriate in the context of the Battlefield designation.
- 8.11 The Ministers decision appears to offer a clear signal that while the 2018 proposal was unacceptable, a "sensitive conversion and adaptation of the existing steading" with no outbuildings would be capable of support in this location. Taking the Scottish Ministers' comments into account, the current application has sought to considerably scale back the proposal, and has removed all outbuildings and extensions, focussing instead on the repair and conversion of the building in its current form.

Historic environment

- 8.12 According to the Inventory of Historic Battlefields the Battle of Culloden is one of the most important battles in the history of the British Isles and has international significance. The battle holds a prominent place within the Scottish cultural legacy, frequently depicted and commemorated in art, music, literature and film. The NTS owned section of the battlefield is one of Highland's most visited tourist attractions and the site holds a particular high significance and emotional connection to many within Scotland and to the ancestors of those who migrated from Scotland. This is evident from the number and geographical spread of those making representations on the planning application.
- 8.13 It is, therefore, imperative that any planning application for new development within the Battlefield area undergoes additional scrutiny in order to ensure that it does not negatively impact upon this important national resource. This is ensured through the battlefield's inclusion in both the Inventory of Historic Battlefields, and its designation as a Conservation Area. It is, however, important to clarify that such designations do not necessarily act as a barrier to development; rather they aim to ensure that any proposed change is properly scrutinised, and if acceptable, managed in a sympathetic way. This means avoiding unnecessary damage to, and being respectful towards, the integrity of the historic battlefield landscape and its constituent elements.
- 8.14 Scottish Planning Policy (2014) (SPP) is the main national statement for managing change in land use planning. It acknowledges that the historic environment is a key cultural and economic asset and that the planning system should seek to enable positive change in the historic environment, informed by a clear understanding of the importance of these assets. Change should be sensitively managed to minimise or

- avoid adverse impacts. The SPP also states that "planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields".
- 8.15 The Scottish Government's recently adopted 'Historic Environment Policy for Scotland (2019)' states that "decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations" and "changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate".
- 8.16 HEPS is supported by specific guidance notes including "Managing Change in the Historic Environment: Historic Battlefields" which offers more specific guidance and states that "including a battlefield in the Inventory is not intended to be simply a barrier to development. The intention is to identify an area of added protection where particular consideration must be given to impacts on the site. This should focus on the special qualities and landscape characteristics of the battlefield. Planning authorities have to consider proposals carefully and determine whether development will significantly detract from the importance of the battlefield", and in addition notes that "development on a battlefield can have an impact on the physical remains of the battle or the landscape of the battlefield. The development management process should identify and assess these impacts, and if possible, mitigate them".
- 8.17 Historic Environment Scotland provides expert advice in historical matters to planning authorities throughout Scotland, and it is important to note that it has not objected to this application (nor, indeed to the 2015 or the 2018 applications) subject to appropriate archaeological surveying. It states that it is not aware of any significant research having been undertaken subsequent to the 2018 application that might alter or improve their understanding of the battlefield and its surroundings, therefore the baseline against which this application should be assessed has not changed. It advises that "the proposed conversion of the existing steading would not significantly change the character of this sensitive part of the battlefield landscape and does not raise issues of national significance".
- 8.18 HES further note that the steading building under consideration was not in existence at the time of the battle, but that an earlier group of buildings were replaced with the existing building sometime in the later 19th Century. Open fields lie on all sides of the development site, with a cluster of residential dwellings a short distance to the east at Culchunaig farm. They state that it remains relatively easy to appreciate the topography of this part of the battlefield and the likely locations of important features. While the conversion will result in some minor visual changes (windows inserted into openings etc) and the site would become occupied rather than derelict; its conversion will not have any significant impact on the way that the battlefield landscape is appreciated and understood.
- 8.19 The Culloden Muir Conservation Area was extended in 2015 and a Character Appraisal and Management Plan prepared. This does not preclude development but stresses the importance of ensuring that any new development does not adversely impact upon the character or appearance of the area. With regard to traditional buildings, the Appraisal states that "although limited in number, traditional buildings in the Conservation Area make a valuable contribution to its character and

appearance" and that "it is essential that traditional features within the Conservation Area are appropriately repaired and maintained to preserve the area's overall character and appearance". The Appraisal clarifies that while the objective is to preserve and enhance the character of the conservation area, there are situations where development can be supported. These include where "the proposal is for the repair, reuse and conversion of a redundant traditional building within the battlefield and is of a design and finish sensitive to the architectural design, scale and finish of the original building".

