

Case reference	NOD-HLD-005
Application details	Erection of shed for agricultural and storage purposes (18/04719/FUL)
Site address	Land to NE of Cairnside, Westhill, Inverness
Applicant	Mrs Laura Whitham
Determining Authority	The Highland Council
Local Authority Area	The Highland Council
Reason(s) for notification	On 13 December a site specific Notification Direction issued in the light of the proposal's potential impact on Culloden - a battlefield of national significance on the Inventory of Historic Battlefields.
Representations	11 representations – 10 objections and 1 comment.
Date notified to Ministers	13 December 2018
Date of recommendation	9 January 2019
Decision / recommendation	Clear

Description of Proposal and Site:

- This application seeks full planning permission for the erection of a shed for agricultural/storage purposes on existing farmland within an area designated as Culloden Historic Battlefield and Culloden Muir Conservation Area. The site is immediately surrounded by several individual farm complexes with their associated buildings and farmland.
- The proposed shed is single storey (with a footprint of 12m x 9m and a height of 3m to the eaves, with a shallow pitched roof) to be sited within a clearing of a partially wooded area with significant mature tree cover and gorse to the south. The building will be finished in dark green metal cladding with an area of hardstanding for vehicle parking at the front. The shed will replace an existing store and caravan (used for storage) found elsewhere on the site and utilise an existing private access track. Its proposed use is for the storage of feed and equipment for the applicant's horses, rare breed sheep, chickens and beehive colonies.

Consultations and Representations:

- Historic Environment Scotland (HES) recognise that the Battle of Culloden was a significant event in Scotland's national story but consider the proposed development would be a minor change in this sensitive part of the battlefield and would not have a significant adverse impact upon the battlefield's key characteristics.

- A previous application for the shed in the field was submitted earlier this year (18/02247/FUL). HES objected to this application on the basis that the initial location proposed for the shed, to the north of the site, would have been very close to Stable Hollow. HES highlight in their response that some accounts suggest that the Government cavalry stabled their horses at King's Stables Cottage and throughout Stable Hollow. These same sources, together with chance finds of human remains, also suggest that the hollow may have been associated with massacres in the battle's aftermath. Stable Hollow therefore is a sensitive part of the battlefield landscape and one of the battlefield's key characteristics.
- HES considered it was possible that a development of the size and nature proposed could be accommodated within the development area without resulting in significant impacts by relocating the building further south. Following withdrawal of the initial application, HES met the applicant and representatives of The Highland Council on site to discuss possible alternative locations. This current application accords with those discussions. HES consider much of the moor remained open until the later 19th century, when it was enclosed for agriculture and drained. Subsequent modern development includes the B9006 road, which was inserted through the middle of the battlefield, with the erection of individual houses and farms along the roadside.
- To reiterate, HES do not object to the current application because the design and revised location of the shed would not have a substantive adverse impact on an appreciation of Stable Hollow. Its design and the existing screening vegetation would ensure that it would not be widely visible from the surrounding battlefield. It would directly facilitate existing agricultural use of the enclosure and would not change the character of this part of the battlefield. The site has high potential to contain archaeological artefacts relating to the battle and HES recommend that this potential is assessed in advance of development and suitable mitigation agreed for ground disturbance works.
- The National Trust for Scotland (NTS) is a close neighbour to the proposed development site and guardian of the core battlefield area. The NTS consider there have been a number of recent planning proposals within the battlefield meaning that it is currently threatened by new development on all sides. They consider the application is on a greenfield site within the battlefield and should not be permitted as well as being a particularly worrisome example of development encroachment into the areas covered by battlefield and conservation area designation.
- There were no objections from internal consultees subject to planning conditions regarding archaeological investigations and tree protection.
- The principal concerns raised by the 11 representations are:
 - the location of development is within an Inventory battlefield and conservation area and is in a historically significant location where the Jacobites were in battle formation charging and retreating;
 - the risk of profound, irreversible physical damage to the battlefield and archaeological remains;
 - the Kings Stables area was at the core of the battle as evidenced by eminent historians;
 - negative impacts upon the sense of place through noise, traffic light pollution;
 - inappropriate visual impact;
 - access to the site is on dangerous bend; existing drainage issues on access road; there should be a requirement for caravan and existing storage to be removed once shed is complete;

