

Agenda Item	6.1
Report No	PLS-20-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 March 2023

Report Title: 20/00967/FUL: Mr & Mrs C and D Wares
Land 730m NW of King's Stables Cottage, Westhill, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house

Ward: 19 – Inverness South

Development category: Local

Reason referred to Committee: 5 or more objections

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** the application as set out in section 11 of the report subject to notification to Scottish Ministers.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a traditional style single storey farmhouse on land known as Muirfield Farm which comprises 25.7 hectares of mixed grazing/pasture land located immediately to the northwest of the B9006 public road. Culloden Woods lie to the north, with open farmland to the east and west of the site. There is an existing agricultural shed to the southeast that is used in connection with the management of the land.
- 1.2 The site lies wholly within the Culloden Muir Conservation Area and the designated Inventory Battlefield. The Culloden Visitor Centre is approximately 1.8 kilometres to the east-south-east.
- 1.3 Access to the site is via an existing farm access track leading off from the B9006. This would be upgraded, and visibility splay improvements carried out if planning permission was granted.
- 1.4 Foul water drainage disposal would be via an existing drainage ditch located to the east of the house, with a sewage treatment plant and stone filled partial soakaway providing secondary treatment. The proposed new section of access road and parking area would be formed with a recycled granular construction with excess surface water run-off (during long periods of rainfall) being directed away from the house. Roof water run-off would be collected and discharged into a stone filter trench. Water supply would be conveyed to the house via a connection to the public network.
- 1.5 Pre-Application Consultation: A community consultation event was held on 28th November 2019 at Cradlehall Primary School, Cradlehall, Inverness as part of the pre-submission statutory public consultation arrangements.
- 1.6 Supporting Information: The following information has been submitted in support of the application:
 - Design and Access Statement;
 - Operational Needs Assessment;
 - Pre-application Consultation Report;
 - Archaeological Impact Assessment and Archaeological Report;
 - Landscape and Visual Impact Assessment; and
 - Drainage Statement
- 1.7 Variations: Minor alterations to size and orientation of house. Revision to site access connection with public road.

2. SITE DESCRIPTION

- 2.1 The site is located within an area of open farmland with hedgerows delineating the field boundaries. The nearest neighbouring properties include a small collection of houses at Blackpark Farm, located approximately 350 metres to the southwest of the site, and King's Stables, located approximately 695 metres to the

southeast.

3. PLANNING HISTORY (RELEVANT TO THIS APPLICATION)

3.1	06.03.2017	16/05679/FUL: Erection of agricultural building	Planning Permission Granted
3.2	31.07.2018	18/02403/FUL: Erect farmhouse for operational needs	Planning Application Withdrawn
3.3	11.11.2019	19/05044/PAN: One operational needs farmhouse including access and drainage infrastructure	Proposal of Application Notice Submitted
3.4	29.11.2019	19/05319/SCRE: One operational needs farmhouse and integral garage including access extending to 600m and drainage infrastructure extending to 200m	Screening Opinion Submitted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 13.03.2020

Representation deadline: 27.03.2020

Timeous representations: 11 representations from 10 households and 1 organisation

Late representations: 12 representations from 11 households and 1 organisation

4.2 Material considerations raised are summarised as follows:

- a) Inappropriate development on a strategic part of the battlefield;
- b) Road safety concerns;
- c) Misleading intended use of land;
- d) Impact on nature conservation and biodiversity;
- e) Adverse visual impact;
- f) Operational need for house is not justified;
- g) A new farming business should be supported, and the proposed development meets the operational need specified in planning policy.

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 **Historic Environment Team (Conservation and Archaeology):** No objection. A response has already been made with regard to the predicted impacts on the Culloden Moor Conservation Area as being – on balance and by virtue of design, siting and topography – acceptable. Concerned regarding the precedent that a development here would set regarding any future applications that may cut across or be located within core areas of the battlefield, however this alone is not grounds for an objection.

It is noted that the most recent response of HES, who specified and monitored the intrusive pre-determination work, indicates that additional metal-detecting may still yield additional results. Should this application be approved, in order to secure this additional metal-detecting along with the subsequent analysis of finds and reporting on the results, an archaeological condition should be attached to any permission granted.

- 5.2 **Transport Planning Team:** No objection subject to conditions requiring the design and construction details of the proposed upgraded access to be submitted for approval, along with a requirement that the wall to the west of the access is either reduced in height or lowered in order to achieve the required visibility splays.

- 5.3 **Agricultural Consultant (advisor to Planning Authority):** Although the applicants currently do not own their own livestock, their intention to stock the holding with their own cattle is given credibility through their successful applications with SGRPID for the Young Farmer and New Entrant Capital grants. However, it should be noted that the current labour hours are markedly lower than those presented in the Operational Needs Assessment (ONA).

The proximity of the holding to populated areas on the outskirts of Inverness, is a credible concern in order to prevent potential vandalism or theft which is more likely on holdings closer to populated areas.

It is clear that the applicant possesses the necessary knowledge and experience to establish his own farming enterprise.

The need to live on site as presented in the ONA, would be described as justifiable in terms of agricultural need, provided the future cattle enterprise is considered alongside the current agricultural activity.

- 5.4 **Historic Environment Scotland:** No objection. In the initial consultation response in March 2020, it objected due to concerns about the potential impacts upon a site on the inventory of historic battlefields at Culloden. It recommended additional information should be provided on the potential visual and archaeological impacts of the proposals to inform both its, and the Council's, assessment of the impacts and assist in identifying potential mitigation.

Information was then provided by the applicant to demonstrate the scale of visual impacts on the battlefield landscape. Archaeological work was also undertaken to help understand the proposed development area's role during the battle and to investigate any potential physical impacts on sensitive remains associated with the battle. Changes to the design and location of the development were made to

help reduce those impacts identified.

This work demonstrates that: 1) whilst there will be a visual impact on the battlefield landscape, this is unlikely to be sufficiently significant to raise issues of national interest, and 2) that any impacts on sensitive remains are likely to be minimal. HES therefore withdrew its objection. Further details are given in the Annex to its consultation response letter. Should this application be consented, HES recommend that further metal detecting across the development site during ground works may be merited given the ongoing potential for metal artefacts to be retrieved. This can be controlled by condition.

- 5.5 **National Trust for Scotland:** Object to the proposal. “The latest research into history of the battle strongly suggests that this area was critically important to the outcome of the battle, and we continue to recommend against the application as part of our consultation response and we wish to strongly object. The latest research strongly suggests that the previously unknown location of the Culloden Park Walls is in this area. In our previous objection, to a related application on this site, we expressed concerns relating to the slow erosion of the battlefield and that these must now be addressed by the planning process. The application appears to us to be unnecessary, and on a greenfield site, within the Conservation Area and within Historic Environment Scotland’s Battlefields Inventory designation boundary. This proposed development would also appear to contradict many of the policies within the Conservation Area statement.

