



<b>Case reference</b>	NOD-HLD-006
<b>Application details</b>	Conversion of steading to form house and erection of outbuildings (amended design to planning permission 15/02941/FUL)
<b>Site address</b>	Land 120 M SW of Culchunaig Farmhouse, Westhill, Inverness
<b>Applicant</b>	Mr and Mrs Hornby
<b>Determining Authority</b>	The Highland Council
<b>Local Authority Area</b>	The Highland Council
<b>Reason(s) for notification</b>	Direction
<b>Representations</b>	25
<b>Date notified to Ministers</b>	25 September 2019 but not fully documented until 27 September 2019
<b>Date of recommendation</b>	14 November 2019
<b>Decision / recommendation</b>	Call in

### Description of Proposal and Site:

- Planning permission is sought to amend the design of a previously approved planning consent granted in July 2015, to convert a derelict farm steading to a house and the erection of associated outbuildings.
- The proposal is for the renovation of the traditional steading to form a modern house with garden landscaping, parking, a greenhouse, a garage and a studio, just south-west of the National Trust for Scotland owned section of the Culloden Battlefield.
- The site is within both the Culloden Muir Conservation Area and the Inventory of Historic Battlefields Culloden boundary.
- The steading to which this application relates was not in existence at the time of the battle in 1746 – it is thought to date from the 19<sup>th</sup> century but was built on the site of an earlier farmstead.
- A site location image can be found below and images of the existing and proposed conversion can be seen in Annex A.

### EIA Development:

- The Highland Council assessed the proposal as a change or extension to a development under the EIA regulations. The Council considered that the application was not located in a sensitive area as defined by the EIA regulations and that the development will not have a significant adverse impact on the environment. As a result, The Highland Council determined, through this assessment, that an EIA was not required for this development and that it did not need to be screened.

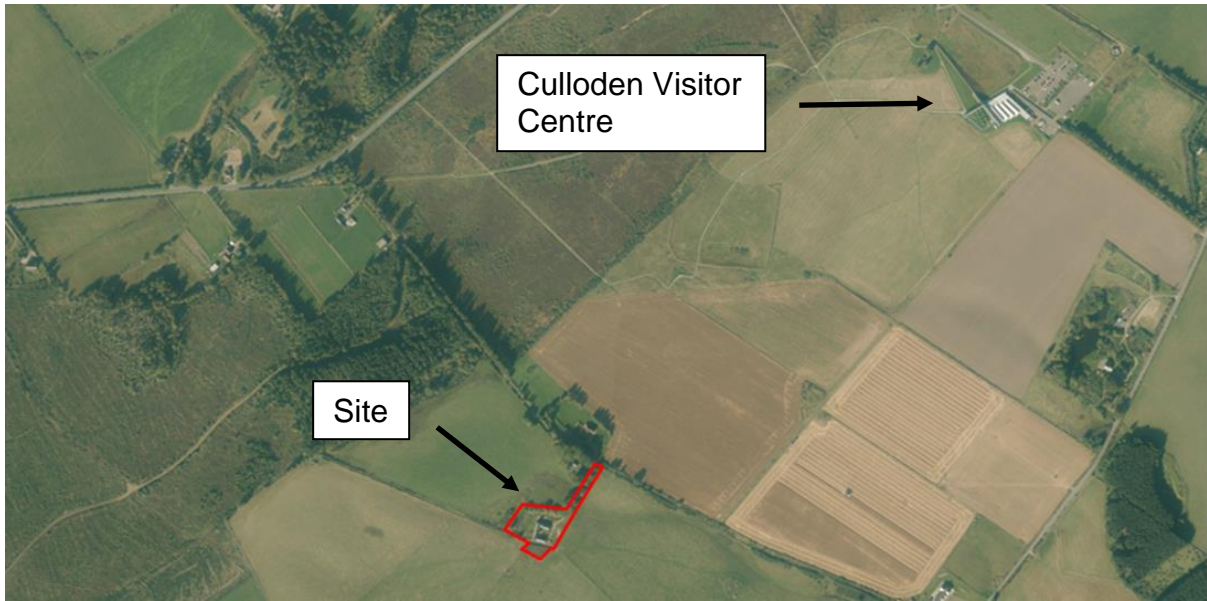


Figure 1 - Site Context (The Highland Council)

### Consultations:

- Historic Environment Scotland (HES) do not object to the proposal as they consider that the proposal does not raise historic environment issues of national significance.
- The Highland Council's Historic Environment Team do not object to the proposal.
- The National Trust for Scotland (NTS) do not object to the proposal.

### Representations

- The council received 24 objections about the proposed development and one neutral comment about the presence of resting birds at the steading. The representations include objections from The Historians' Council on Culloden and the 'Group to Stop Development at Culloden' (GSDC).
- The objections were made for the following reasons: the proposal is within the Culloden historic battlefield boundary and within the Culloden Muir Conservation Area; the site is a major tourist attraction and should be protected; the site is situated in the vicinity of a key part of the battle; and that Culloden Battlefield should be protected as a war grave.
- Since the application has been notified, Scottish Ministers have also received a representation from GSDC asking for this application to be called in because of the national and international importance of Culloden Battlefield.