- 8.20 The Council's Historic Environment Team state that the building remains a good example of a traditional steading and it retains the potential to make a positive contribution to the wider character and appearance of the Conservation Area. This complies with Policy 1 of the Character Appraisal and Management Plan. It further notes that this scaled back proposal limits the development to the existing footprint of the building only; has removed all outbuildings / extended hardstanding; reuses existing slates for all roofs; and utilises a sensitive and appropriate choice of traditional materials. Overall HET consider the revised proposal to be a sympathetic design with the only contemporary addition (glazed corridor) being well contained within the central steading courtyard, which is largely screened from public view. It considers that despite the site's close proximity to the core of the battlefield, the proposal for residential use of the building will not significantly harm the character and appearance of the conservation area and its renovation will halt and reverse the deterioration of what is a good example of a traditional vernacular building ensuring its long term preservation, all of which is a positive outcome. The proposal is therefore considered to comply with the Culloden Muir Conservation Area Character Appraisal and Management Plan.
- 8.21 National Trust for Scotland (NTS) did not object to the 2015 or 2018 applications. however, has formally objected to this proposal on the grounds that it represents a threat to the historic character of Culloden Battlefield. It should be noted that NTS are a non-statutory consultee. Its representation makes reference to 'creeping suburbanisation' and 'urbanisation of the landscape' which would impact upon future hopes to open up views of this part of the landscape. It goes on to state that this application constitutes significant encroachment on to what we now realise is an important part of the known battlefield. Were this an application for a new build house or a steading conversion with multiple extensions and alterations, such terminology as 'urbanisation' would be more relevant, however the building in question is a traditional stone built building which is thought to have been in existence since the late 19th Century. Given that the building is already there, the impact upon any views across the battlefield as a consequence of its conversion will be minimal. Furthermore, the archaeological investigations which will be carried out as part of the development – both to date and in the future – will make a useful contribution to the archaeological resource for the area.
- 8.22 It is important to note that the proposed development does not introduce any significant new development to the battlefield. It will simply restore and rejuvenate an existing traditional building, which itself has historic significance and which will otherwise collapse over time. NTS's concerns about creeping suburbanisation are noted, however these appear more relevant to proposals which will introduce new buildings to the landscape, which is not the case in this instance. Taking this and

the expert advice from HES into account it is considered that the proposal will not result in any significant visual impact to the site or its surrounding landscape; or to one's ability to understand and appreciate the site's topography or our understanding of the Battle of Culloden. It is therefore considered that this scaled back proposal preserves the appearance and character of the Conservation Area and complies with all national and local planning policies relating to the historic environment.

Archaeology

- 8.23 Prior to determination of the 2018 application a Level 1 Building Survey, metal detector survey and trial trenching survey were carried out on the site in line with recommendations from the Council's Archaeology Team and HES. The metal detection survey and trenching works were hampered by vegetation, modern debris lying around the site, soil bunds and fences, and while sweeping of the trenches and spoil from them did not reveal any archaeological artefacts, the Archaeological Survey Report (April 2019) notes that despite the lack of any significant archaeological remains uncovered during the evaluation, there is still the potential for artefacts related to the Battle of Culloden to be buried on the site. They therefore recommend an archaeological watching brief be carried out for any ground-breaking work associated with the steading conversion.
- 8.24 In its consultation response HES noted that the extent of proposed groundworks should be clarified and an appropriate level of archaeological mitigation carried out prior to the final agreement of the layout of foundations, services and drainage etc, and any impact to buried remains avoided.
- 8.25 The Council's Archaeology Team agree that there remains the potential for buried remains to survive and that targeted archaeological evaluation should be carried out in any areas where stripping works are necessary, and the resulting spoil examined using a metal detector. This will inform the location of services and drainage.
- 8.26 The applicant has confirmed that limited works will be required to provide services as water and power are both on site and linked to the building, and the proposed area for parking and turning will consist of gravel over existing hardstanding with no groundworks required. The required groundworks are therefore likely to be limited to drainage works and foundation work within the walls and footprint of the existing structure. A planning condition can ensure that no groundworks can commence until a further watching brief and mitigation strategy, prepared by a professional archaeological contractor, has been agreed with and implemented in agreement with the Council's Archaeology team.

Siting and Design

8.27 This revised proposal seeks to bring an existing, traditional, derelict building back into use as a single family home. The u-shaped building is largely intact, with all walls and roof in a reasonably good structural condition. It is of random rubble stone construction, typical of such agricultural steading buildings, and displays clear evidence of previous use as an agricultural building. The upper floor area is limited to the central section, with single storey wings making up the u-shaped courtyard formation.