The current proposal sits within a strategically important area of the battlefield and should not be permitted. As we learn more about the battlefield, we are coming to realise that this is a critical part of the land which was fought over.

We have two main concerns: the impact of the proposed development on a protected area; the potential for development creep and the precedent that such a development could set.”

6. DEVELOPMENT PLAN POLICY

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.

- 6.2 The following Development Plan policies are relevant to the assessment of the application:

6.3 National Planning Framework 4

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 7 – Historic assets and places
- 14 – Design quality and place
- 17 – Rural homes
- 29 – Rural development

6.4 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.5 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply.

6.6 **Inner Moray Firth 2 Proposed Local Development Plan 2023**

- 1 – Low Carbon Development
- 2 – Nature Protection, Preservation and Enhancement
- 8 – Placemaking
- 11 – Self and Custom Build Housing
- 13 – Accessible and Adaptable Homes

6.7 **Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Sustainable Design Guide (Jan 2013)
- Rural Housing (December 2021)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

- Culloden Muir Conservation Area Character Appraisal and Management Plan (November 2015)
- Historic Environment Policy for Scotland (May 2019)
- Managing Change in the Historic Environment: Historic Battlefields (Historic Environment Scotland - Revised February 2020)

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 pays 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) the siting, layout, and design of the development
 - c) impact on historic environment
 - d) Impact on infrastructure and services and proposed mitigation (developer contributions)
 - e) any other material considerations.

Development plan/other planning policy

- 8.5 The site lies outwith the Settlement Development Area of Inverness and sits within a rural location that remains identified as 'Hinterland' within the Inner Moray Firth Local Development Plan. Both National Planning Policy Framework 4 and the Highland-wide Local Development Plan recognise the importance of encouraging rural economic activity and are supportive of housing in the countryside where it is demonstrated to be necessary to support a rural business. This proposal is for a farmhouse which is considered essential for land management and family purposes related to the management of the land. In principle the development complies with the Development Plan. However, there are a number of other key 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 landscape and cultural heritage features and assets.
- 8.6 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 development having no significant detrimental impact on the aforementioned considerations, the development would comply with the Development Plan.

Siting, layout, and design

- 8.7 The proposed farmhouse is single storey and of traditional design featuring extended gables on an 'H' shaped footprint and with a mixed palette of materials comprising natural stone rubble walls on the southern facing gable elevations, off-white render for the remaining walls, slate roof, glazed courtyard entrance, and small timber clad porch extension on the eastern elevation.
- 8.8 The house location has been carefully chosen and the house orientated to minimise its visual appearance as well as minimising its impact on the historic environment.
- 8.9 The house would be sited approximately ½ kilometre from the B9006 public road. The topography of the farmland slopes gently down in the northernmost field where the house would be located. Topographical information provided by the

applicant shows the level of the land sloping down from 135 metres AOD to 129 metres AOD on the southeast area of the site. Earthworks immediately surrounding the location of the house would enable the house to have a finished floor level of 127 metres AOD. The cumulative effect of the location of the house in the northern section of the farmland and the existing and proposed topography, is such that only the upper section of the roof would be most visible from the public road.

Impact on historic environment (Inventory Battlefield and Conservation Area)

- 8.10 National Planning Framework 4 (NPF4) states that “development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance. Key landscape characteristics, physical remains and special qualities.” In relation to conservation areas NPF4 indicates that development proposals will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Furthermore, development proposals will ensure that existing and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained. The Highland-wide Local Development Plan is consistent with this national policy position.
- 8.11 The site is located within Culloden Battlefield which was added to Historic Environment Scotland’s (HES) Inventory of Historic Battlefields on 21 March 2011. The Inventory is a list of nationally important battlefields in Scotland.
- 8.12 HES has updated its policy statement on decision-making that affects the historic environment through the publication of the Historic Environment Policy for Scotland (HEPS). It is non-statutory but nevertheless is a material consideration in the determination of this planning application.
- 8.13 HEPS is supported by specific guidance notes including ‘Managing Change in the Historic Environment: Historic Battlefields’. This guidance note states that planning authorities have an important role in protecting historic battlefields and that local development plans should set out policies and criteria applying to the protection, conservation and management of Inventory battlefields.
- 8.14 In assessing proposals, the guidance note advocates the importance of identifying less tangible values, such as the contribution that a battlefield can make to a sense of place, or cultural identity, noting that these issues can be appreciated at local, national and even international level. Where development can be supported, it should be located and designed to conserve and enhance the key landscape characteristics of the battlefield.
- 8.15 The guidance note further advises that development on a battlefield can impact on the physical remains of the battle or its landscape and that the development management process should identify and assess these impacts, mitigating them where possible. Crucially, the guidance note states that the inclusion of a battlefield in the Inventory is not intended to simply be a barrier to development. It is intended to add protection to an area where particular consideration must be

given to the impacts arising from development on a site and that this should focus on the special qualities and landscape characteristics of the battlefield. In determining proposals, careful consideration needs to be given to whether the development would significantly detract from the importance of the site.

- 8.16 HES was first consulted on this proposal in March 2020. HES objected at that time due to concerns about the potential impacts upon the historic battlefield at Culloden. It recommended additional information be provided on the potential visual and archaeological impacts of the proposals to inform both its own, and the Council's, assessment of the impacts and assist in identifying potential mitigation. In its final consultation response dated 14 December 2022, HES advised in the annex to its letter:

“Visual Impact Assessment

The Highland Council consulted us again in January 2022 following the production of visualisations and after the applicant had redesigned their proposals to lessen the visibility of the proposed farmhouse from key viewpoints associated with the battle and within the battlefield landscape.

The visualisations indicate that the proposed farmhouse would not be visible from the Government lines, the main area of fighting or the visitor centre but that it would be visible from the southeast corner of Culloden Parks, where the Jacobite left flank were positioned at the start of the battle, where their artillery remained throughout the battle, and where the Irish Picquets formed a rear-guard defence as the Jacobite lines collapsed.

When viewed from the corner of Culloden Parks, the visualisations show that the roofline and part of the gables would be visible, but set against a backdrop of woodland, with the intervening topography and distance screening most of the remainder of the building. Consequently, the proposed dwellinghouse would be likely to have a limited impact on the character and understanding of this part of the battlefield when viewed from this location.

The proposed building would be more visible when viewed from closer to the building and further north along the eastern side of Culloden Parks. However, this is peripheral to the core of the battlefield, including the location of the Jacobite artillery and the subsequent fighting retreat of the Irish Picquets.