- the proposal neither enhances nor preserves the character of the conservation area;
 - the application violates local plan and the Conservation Area Appraisal policies;
 - Culloden battlefield is a war grave;
 - the previous application was withdrawn but historic importance of site has not changed, historic and cultural vandalism;
 - encroachment onto historic sites becoming more prevalent;
 - constant development may threaten the integrity of the site and future possible World Heritage Site nomination.
- PAD consulted Scottish Government's Culture and Historic Environment Division (CHED) following notification. They are accepting that agreement has been reached with HES to deliver a proposal which is acceptable to them in respect of the national designations and that there has been minimal local objection to the proposal. Recent high levels of public and media interest in development on Culloden battlefield means they will flag this up to their Cabinet Secretary.
 - PAD consider the planning authority's handling and assessment of these challenging matters has been reasonable with the historic environment and other relevant aspects having been given full consideration.

Assessment:

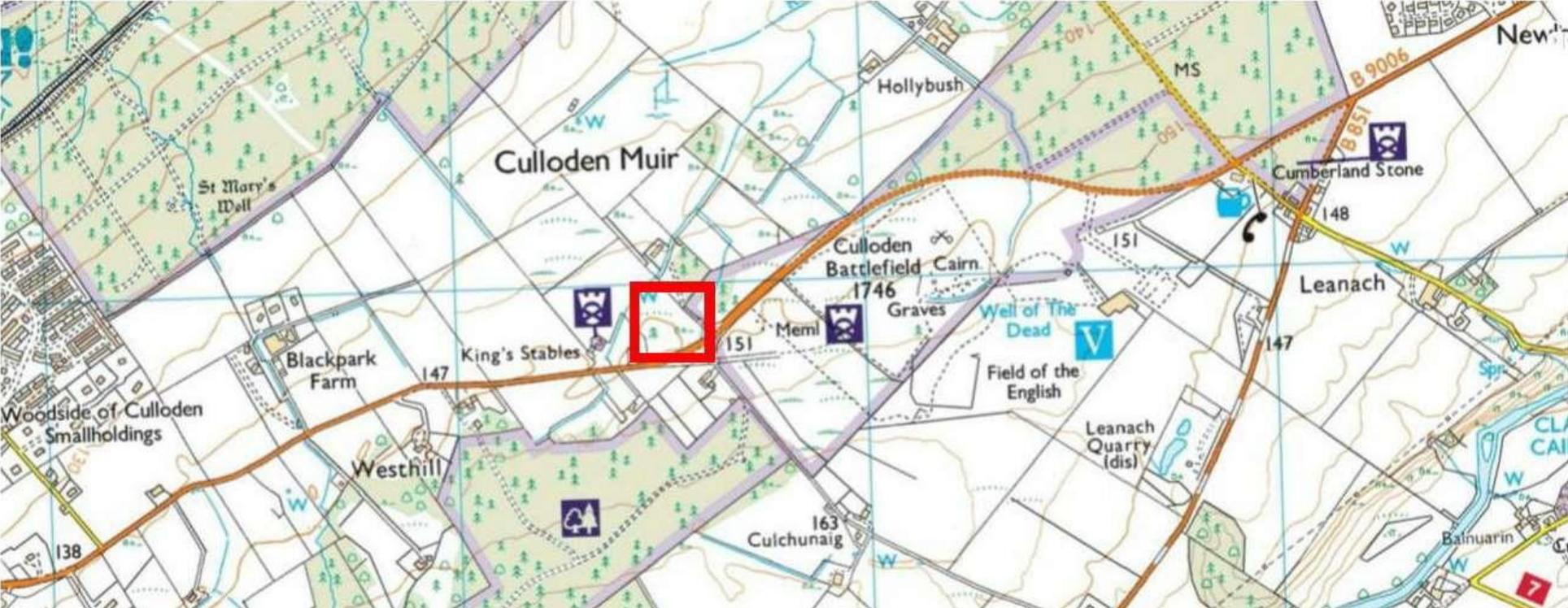
1. The Highland Council is minded to grant planning permission for the erection of a shed for agricultural and storage purposes and supports the principle of a modest building, within an area of agricultural land, well screened from the public road which would generally raise few planning concerns. The Council recognises that the location of the proposal within Culloden Battlefield rightly demands that additional scrutiny is applied to the proposal in order to ensure that it does not impact negatively on the site's historic interests.
2. Section 149 of Scottish Planning Policy aims for planning authorities to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites on the Inventory of Historic Battlefields.
3. The Council have assessed the proposal against relevant policies (28, 51 and 57) in the adopted Highland Wide Local Development Plan 2012 and Supplementary Planning Policy guidance from 2012 and 2013 as well as the Culloden Muir Conservation Area Appraisal and Management Plan. With regard to battlefield policies their report of handling states "Where there are any significant adverse effects, these must clearly be outweighed by social or economic benefits of national importance. The proposed development is not considered to introduce any significant adverse effects and can therefore be supported."
4. The Council consider the design and use of the proposed shed is in keeping with the current agricultural use of the enclosure and would allow for the removal of an existing store and caravan located in the same field. The shed would be sited in an area of mature trees and shrubs that provide a considerable degree of screening from the surrounding battlefield and public road. The shed would be of relatively modest size, of a functional design with a dark green finish that would be recessive.