- 8.28 The proposal seeks as far as possible to keep intact the traditional form of the building. All existing openings will be retained and utilised. Openings in the east facing gables will be widened to incorporate additional glazing; 2 new accesses will be formed in the west elevation; new rooflights will be introduced; and one small dormer facing into the courtyard will be added in order to meet Building Standards escape regulations. All windows and doors will be timber framed and all existing lintels and quoins will be retained. The only addition to the building will be a simple glazed walkway, situated adjacent to the eastern elevation of the central block (within the courtyard) which will form a corridor between the side wings and will allow the stone walls to remain visible within. Its position within the courtyard will ensure that it is well screened from public view. The existing low stone walls which enclose the courtyard will be retained and will form the private garden area. The surrounding area will be largely unaltered, with boundaries defined by repaired stone walls and post and wire fencing. An area of existing hardstanding to the east and north of the house will form the parking area, which will be surfaced in natural gravel with no additional groundworks required.
- 8.29 The 2018 proposal (18/04194/FUL) that was refused was also considered to represent a sensitive and high-quality redevelopment, however its use of glazing, stained timber and metal roofing did result in a more contemporary feel to the overall design. In response to the findings of the Scottish Ministers the design ethos has changed to ensure that this scaled down proposal is as sympathetic as possible to the original building. While the key amendment is the removal of the outbuildings from the proposal, other alterations to the design include the retention of slate roofing, reduction of glazing, removal of extensions and reuse of existing openings. The resultant design is considered to be extremely sensitive to the character of the existing building, with as few changes to the fabric of the building as could be reasonably expected in order to convert it to a family home. The retention of the stone walling which defines the garden area also helps to preserve the historic footprint of the development.
- 8.30 In terms of siting, the building is already in existence and will not be extended, therefore there will be little change to the landscape as a consequence of this development. There are two existing houses within close proximity of the steading, both of which are closer to the NTS section of the battlefield. The steading itself is not visible from the NTS owned portion of the battlefield, or from the main road; a point which is corroborated by the DPEA Reporter to the Scottish Ministers who confirmed that he was unable to obtain any view of the steading building from the NTS owned section of the battlefield or the public road; and that the proposal would not disrupt one's ability to appreciate the landscape of this part of the battlefield or the locations of important features to the battle such as the Culwhiniac enclosure.
- 8.31 While the steading building itself was not in existence at the time of the Battle of Culloden, it did replace buildings which were important to the understanding of the battle and as such it has some historical significance. While in reasonable condition, holes have begun to appear in the roof and without attention there is little doubt that the building will eventually be lost. This proposal offers an opportunity for this historically significant derelict building to be sensitively and sympathetically restored and brought back into use as a single family home, for the benefit of generations to come. It is therefore considered that it complies with Policy 28 (Sustainable

Development) as it demonstrates high quality and sensitive design in keeping with its character and historic environment.

Infrastructure

- 8.32 Drainage will be provided by a septic tank and soakaway system, which will be designed in accordance with Scottish Water and Building Regulations Guidance. The exact location of the drainage system shall be conditioned for prior approval by the Planning Authority in order to allow for its placement to take consideration of any archaeological findings that may arise from the survey work. There is sufficient space within the site to enable a satisfactory drainage solution.
- 8.33 The South Planning Applications Committee requested the construction of a passing place along the private access track during its determination of the 2018 application on 17 September 2019. The Reporter to the Scottish Ministers did not feel that this was necessary and did not request the additional passing place in his recommendation. It has not therefore been included as part of this application, however the applicant has indicated that should Members be of the opinion that a passing place is necessary, this can be achieved and secured by planning condition.

Other material considerations

- 8.34 The steading building and its environs have potential for the presence of bats, which are a protected species. A bat survey has been carried out. This found a single non maternity roost within the building which would be affected by the proposed works. As such the applicant will be required to obtain a bat license from Scottish Natural Heritage and a Species Protection Plan has been prepared. This recommends a number of mitigation measures including the placement of a bat box; supervision of certain works by a licensed bat ecologist; and working measures to limit disturbance to roosting bats. A planning condition will ensure that the mitigation and compensatory measures set out in the Species Protection Plan shall be implemented in full.
- 8.35 A relatively large number of public representations relate to the impact of the development on the battlefield. This demonstrates the significance of the battlefield both locally and internationally. The impact upon the battlefield has been carefully considered by Historic Environment Scotland and the Historic Environment Team as detailed above and it is its conclusion that the proposal will not have a detrimental impact upon this key part of the battlefield.