Consequently, we are content that the proposed building would have a negligible impact on most of the battlefield landscape and whilst it would be visible from the southeast corner of the Parks, the proposed farmhouse would be sufficiently distant and downhill from where the current evidence suggests the Picquets undertook their last stand that it would not significantly diminish the ability to understand, appreciate and experience this stage of the action. Overall, the proposals would therefore be unlikely to result in a significant visual impact on the key landscape characteristics or special qualities of the battlefield.

Archaeological Investigations

The original planning application from Spring 2020 contained an Archaeological Impact Assessment as supporting information. This report included the outcomes of a gradiometer survey, a metal detecting survey and a walkover survey. The report was not sufficiently robust that we could be confident in its conclusions. We therefore indicated that further archaeological work including evaluative

excavation would be required.

The gradiometer survey did not result in the identification of any anomalies that would be suggestive of significant archaeological features. The underlying geology and superficial deposits present a complex noisy background, meaning that the identification of weaker and more ephemeral features was difficult, especially where the survey was undertaken over the route of the proposed access track. Although some agricultural activity was identified, this did not prove helpful in identifying sensitive remains or large concentrations of metalwork that could be expected to denote activity associated with the battle. Other techniques proved more successful.

In October 2022, we received a report covering the outcomes of the further archaeological work. The archaeological work included metal detecting as well as excavation, in the form of a monitored topsoil strip. It was designed to identify artefacts associated with the battle as well as the presence of any sensitive remains in the proposed development area.

Together the 2020 and 2022 phases of work identified a total of 88 artefacts, 46 from within the footprint of the proposed house and 42 from the trackway. Of these, 4 horseshoes were recovered from the northern end of the access road, and a possible bell and a possible iron button were recovered from the house footprint. The majority of artefacts recovered are the result of agriculture and fencing. No artefacts were conclusively associated with the battle, although the horseshoes, possible bell and iron button are of uncertain date and could potentially have been deposited during or shortly after the fighting. Overall, the concentration of finds suggests that this area did not witness any significant activity during the battle.

The monitored topsoil strip focussed on the revised house footprint and the access route. It uncovered 3 features of potential archaeological significance, all of which were within the house footprint; a small possible posthole and two larger possible pits. In addition, eight field drains were identified running across the development area. All three features were excavated and recorded. One of these was interpreted as a possible posthole the others being likely to be the result of stones which have been dragged and removed from the ground during ploughing. One of these contained modern material which would appear to confirm this.

Together, this work demonstrates that the house footprint and access track appear to be devoid of sensitive archaeological features that might be associated with the battlefield, such as graves or significant artefact clusters.

However, there remains potential for metal artefacts to be retrieved from the development site, and the use of further metal detecting across the development site post-determination may be merited.

Conclusion

The applicant has provided several new reports in support of their application. This includes archaeological and visual impact assessments. They also redesigned their proposals to lessen the visual impacts. The archaeological work demonstrates that the house footprint and access track appear unlikely to contain sensitive archaeological features that might be associated with the battlefield. It also demonstrates that the area was unlikely to have been an area where fighting took place during the battle. This supports our current knowledge and

understanding of the battlefield landscape, informed by our own recent research but also drawing on the work of others familiar with the battle. The additional information provided regarding the likely visual impact indicates that the proposed dwelling would not be visible from throughout most of the core of the battlefield. Whilst it would be visible from the corner of the Culloden Parks, it seems unlikely that the proposals would dominate or be a significant feature when viewed from this location.

Overall, it seems unlikely that the proposals would have a significant impact on the battlefield landscape or its key features. The severity of impacts that would occur would be below the level that would merit maintaining an objection. We therefore withdraw our objection to the planning application for this proposed development.”

- 8.17 The site is located within the Culloden Muir Conservation Area which was originally designated in 1968 before being significantly expanded in 2015. The site lies within this expanded area.
- 8.18 The expansion of the Conservation Area was brought about in recognition that the Inventory battlefield area extended beyond the original Conservation Area and because it also presented an opportunity to afford protection to land further to the southeast across the Nairn valley to include the historically important Neolithic and Bronze Age relict landscape represented by the Balnuarin Clava Cairns and other Clava group Scheduled burial monuments and standing stones located north and south of the River Nairn.
- 8.19 In support of the expansion of the original Conservation Area the Council commissioned a Conservation Area Character Appraisal and Management Plan (CAMP). This was produced in November 2015 and has subsequently been adopted as supplementary planning guidance.
- 8.20 The CAMP identifies opportunities for preservation and enhancement as well as defining planning policies in relation to the management, preservation and enhancement of the Conservation Area. The policies require to be read in conjunction with the Culloden Muir Visual Setting Assessment, produced in October 2014. Policy 1 of the CAMP states a presumption against all development within the Inventory battlefield unless it accords with the development plan and any relevant guidance and would result in development commensurate with the principal battlefield designation. The policy lists examples of scenarios that may be considered appropriate development including development that is sited within an existing established group and does not increase the established group boundary. Policy 4 of the CAMP requires all new development proposals to be accompanied by detailed landscape visualisations which clearly show the impact of the proposals on any known or recorded historic environment assets.
- 8.21 The Council’s Historic Environment Team, having considered the additional information provided by the applicant, advised that the predicted impacts on Culloden Muir Conservation Area as being – on balance and by virtue of design, siting and topography – acceptable. It noted however, with reference to HES final consultation response, that additional metal detecting may still yield additional

results and consequently, and consequently in the event that planning permission is granted, it advised that an archaeological condition should be imposed to secure this, along with the subsequent analysis of finds and reporting on results.

Impact on infrastructure and services and proposed mitigation (developer contributions)

8.22 The proposed house falls within the catchment area of Culloden Academy and Smithton Primary School. Both require developer contributions, as set out in the table below:

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Smithton Primary School		
Build Costs	Major extension / new school	£2,005
Major Extension / New School - Land Costs	Smithton, Inverness	£31
Primary Total		£2,036
Culloden Academy		
Build Costs	Major extension / new school	£949
Major Extension / New School - Land Costs	Culloden Academy, new school at Inverness East	£18
Secondary Total		£967
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£3,003
Total for Development		£3,003
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

8.23 The contributions will be secured either as an upfront payment, or through a Section 75 Agreement.

Other material considerations

8.24 There are no other material considerations relevant to this proposal.

Non-material considerations

- 8.25 Concerns have been raised that the proposal if granted may result in further development creep and set a precedent for further development. Such concerns are unfounded and not material planning considerations. The applicant has provided adequate information confirming that the proposal is justified for land management purposes. Any future development proposals would invariably come under planning control and be assessed on merits.

Matters to be secured by Section 75 Agreement

- 8.26 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Payment of developer contributions towards education, unless otherwise secured as an upfront payment in advance of any subsequent planning permission being released.