5. The Council would impose conditions to restrict the site to agricultural use only (no commercial or industrial purposes); seek the permanent removal of the existing caravan; prevent works, including site clearance, to commence until a programme of works for the investigation, evaluation, preservation and recording of any archaeological or historic features affected has been submitted and approved in writing. Due to a drafting error, the Council has clarified that the reference to 'house, garage and driveway' in Condition 1 of their Report was noted prior to the Committee meeting and reference to this and its replacement with 'shed' was made at the meeting. The wording would be rectified within any decision notice issued by the Council should Ministers return the application for a decision.
6. In summary, The Highland Council has assessed the current application and supports the principle of an agricultural shed to sustain a small agricultural enterprise within a rural area which is generally acceptable subject to siting and design and compliance with all other policies and material considerations. The proposed development is not considered to introduce any significant adverse effects and can be supported even with concerns being raised over the number of inappropriate developments encroaching on the battlefield environment in recent years. Each proposal must be considered on its own merits and against relevant policies.
7. PAD's consideration is concerned with whether the proposal raises genuine issues of national significance which warrants call-in of the application by Ministers for their own determination. There is no doubt that Culloden is one of the most important battles in British history (the last pitched battle fought on the mainland) and has international significance. We recognise that the NTS maintain their objection.
8. In this instance, the application is for a minor scale of development within a sensitive part of the battlefield and relates to the existing land use. The expertise provided by HES has allowed for a situation where the applicant has proactively sought a solution that the Council and HES are happy with which led to the previous application, which HES had objected to, being withdrawn. There has been a local level of objection with the general principle of development within the whole of Culloden battlefield being highlighted. The issues raised in relation to archaeological potential are being satisfactorily dealt with by appropriate conditions and the site area has been subject to various archaeological research and surveys over the years. There are no current finds within the area proposed for the erection of the shed logged on the Council's Historic Environment Record.
9. Considerations of any development proposed in an Inventory battlefield is finely balanced, however on the basis of the information before us and the fact that previous HES advice and guidance resulted in no objection to this minor development, we consider this application does not raise sufficient issues of national significance to merit further scrutiny by Scottish Ministers.

Decision/Recommendation:

- To clear the application back to The Highland Council to issue planning consent with four conditions.

ANNEX B – NOD-HLD-005 – ERECTION OF A SHED, LAND NORTH EAST OF CAIRNSIDE, WESTHILL, INVERNESS – LOCATION MAPS, DRAWINGS, PLANS AND PHOTOGRAPHS