Non-material considerations

8.36 A number of the representations received in connection with this application seek amendments to planning policies relating to the way planning applications are considered within the Battlefield area. This is a matter for the relevant bodies to discuss independently, however this application must be determined in line with currently adopted policies and guidance.

Matters to be secured by Section 75 Agreement

8.37 None

Developer Contributions

8.38 In line with Policy 31 of the HwLDP (Developer Contributions) a contribution towards education provision at Balloch Primary and Culloden Academy of £1,194 (index linked) is required. This is set out in Appendix 2 and, as agreed with the applicant, is to be paid upfront prior to the issue of any planning permission.

9. CONCLUSION

- 9.1 This proposal will sensitively and sympathetically restore a derelict traditional steading building while retaining its character and bringing it back into active use as a single family home. The building is unused and while it is in reasonable structural condition at present, over time it will deteriorate to the point where reuse is no longer a viable option and without intervention it will eventually collapse into ruins.
- 9.2 While the site sits within both Culloden Muir Conservation Area and the Inventory of Historic Battlefields, this does not mean that no development can take place. It does mean that there is a greater level of scrutiny afforded to any development proposal so that it does not cause unnecessary damage or affect the integrity of the historic battlefield or cause harm to the character and appearance of the conservation area. For the reasons set out earlier within this report it is considered that the proposal does preserve the character and appearance of the Conservation Area and complies with national and local policy and guidance, designed to protect such historic and cultural assets.
- 9.3 It is acknowledged that a previous application to convert the building to domestic use was refused by Scottish Ministers, and such a refusal is a material consideration in respect of any future proposals of its type. However, in this case, the Ministers gave a clear steer that the only type of development that could be supported in this sensitive location is "the sensitive conversion and adaptation of the existing steading". By removing the outbuildings from the proposal and by limiting the extent of the external alterations as far as possible, it is considered that the proposal represents an extremely sympathetic and sensitive conversion of a historical building, which will have little visual impact on the site or its surrounding landscape and which will not impact upon our ability to comprehend and appreciate the topography and landscape of the battlefield, or our understanding of the Battle of Culloden itself. It is therefore considered that the proposal complies with all relevant local and national planning policies and can be supported.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other 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

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. The house hereby approved shall not be occupied until the vehicular access into the site from the private track has been constructed in accordance with the approved drawings and the Council's Access to Single Houses and Small Housing Development supplementary guidance.

Reason: In the interests of road safety.

2. No development shall commence until full details of all foul and surface water drainage has been submitted to and approved in writing by the Planning Authority. Thereafter all drainage infrastructure shall be installed in accordance with the approved details prior to the first occupation of the house. For the avoidance of doubt, this shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

Reason: To ensure that the site is adequately drained and in the interests of public health.

3. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and heritage interest of the site.

4. No development shall commence until a scheme for the storage and collection of refuse and recycling within the application site has been submitted to and approved in writing by the Planning Authority. The

approved scheme shall be implemented prior to the first occupation of the house and thereafter maintained in perpetuity.

Reason: In the interests of road safety.

No development shall commence until mitigation and compensatory measures have been agreed in writing with the Planning Authority based on the measures identified in the Species Protection Plan (26 August 2019). Thereafter, the development shall be undertaken in accordance with the agreed details.

Reason: In the interests of reducing risks to bats and birds.

6. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

Reason: To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work

commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for wor king on public roads/2

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if

the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Area Planning Manager – South

Author: Christine Macleod

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 2015-26-MRH-203 REV A: Location and Site Layout Plan

Plan 2 - 2015-26-MRH-100: Existing Elevation Plan

Plan 3 - 2015-26-MRH-101: Existing Floor Plan

Plan 4 - 2015-26-MRH-200 REV A: Proposed Elevation Plan
Plan 5 - 2015-26-MRH-201 REV A: Proposed Section Plan