9. CONCLUSION

- 9.1 Planning permission is sought for the construction of a farmhouse on agricultural land where the justification for a house has been proven. The house would be located approximately ½ kilometre away from the B9006 public road and would utilise an existing but upgraded farm track that provides access to an agricultural building on the wider farmland.
- 9.2 The house has been located and designed to sit sensitively on the land such that its visual impact would be minimised.
- 9.3 Subject to the conditions attached to this report, the proposal is considered to be acceptable, will preserve the character and appearance of the Culloden Muir Conservation Area, and will not have an adverse impact on the Inventory Battlefield.
- 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

Notification to Scottish Ministers	Y
Conclusion of Section 75 Obligation	Y
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

3. No development or work associated with the construction of the house shall commence until the existing access with the B9006 public road has been upgraded in accordance with details to be submitted to, and approved in writing by, the Planning Authority. Such details shall include:

- a) the design and construction details for the upgraded access;
- b) any gated access set back at least 8 metres from the edge of the B9006 public road; and
- c) full details of the visibility splays which shall include the reduction of the boundary wall to the west of the site access, ensuring visibility at a driver's eye level of 1.05 metres above the proposed surface of the access taken at a point 4.5 metres back from the carriageway edge of the B9006 to see a destination height of 600 millimetres above the carriageway surface of the B9006 along the entire 215 metre length of the western visibility splay, including to the apex of the bend on the B9006 within that required visibility splay.

Following approval of the above details, development and work to upgrade the

access shall be carried out and completed before construction work on the house commences and the visibility splays maintained in perpetuity.

Reason: To ensure that the access junction improvements are carried out timeously and to an appropriate standard, in the interests of road safety.

4. No development or work associated with the construction of the house shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. For the avoidance of doubt, the proposed windows shall be constructed from timber.

Reason: To ensure that the external materials and finishes are of a high standard and appropriate for the Conservation Area.

6. All foul water and surface water drainage provision within the application site shall be implemented in accordance with the Drainage Statement dated December 2019 from Caintech and shall be completed prior to the first occupation of the house.

Reason: In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

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.

INFORMATIVES

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.

1. 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.

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_f_or_working_on_public_roads/2

Mud & Debris on Road

Please note that it is 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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Block Plan
Plan 4 – Section Plan
Plan 5 – Section Plan (Track)
Plan 6 – General Plan, Floor Plan, Sections and Elevations

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	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
Schools²									
Primary – Build Costs	Smithton	£2005	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs		£31	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Culloden Academy	£949	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs		£18	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities		£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵		N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	n	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A
Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

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

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

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 G. H. JOHNSTON Building Consultants Ltd



Planning Submission

REVISIONS

Rev.	Description	Drawn	Date
A	Boundary adjustment	CL	10.2021
B	survey overlaid	CL	12.2022