Site Location

The Inventory of Historic Battlefields - Boundary

Culloden

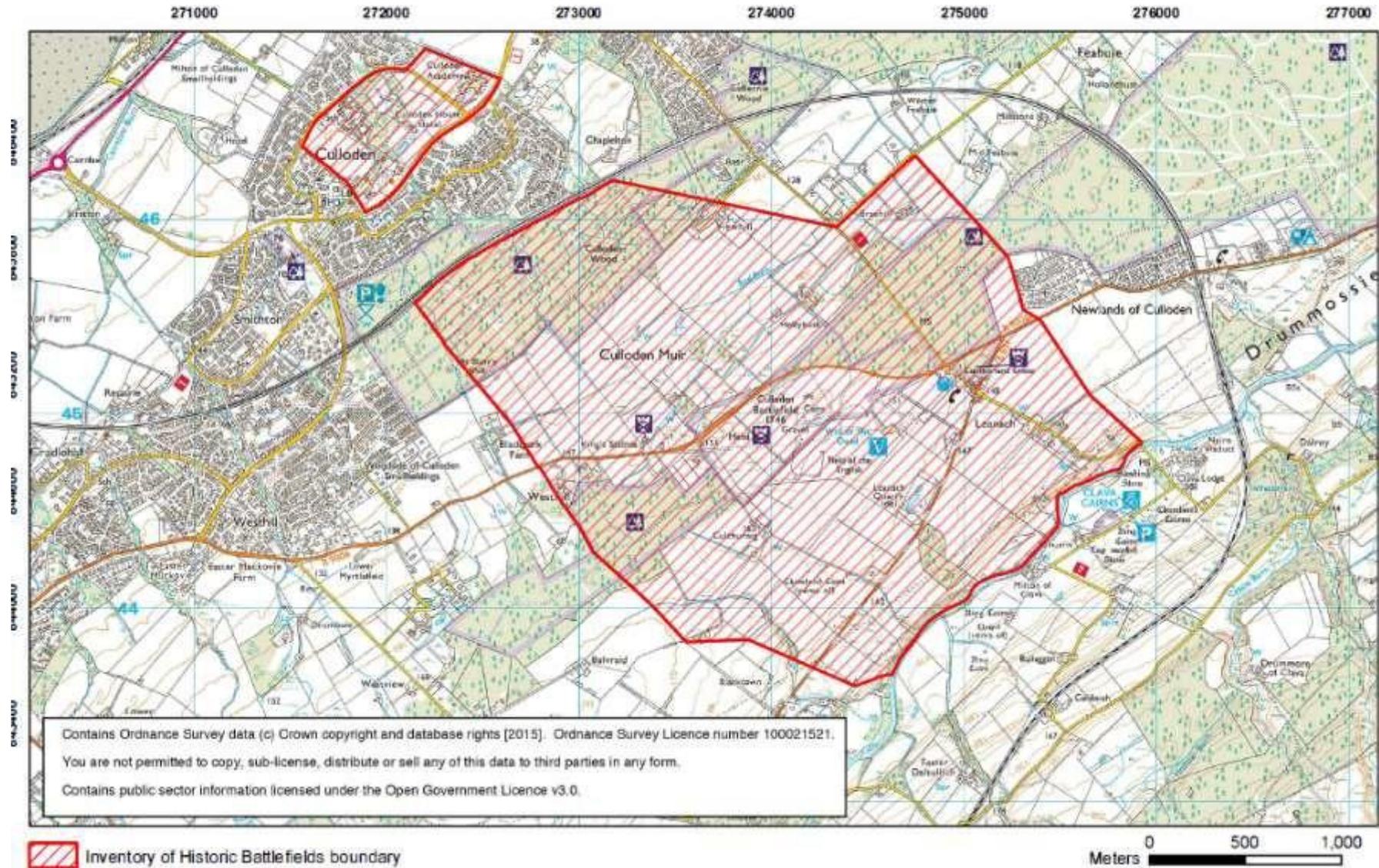
16 April 1746

Local Authority: Highland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA



The Inventory of Historic Battlefields - Deployments

Culloden

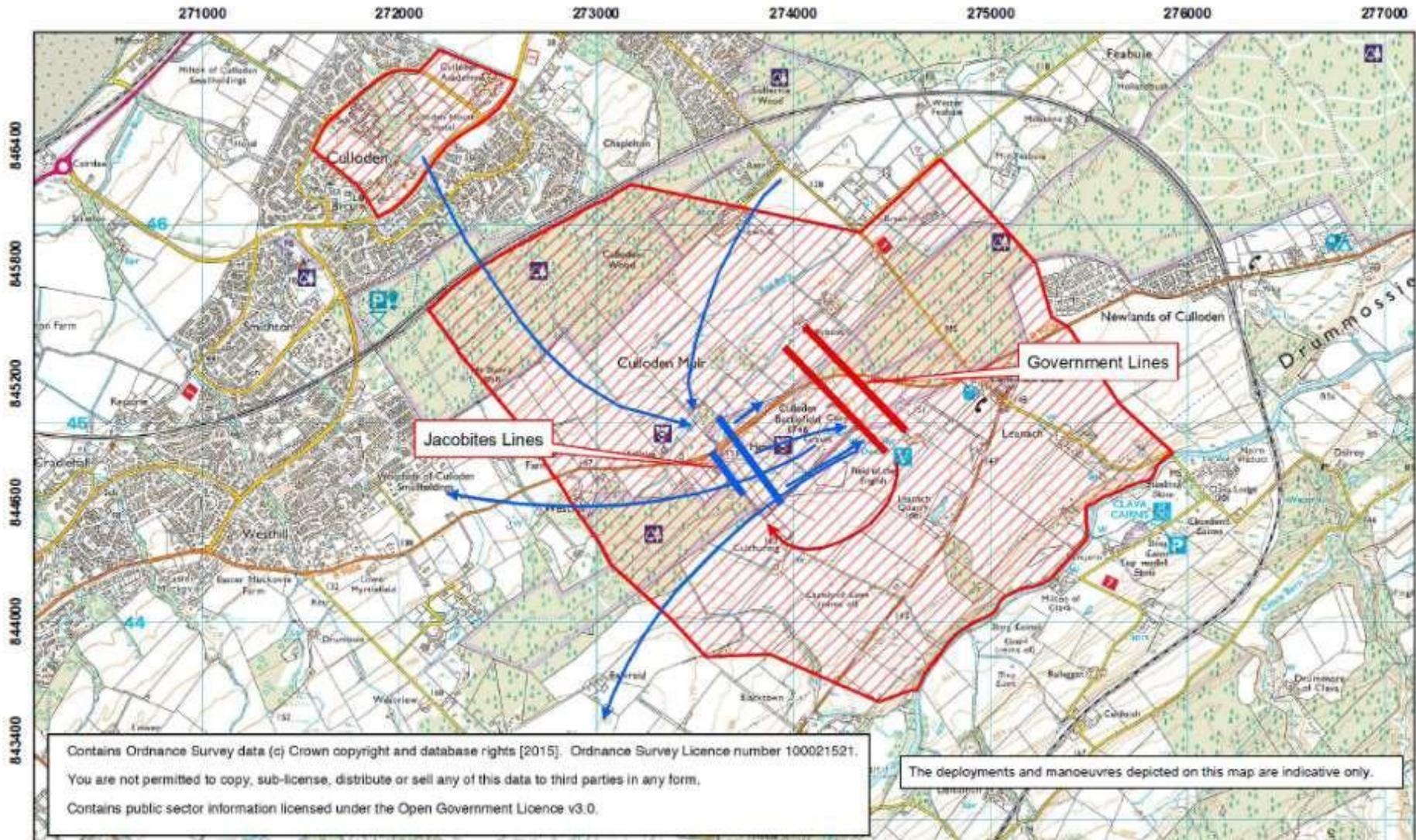
16 April 1746

Local Authority: Highland