Plan 6 - 2015-26-MRH-202: Proposed Floor Plan

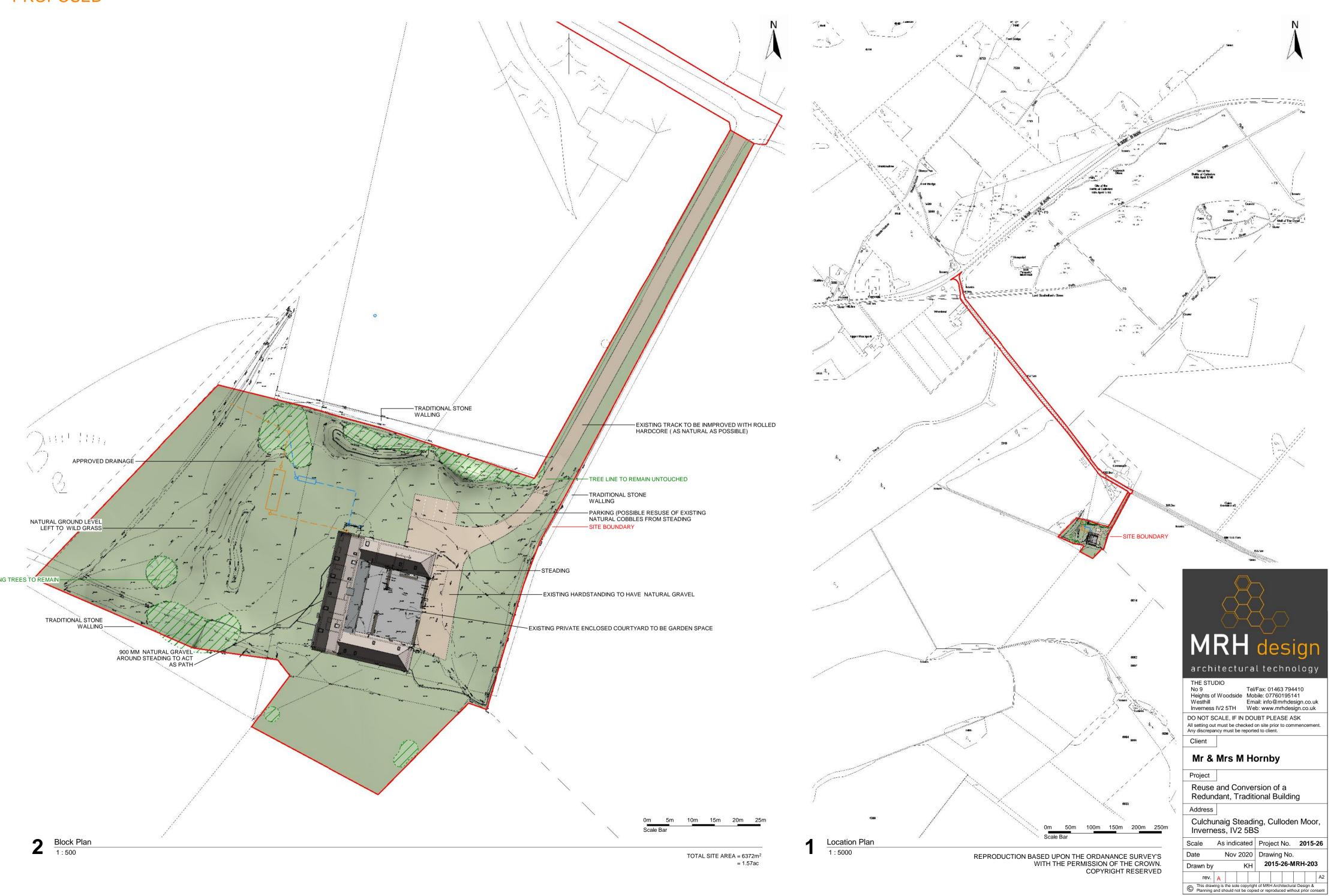
Appendix 2

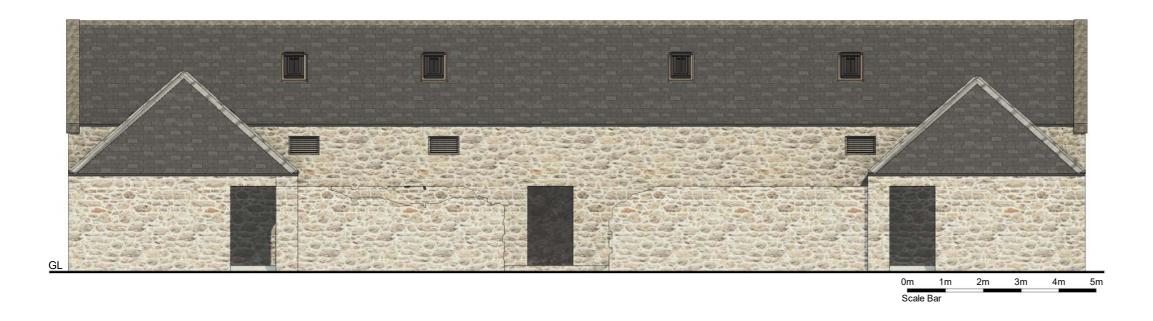
	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date*2	Payment Trigger* ³	Accounting Dates*4	Clawback Period* ⁵
Schools ²									
Balloch Primary – Build Costs	Classroom extension	£434.00	£0.00	£434.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	N/A
Primary – Land Costs	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Culloden Secondary – Build Costs	New school	£741.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	N/A
Culloden Secondary – Land Costs	N/A	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