### Assessment:

## Background

1. On 16 July 2019 Scottish Ministers issued a site specific notification direction for the application due to its potential impact on a historic battlefield of national significance. The application has now been notified to Scottish Ministers as The Highland Council is minded to grant planning permission for the development on 17 September 2019.
2. The Battle of Culloden is significant as it is the last pitched battle fought on the British mainland and was the last battle of the Jacobite Rising that commenced in 1745, led by Charles Edward Stuart (Bonnie Prince Charlie). The battle was a bloody defeat for the Jacobites and is one of the most important battles in the history of the British Isles. Its aftermath transformed the Highlands, bringing to an end a traditional way of life and contributing to subsequent clearances.
3. The proposal is located in a sensitive part of the battlefield and is likely to have been relatively close to Jacobite lines at the start of the Battle of Culloden and even closer to ground that saw a flanking manoeuvre by Government troops and possibly defensive fighting by Jacobites towards the end of the battle. The area surrounding the site is largely open and agricultural although there are some residential plots and former agricultural buildings.

## National Policy and Guidance

4. Scottish Planning Policy 2014 (SPP) 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'.
5. HES's Managing Change in the Historic Environment: Historic Battlefields Guidance provides more specific advice and states that 'including a battlefield on the Inventory is not intended to simply be a barrier to development. The intention is to identify an area of added protection, where particular consideration must be given to the 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'. The guidance also states 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'.

## Consideration

6. The Highland Council consider that because the proposal is for amendments to a previously granted permission, the principle of the proposal is already established. The Council also consider that the proposal complies with the relevant development plan policies, including its housing in the countryside policy which supports the conversion of traditional rural buildings, where it can be shown that the character of the historic building can be retained.

7. The Council have also determined that the proposal will not have an adverse impact on the character or appearance of the Culloden Muir Conservation Area and they are content that the renovation and outbuildings successfully retain the character of the historic building.
8. In its assessment of the application, the Council recognise that the proposal is in a highly valued and historically significant location and that the application has attracted attention and concern from members of the public across the world. However, following considerable scrutiny and expert advice, The Highland Council consider that the proposal represents a sensitive approach to the redevelopment of a traditional building in an area of high cultural and historical significance.
9. Overall, the Council conclude that due to the sympathetic design and use of high quality materials, the development will retain much of its historic character, while bringing the traditional building back into active use, without impacting upon the ability to understand and appreciate Culloden Battlefield.
10. The Highland Council's Historic Environment Team (HET) consider that further archaeological information is required prior to the application being determined. Archaeological work took place in 2019 and included a building survey, metal detecting and trial trenching. However, due to ground conditions at the time, only a 50% metal detecting survey could be completed across the site. The works that were carried out, found nothing of note relating to the battle of Culloden.
11. Historic Environment Scotland (HES) were consulted on the application and acknowledged that the conversion would result in some notable changes to the steading, such as a new roof and elements of modest design. Overall, HES stated that because the proposal re-uses the existing steading, retaining its footprint and much of its form, and keeps the form of the historic plot around it – it is unlikely that the application would result in a significant change to the character of this part of the battlefield.
12. HES also acknowledged that the creation of three, modestly-sized new outbuildings within the proposed development area would result in some change to this part of the battlefield. However, HES were of the view that this would be unlikely to substantively alter the topography or disrupt important views, or result in a significant change to the character of the battlefield.
13. HES state that because the application is located in an area where a flanking manoeuvre and fighting may have occurred, the proposed development area has a high potential to contain archaeological remains related to the battle and its aftermath, such as artefacts and possible human remains. Therefore, because these are an important and special quality of the battlefield and form an important part of its significance and sensitivity, HES recommended that the development site be investigated prior to determining the application.
14. The National Trust for Scotland (NTS) were consulted on the application and did not object. The NTS in its response did note the national importance of the site, but overall, were of the view that redevelopment of the rundown steading could be appropriate, subject to a number of historical assessments being undertaken and with good design elements and scale.

15. In determining the application, the Council have considered the findings of the survey work and determined that, although the evidence suggests that the potential to find features related to the battle are low, further archaeological deposits cannot be ruled out. As a result, the HET recommended a condition be attached to the granting of planning permission to ensure that the remaining survey work be completed during the site clearance. The committee report shows that this condition will be attached to the granting of planning permission.

## **Conclusion**

16. HES and The Highland Council consider the development would not significantly change the character of this sensitive part of the battlefield landscape. However, HES state that the proposed development area appears in views from across the battlefield. These include from significant locations such as the Government lines at the start of the battle, the Culwhiniac enclosure and the NTS Culloden visitor centre.

17. The decision is finely balanced given the sites history and reuse of a traditional building. However, it is recommended that this application should be called-in by Ministers for further scrutiny as the proposal is located in a sensitive part of the battlefield. This would allow for a full assessment of any potential impacts on the nationally important Battlefield.

## **Decision/Recommendation:**

- It is recommended that Ministers call-in this application.

**Annex A – Existing Site Images**



**Annex A – Proposed Site Images (excluding outbuildings)**



# Annex A – Whole Proposed Site (Including proposed outbuildings)