Client
Mr & Mrs C Wares

Project
**Operational Needs Farmhouse
 Muirfield Farm, Westhill
 Inverness**

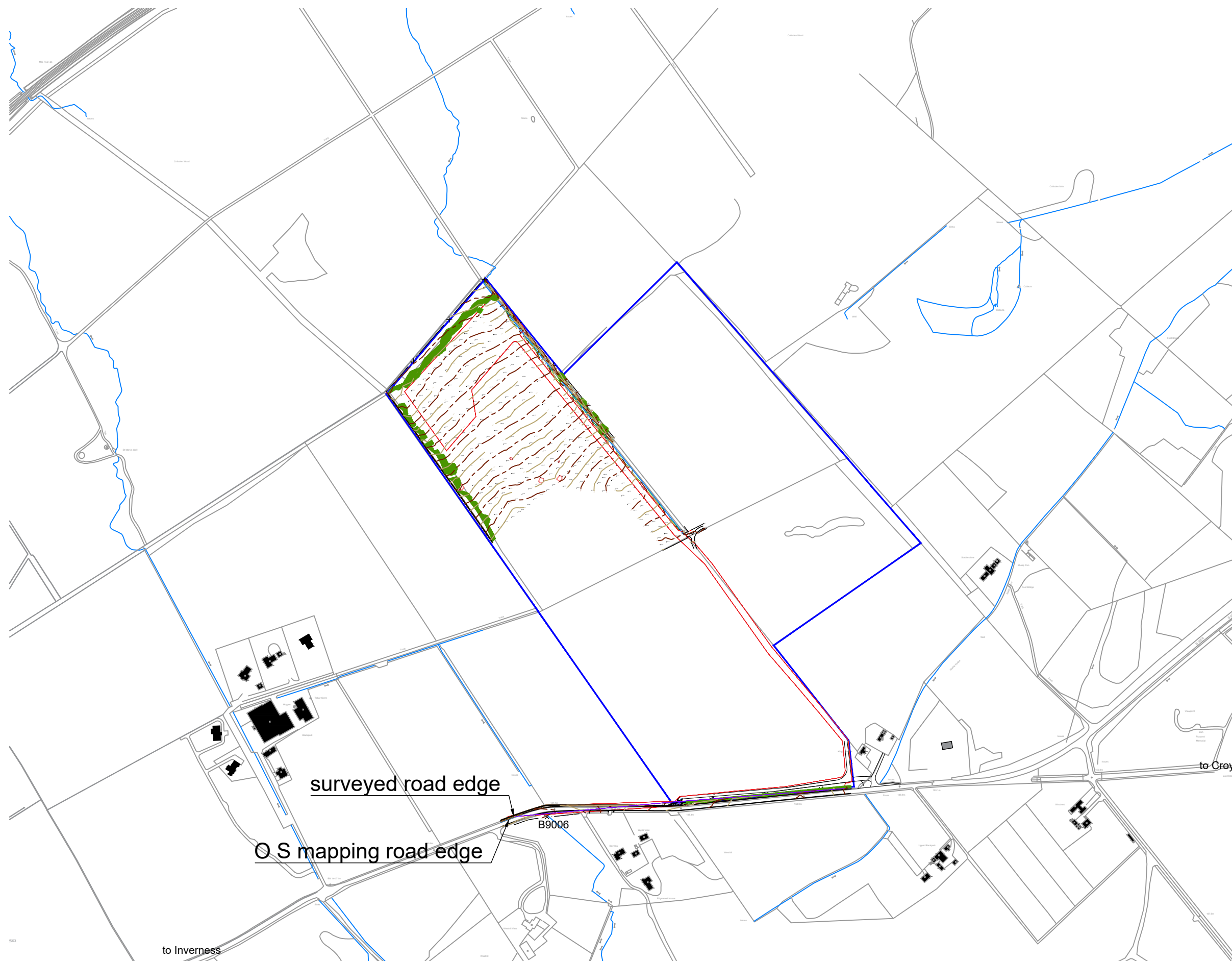
Drawing
Location Plan

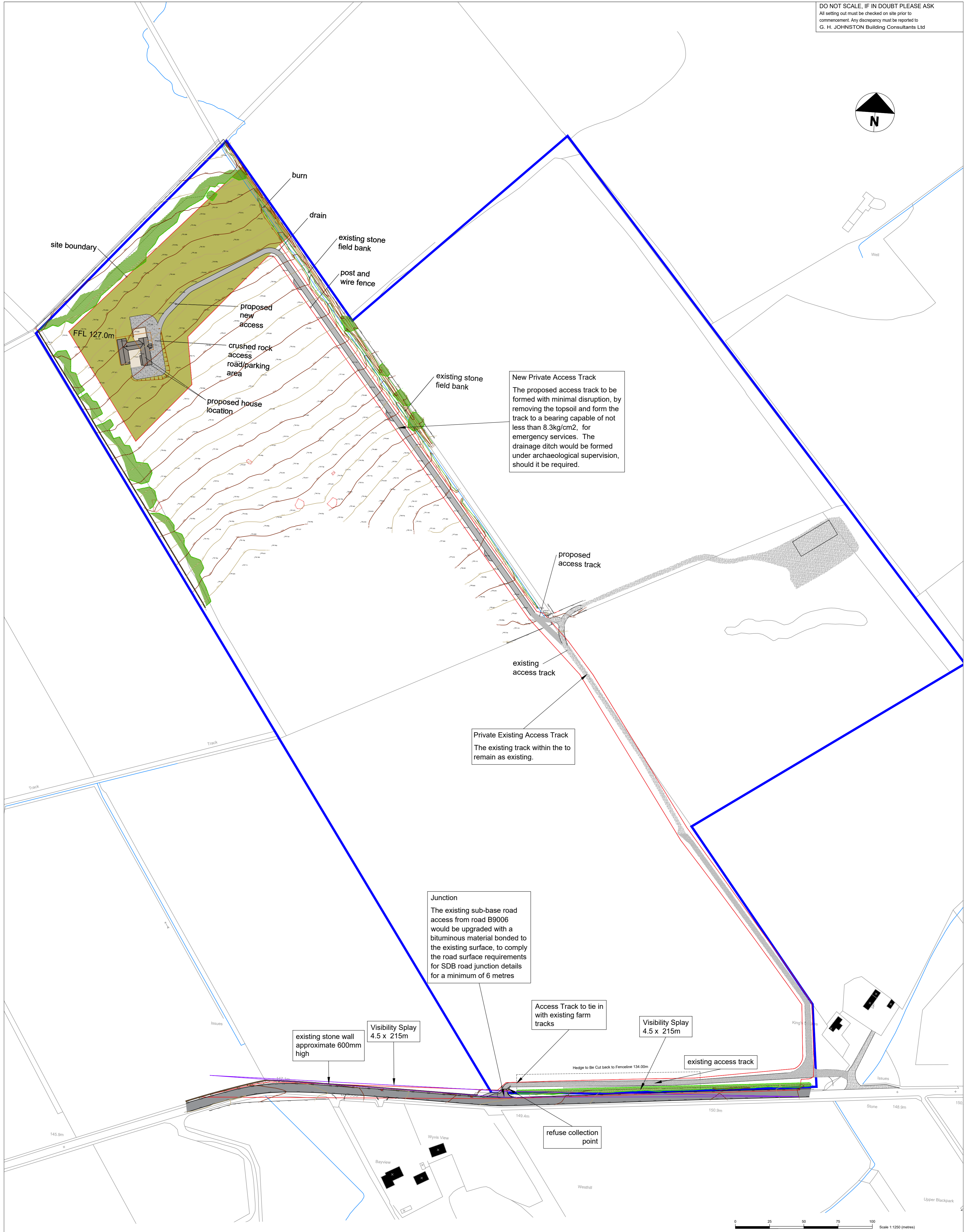
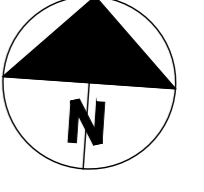
Scale	Date	Drawn by
1:5000@A3	02.2020	CL

Project no	Dwg no	Rev
2461	PL001	B

G.H. JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk





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Rev.	Description	Drawn	Date
A	house moved 12m north, lower FFL & reduced house footprint	-	17.12.20
B	Access track re-aligned to existing track	CL	04.10.21
C	Site boundary updated	CL	05.04.22
D	visibility splay revised	AF	09.12.22

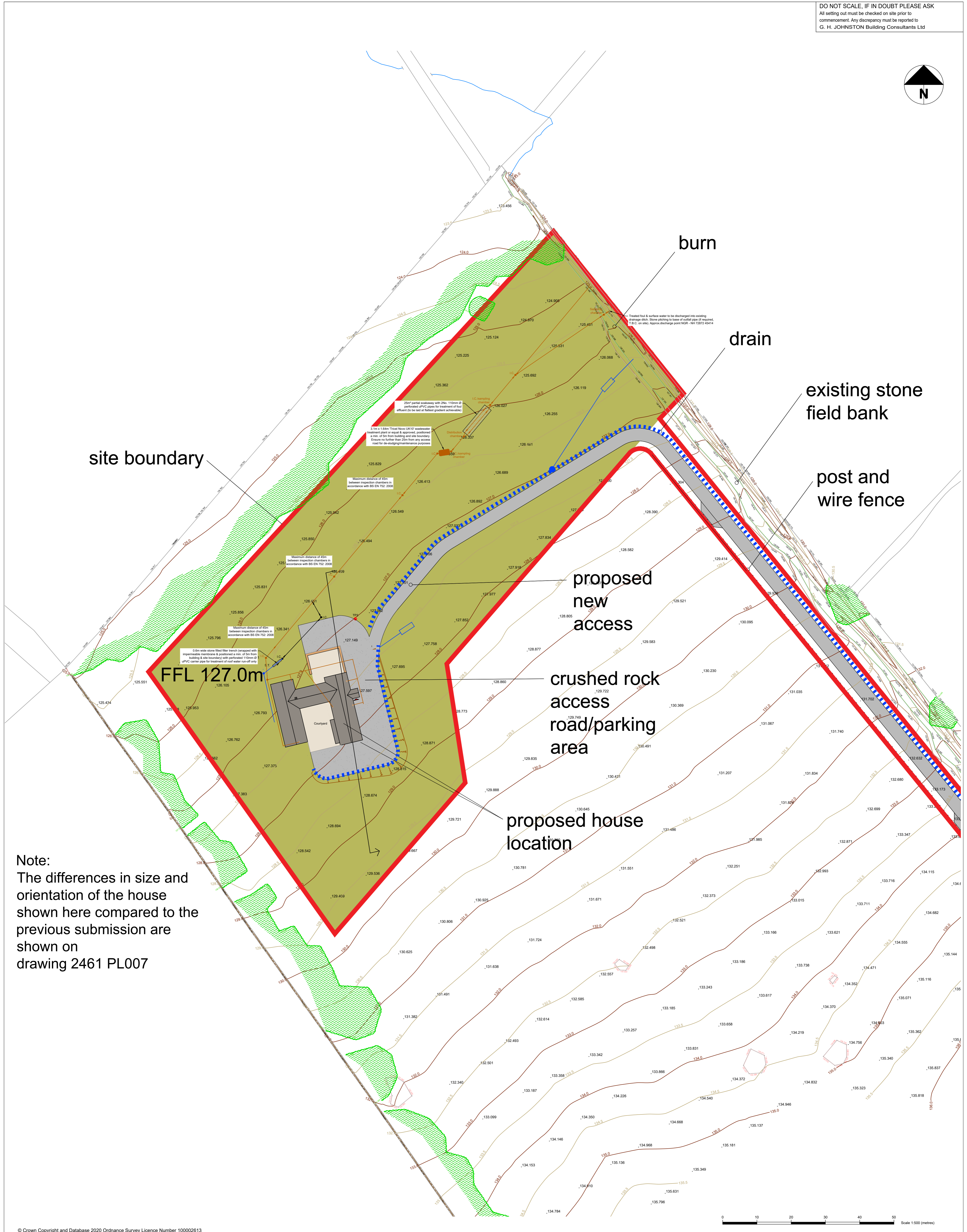
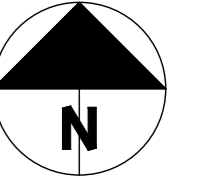
Notes

