

REFUSAL OF PLANNING PERMISSION

Reference No: 20/04611/FUL

To:
Mr & Mrs M Hornby
9 Heights Of Woodside
Westhill
Inverness
IV2 5TH

Per:
MRH Design
Per: Mark Hornby
The Studio
9 Heights Of Woodside
Westhill
Inverness
IV2 5TH

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Change of use and conversion of steading to form house
Land 120M SW Of Culchunaig Farmhouse Westhill Inverness

The Highland Council in exercise of its powers under the above Acts **refuses planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Archaeological Investigation			23.11.2020
ASHP Data			23.11.2020
Contamination Questionnaire			23.11.2020
Design Statement			23.11.2020
Private Access Checklist			23.11.2020
SEPA Discharge Consent			
Location/Site Layout Plan	2015-26-MRH-102		23.11.2020
Floor Plan	2015-26-MRH-202		23.11.2020
Bat Survey Report			23.11.2020
Species Protection Plan			23.11.2020
Data Structure Report			01.12.2020
Elevations	2015-26-MRH-200	REV A	15.12.2020
Elevations	2015-26-MRH-201	REV A	15.12.2020
Location/Site Layout Plan	2015-26-MRH-203	REV A	15.12.2020

Dated: 10th February 2021

David Mudie

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Area Planning Manager

REASON(S) FOR THIS DECISION

This application is refused for the following reasons: -

1. The proposal is considered to be contrary to:

- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that the application does not preserve or enhance the character or appearance of the conservation area as it relates to the battlefield.
- Policy 28 and 29 of the Highland-wide development plan (Sustainable Design) as the development would have an adverse impact on the character of the battlefield inventory and conservation area, as it would neither preserve or enhance the appearance or character.
- Policy 57 of the Highland-wide development plan (Natural, Built and Cultural Heritage) as the application represents unacceptable impact on the natural environment, amenity and heritage resource of a site of both local/ regional and national importance.
- Scottish Government planning policy (2014) no. 149 as the application fails to protect, conserve or enhance key landscape characteristics and special qualities of a site in the Inventory of Historic Battlefields.
- Policy 1 of the planning policies of the Culloden Muir Conservation Area as the application does not overcome the presumption against all development within the designated battlefield and would not "result in a development commensurate with the principal designation of the site as a Battlefield."
- Policy 8 of the Culloden Muir Conservation Area as it fails to overcome the presumption against any development which is likely to have adverse impact on the setting of important historic environment assets.

Variations

During the processing of the application the following variations were made to the proposal:

None.

Dated: 10th February 2021

David Mudie

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Area Planning Manager

RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Dated: 10th February 2021

David Mudie
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Area Planning Manager