HISTORIC ENVIRONMENT SCOTLAND

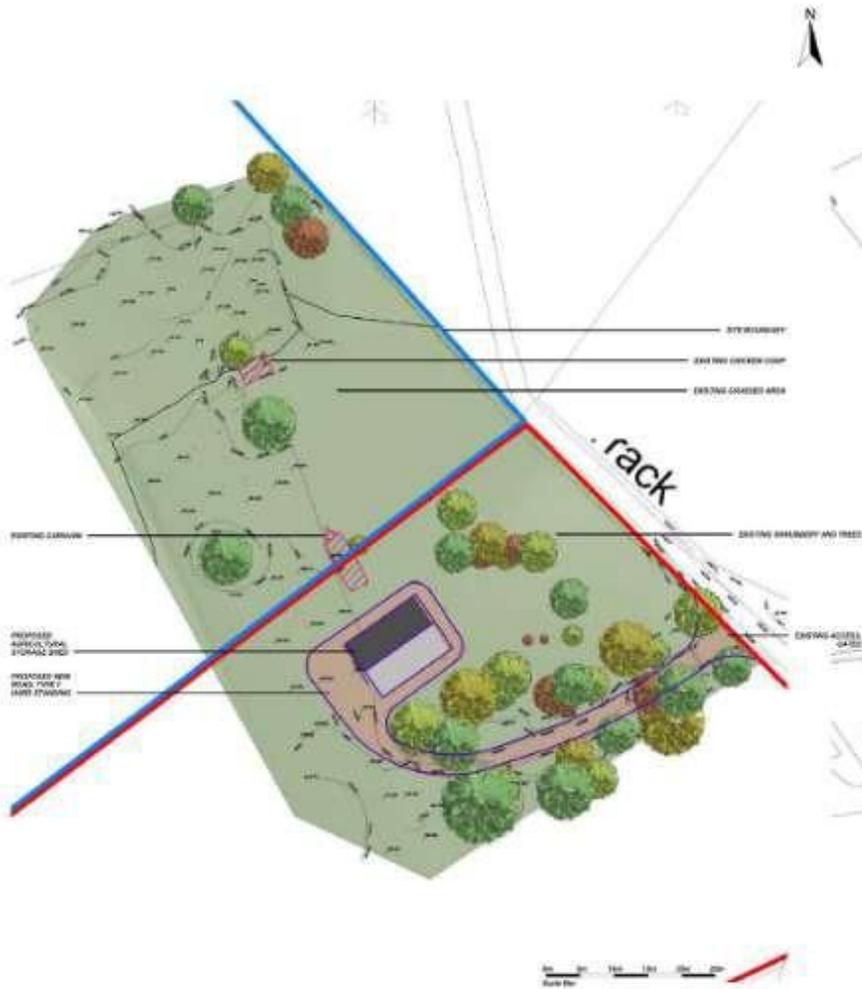
ARAINNEACHD EACHDRAIDHEIL ALBA



- Inventory of Historic Battlefields boundary
- Government Movements
- Jacobite Movements