— Site Boundary
 area : 2.31 ha

— Landownership Boundary

Planning Submission

Client Mr & Mrs C Wares	Scale 1:1250@A1	Date Feb 2020	Drawn by PHJ
	Project no 2461	Dwg no PL002	Rev D
Project Operational Needs Farmhouse Muirfield Farm, Westhill Inverness			
Drawing Overall Site Plan			
G.H.JOHNSTON BUILDING CONSULTANTS LTD WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk TEL (01463) 237229			



Note:
 The differences in size and orientation of the house shown here compared to the previous submission are shown on drawing 2461 PL007

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REVISIONS			
Rev.	Description	Drawn	Date
A	house moved 12m north, lower FFL & reduced house footprint	-	17.12.20

Notes

Client Mr & Mrs C Wares	Scale 1:500@A1	Date Feb 20	Drawn by PHJ
	Project no 2461	Dwg no PL003	Rev A
Project Operational Needs Farmhouse Muirfield Farm, Westhill Inverness			
Drawing Block Plan			
G.H. JOHNSTON BUILDING CONSULTANTS LTD WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk TEL (01463) 237229			

Planning Submission

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 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd

Planning Submission

REVISIONS

Rev.	Description	Drawn	Date
A	house moved 12m north, lower FFL & reduced house footprint	-	17.12.20

Client

Mr & Mrs C Wares

Project

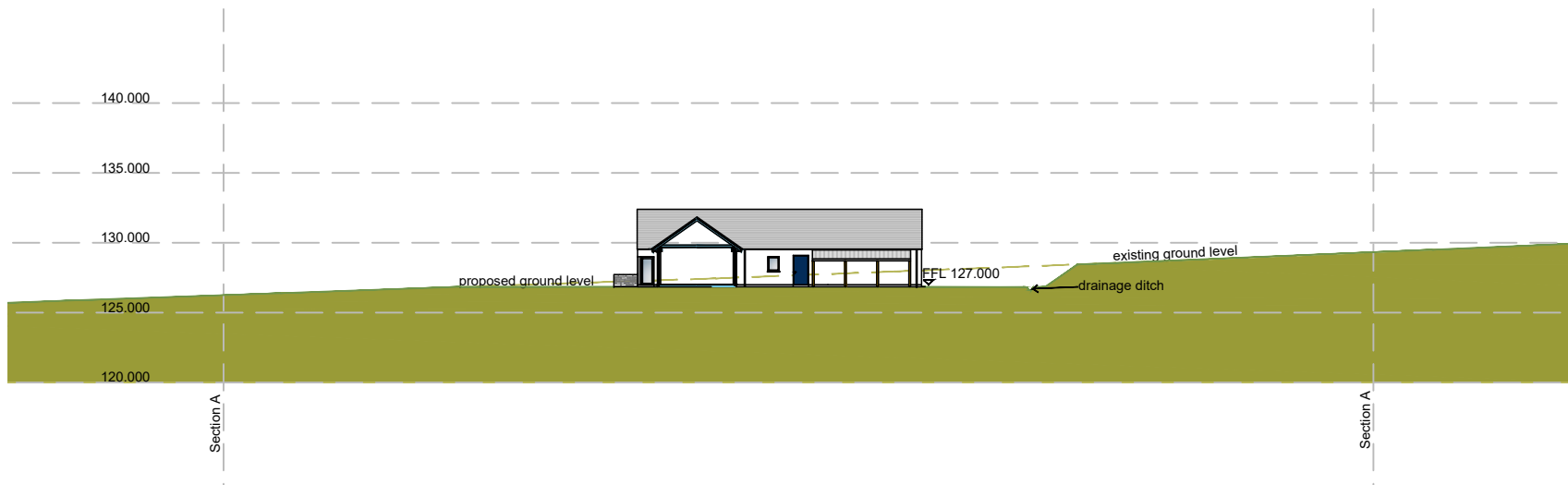
Operational Needs Farmhouse
 Muirfield Farm, Westhill
 Inverness

Drawing

Proposed Site Section

Scale	Date	Drawn by
1:500@A4	Feb 2020	CL
Project no	Dwg no	Rev
2461	PL005	A

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Scale 1:500 (metres)

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 G. H. JOHNSTON Building Consultants Ltd