CULCHUNAIG STEADING PROPOSED



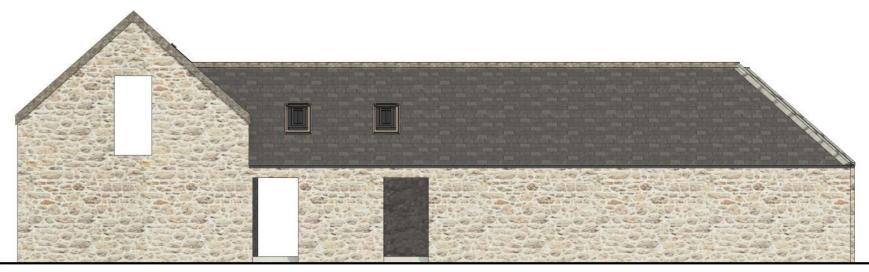




 $2 \frac{\text{South Elevation}}{1:100}$



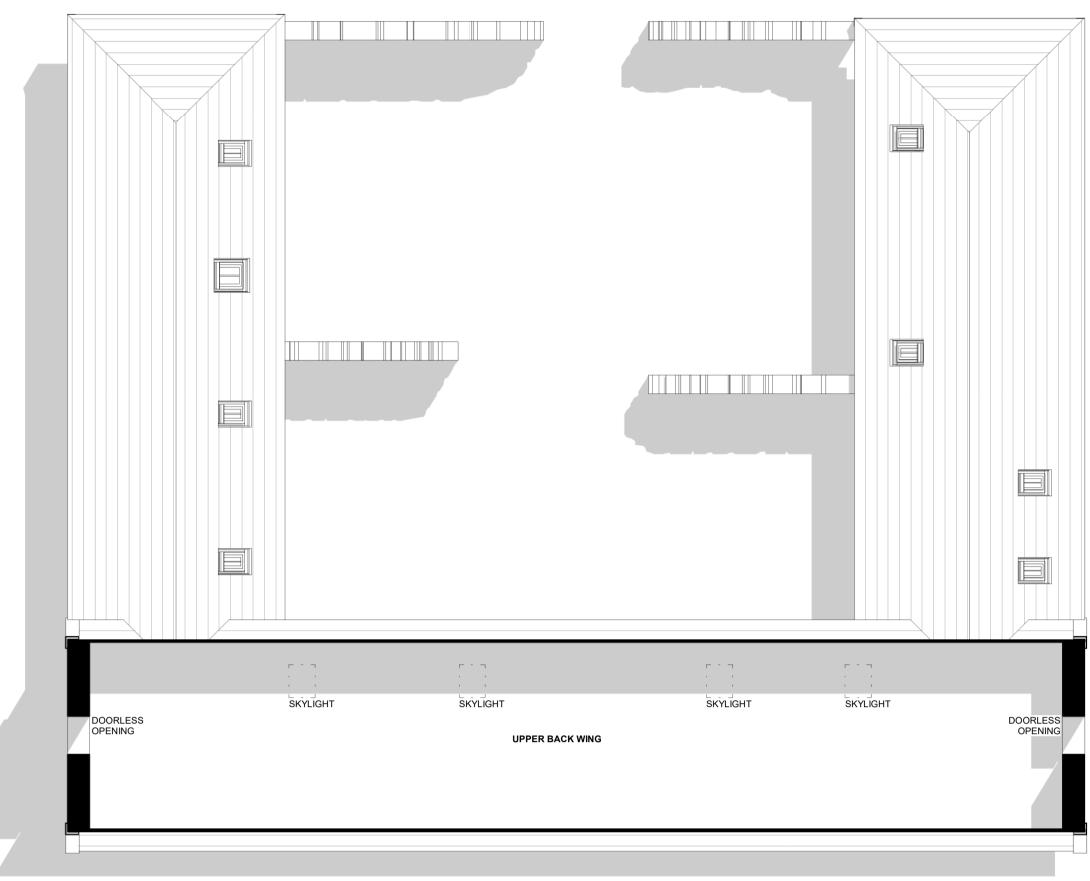
3 East Elevation
1:100



 $4 \quad \frac{\text{North Elevation}}{1:100}$



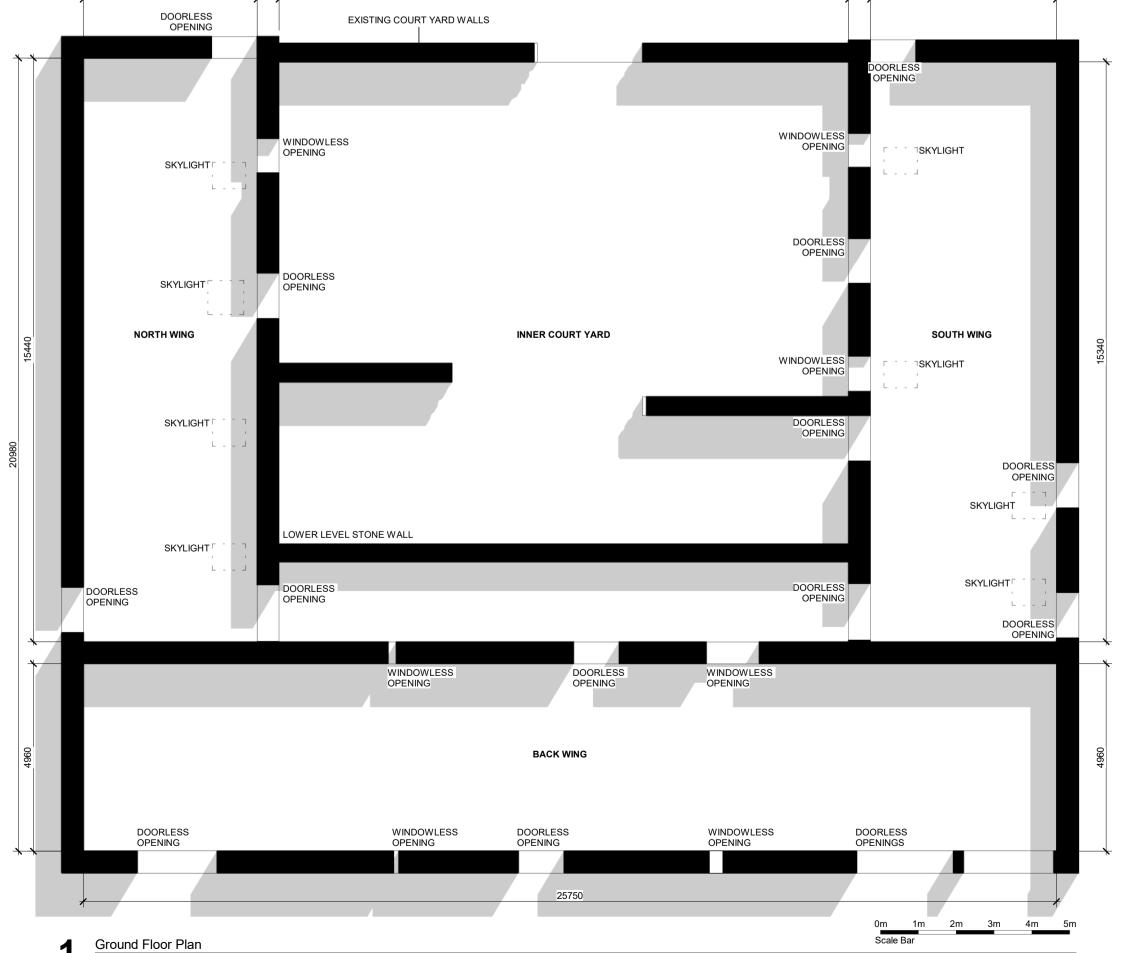




First Floor Plan
1:100

1:100

4600



15070

No 9 Tel/Fax: 01463 794410

Heights of Woodside Westhill Email: info@mrhdesign.co.uk

Inverness IV2 5TH Web: www.mrhdesign.co.uk DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to commencement.

Any discrepancy must be reported to client. Client Mr & Mrs M Hornby Reuse and Conversion of a Redundant, Traditional Building Address Culchunaig Steading, Culloden Moor, GROUND FLOOR AREA = 274m² FIRST FLOOR AREA = 119m² TOTAL FLOOR AREA = 393m² Inverness, IV2 5BS Scale 1:100 Project No. **2015-26** Nov 2020 Drawing No. Date KH 2015-26-MRH-101

THE STUDIO No 9

architectural technology

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CULCHUNAIG STEADING PROPOSED