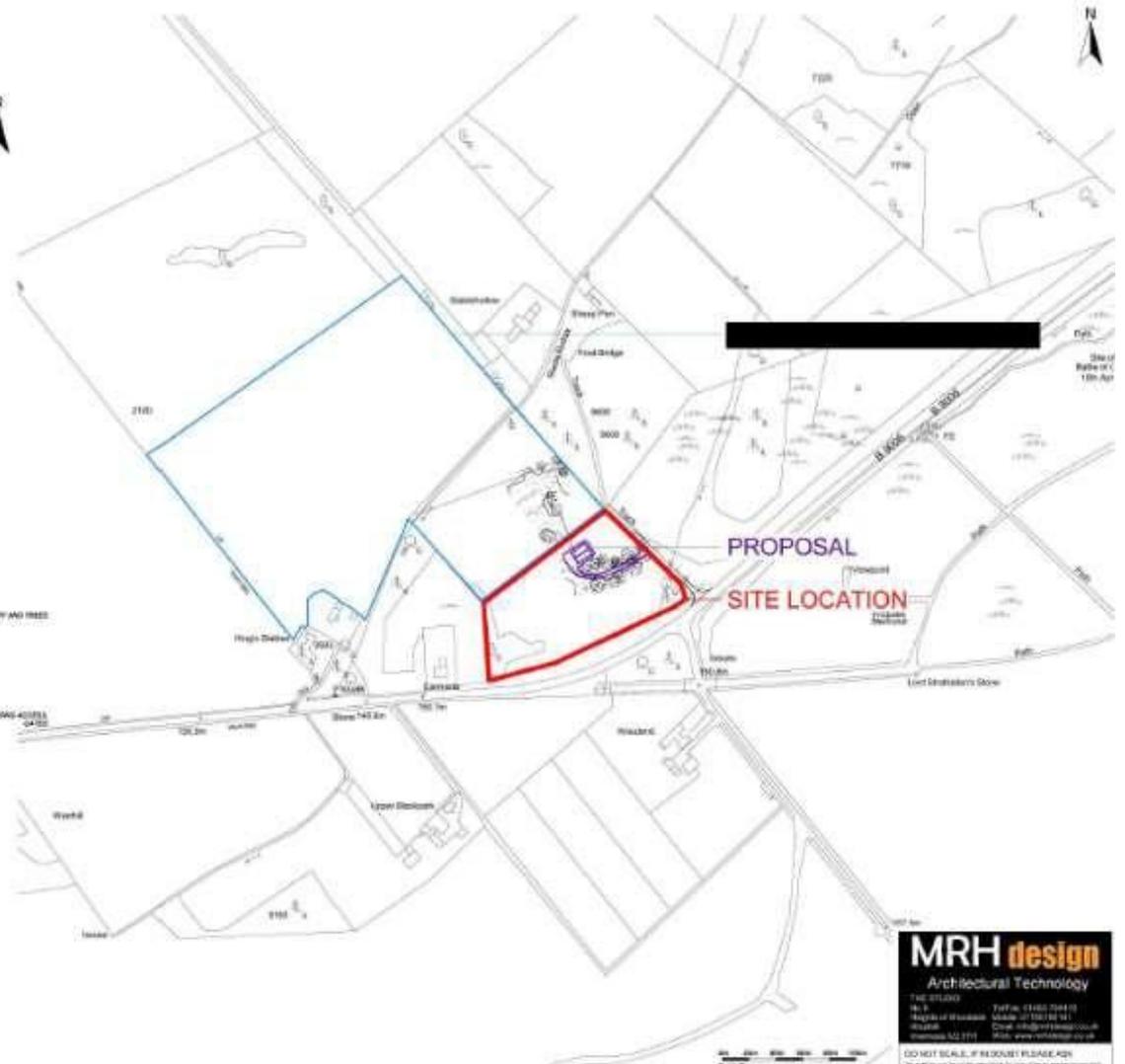
0 500 1,000
Meters

PLANNING - PROPOSED



1 Block Plan
1:500

REV: 0001 - 02/2017



2 Location Plan
1:2500

MRH design
Architectural Technology

THE STUDIO
11-13
High Street, Stone, ST15 4ET
WUOLB
01827 218211
www.mrhdesign.co.uk

DO NOT SCALE, IF BLOCKS! PLEASE REFER TO SETTING OUT DRAWINGS FOR DIMENSIONS. ANY DIMENSIONS ARE APPROXIMATE.

Client
Mrs L. Whitham

Ariel view of site

Cairnside

Proposed shed location



Existing access gate



3D RENDERED ARTISTIC INTERPRETATION

MRH design
Architectural Technology

THE STUDIO
No 9
Heights of Woodside
Westhill
Inverness IV2 5TH

Tel/Fax: 01463 794410
Mobile: 07760195141
Email: info@mrhdesign.co.uk
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
Mrs L. Whitham

Project
Agriculture Storage

Address
Land Adjacent to Stable Hollow,
Inverness

Scale	As indicated	Project No.	2018-11
Date	Oct 2018	Drawing No.	
Drawn by	KH	2018-11-MRH-100	
rev.			

© This drawing is the sole copyright of MRH Architectural Design & Planning and should not be copied or reproduced without prior consent



Proposed site from B9006



Existing road off B9006 to be used for access



Existing access gate to be used

Highland Historic Environment Record Clàr Àrainneachd Eachdraidheil na Ghàidhealtachd

Home Thematic Pages ▾ Featured Sites Search Map Contact

Home > Map

Map layers

- Monuments
- Events
- Scheduled Monuments
- Listed Buildings
- Conservation Areas
- Designed Landscapes
- Historic Battlefields
- Historic Marine Protected Areas

The Highland Council
Comhairle na Gàidhealtachd

Contact Us
Terms & Conditions
Privacy & Cookies
Sitemap

Website by exegesis sdm
Powered by hbsmr-web v2.1.4.0
& cloudscribe
Log In

Proposed shed location