Planning Submission

REVISIONS

Rev.	Description	Drawn	Date
-	-	-	-

Client

Mr & Mrs C Wares

Project

Operational Needs Farmhouse
 Muirfield Farm, Westhill
 Inverness

Drawing

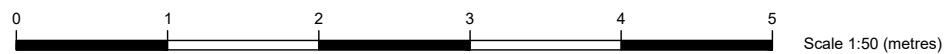
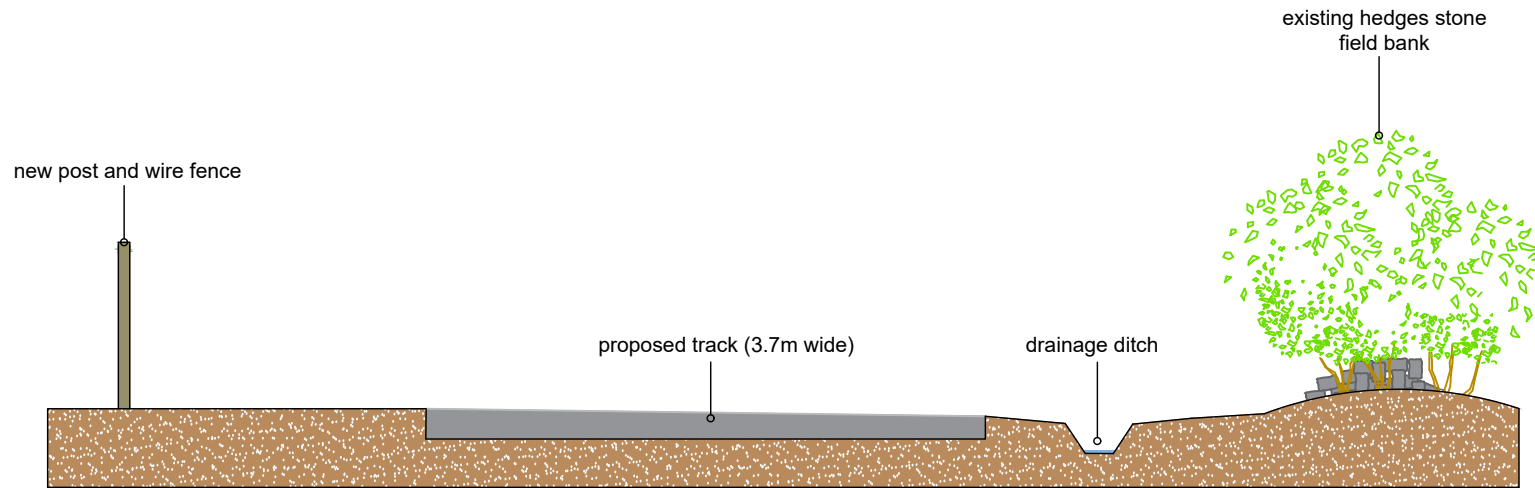
Proposed Track Section

Scale 1:50@A4	Date Feb 2020	Drawn by PHJ
Project no 2461	Dwg no PL004	Rev

G.H.JOHNSTON

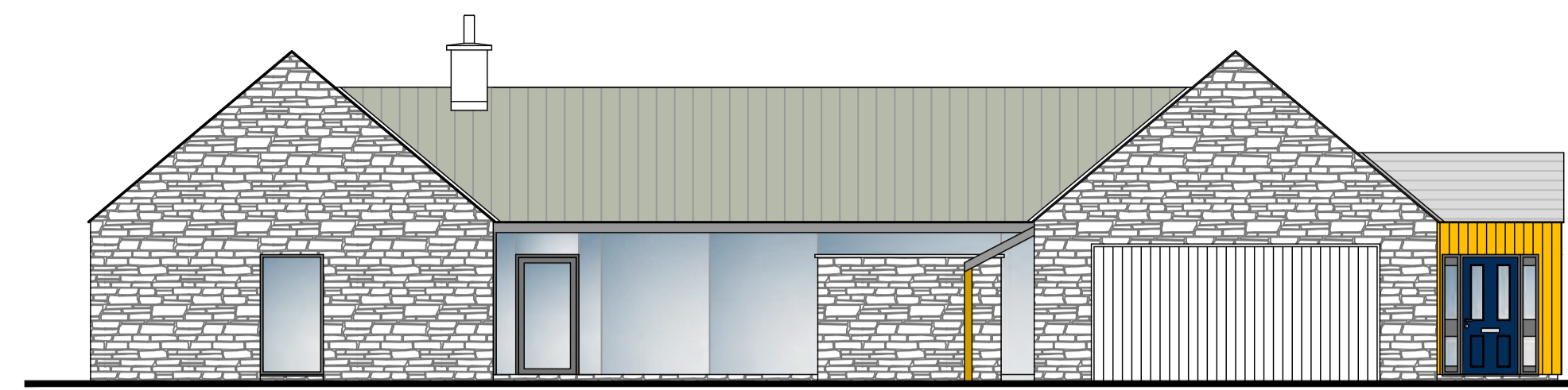
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 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk





NORTH WEST ELEVATION



SOUTH EAST ELEVATION

Key to Materials:-

- KITCHEN WING & BEDROOM WING**
 Roof:- Natural slate, with fireclay or zinc ridge with Code 5 lead valleys
 Walls:- Off White fine textured render
 Basecourse:- Natural stone rubble feature walling
 Off White fine textured render
 Windows:- High performance timber or uPVC in iron grey colour
 Doors:- House Doors:- High performance doorsets with iron grey frame. Colour to be agreed.
 Garage Door:- Sectional overhead door. Colour to be agreed.
 Cladding:- Porch walls clad in Fibre cement planking in gold colour
 Gutters:- uPVC colour black
 Downpipes:- uPVC colour black

Note :