2 South Elevation
1:100



 $\frac{\text{East Elevation}}{1:100}$



North Elevation
1:100

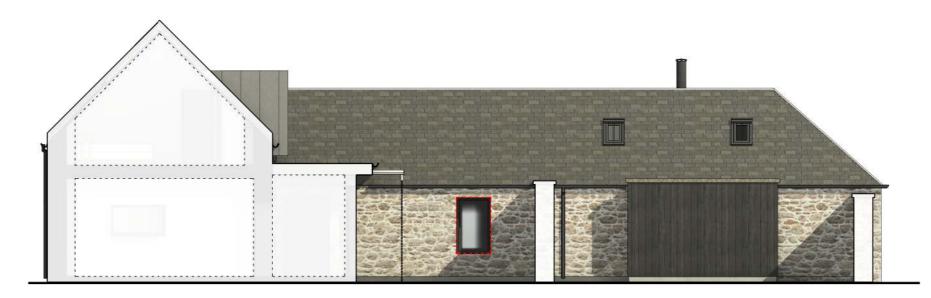


CULCHUNAIG STEADING PROPOSED





South Sectional Elevation
1:100 6



North Sectional Elevation
1:100

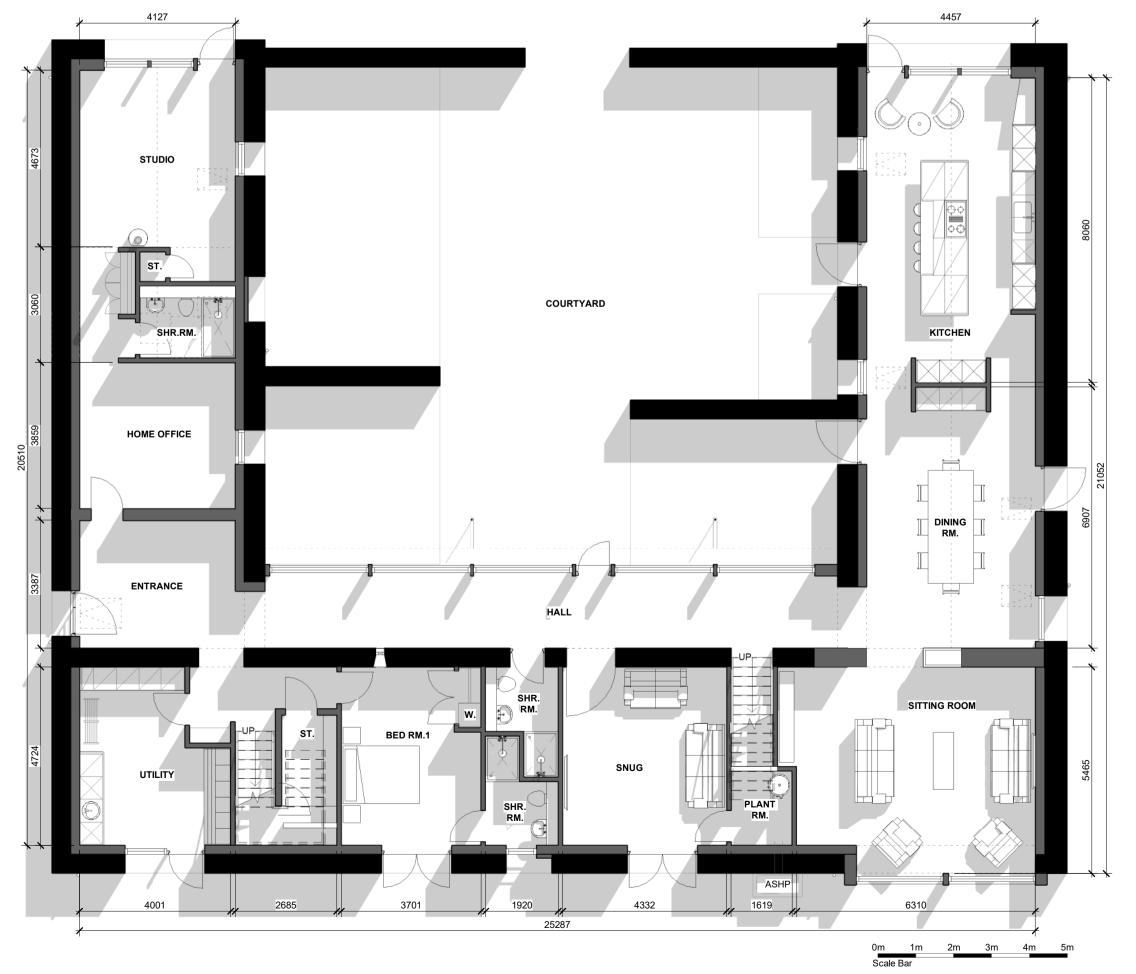






2 First Floor Plan

1:100



Ground Floor Plan

1:100

TOTAL GROUND FLOOR AREA = 285m² TOTAL FIRST FLOOR AREA = 113m² TOTAL FLOOR AREA = 398m²