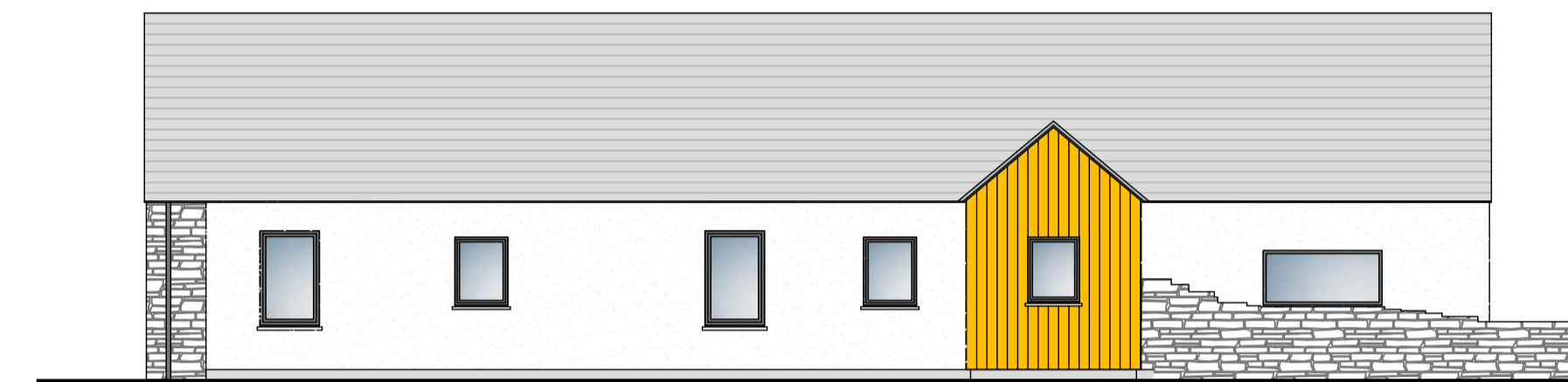
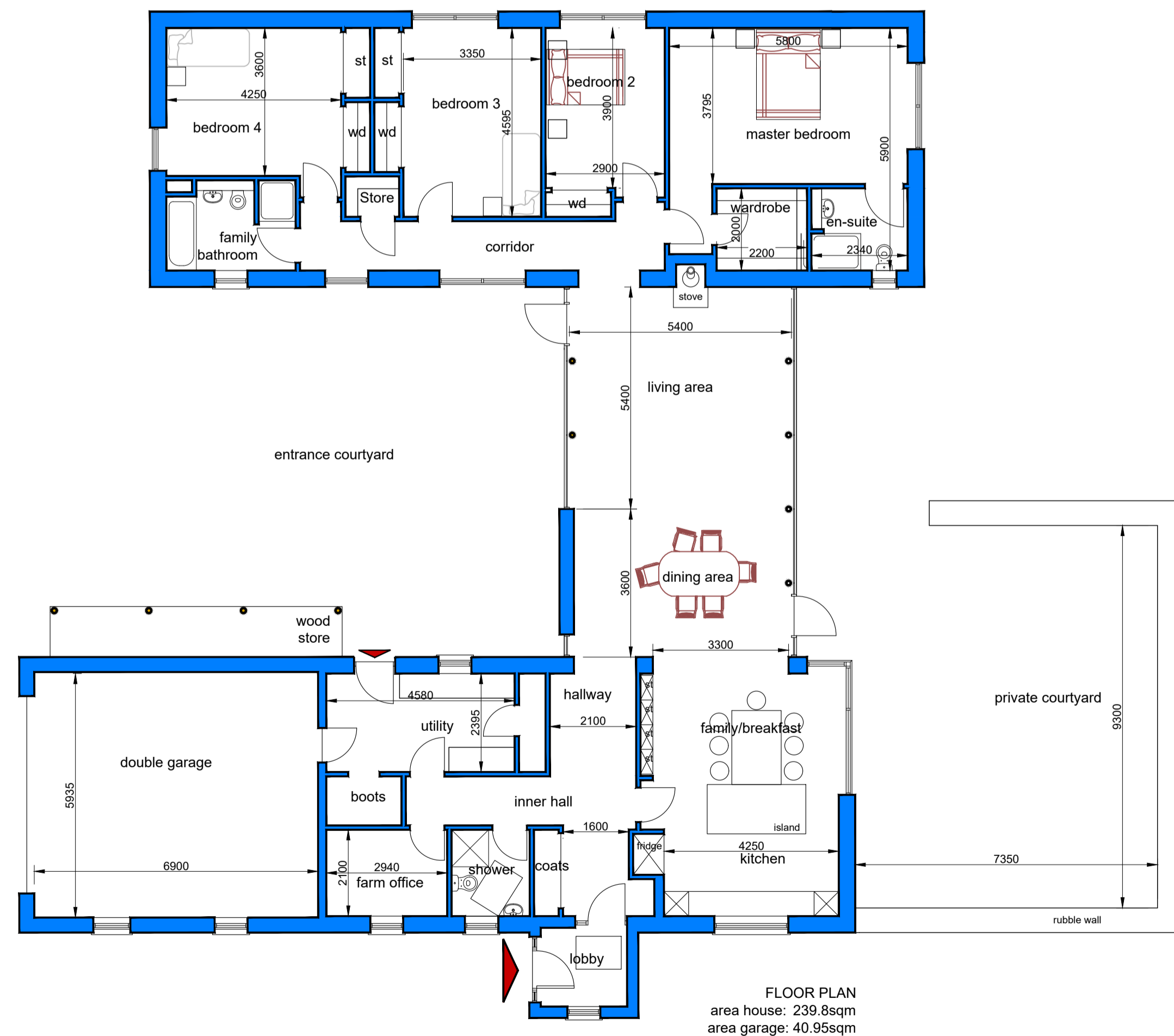
Comparative size of house shown on this drawing and the previous proposal are both illustrated on 2461/PL007.

LINK LIVING AREA BETWEEN KITCHEN & BEDROOM WINGS

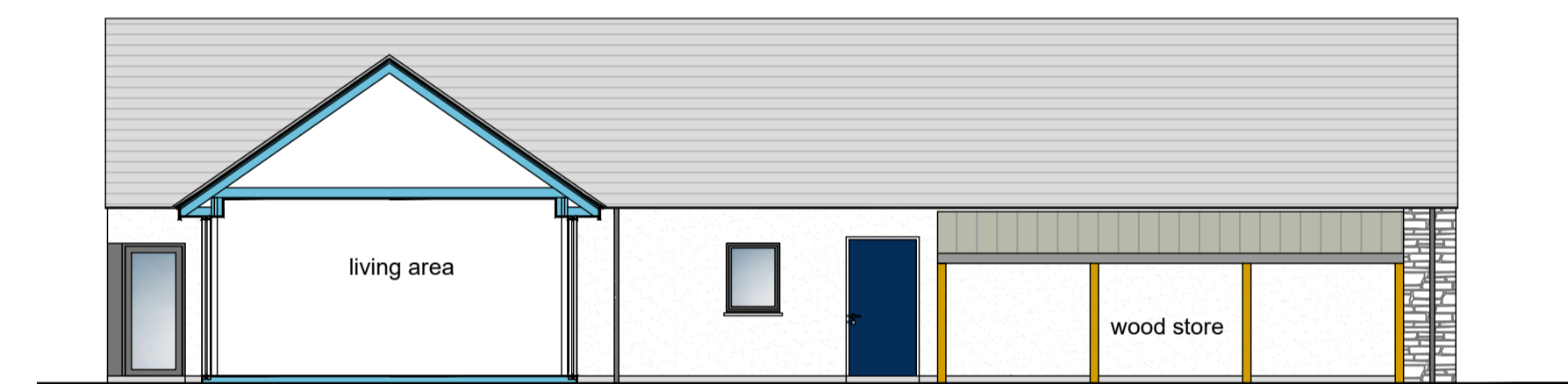
- Roof:- Standing seam zinc roof in SGL rainbow green
 Walls:- Natural Stone feature wall
 Chimney:- Off White fine textured render
 Chimney Pot:- Buff Fireclay, with cowl as required
 Basecourse:- Smooth grey sand cement render
 Windows:- Frameless double glazing with inset doors
 Facias:- Timber in Iron grey colour
 Gutters:- uPVC colour black
 Downpipes:- uPVC colour black

EXTERNAL FEATURE WALLS

Enclosures:- Rubble stone walls reminiscent of stabilised ruins, max 1100mm high.



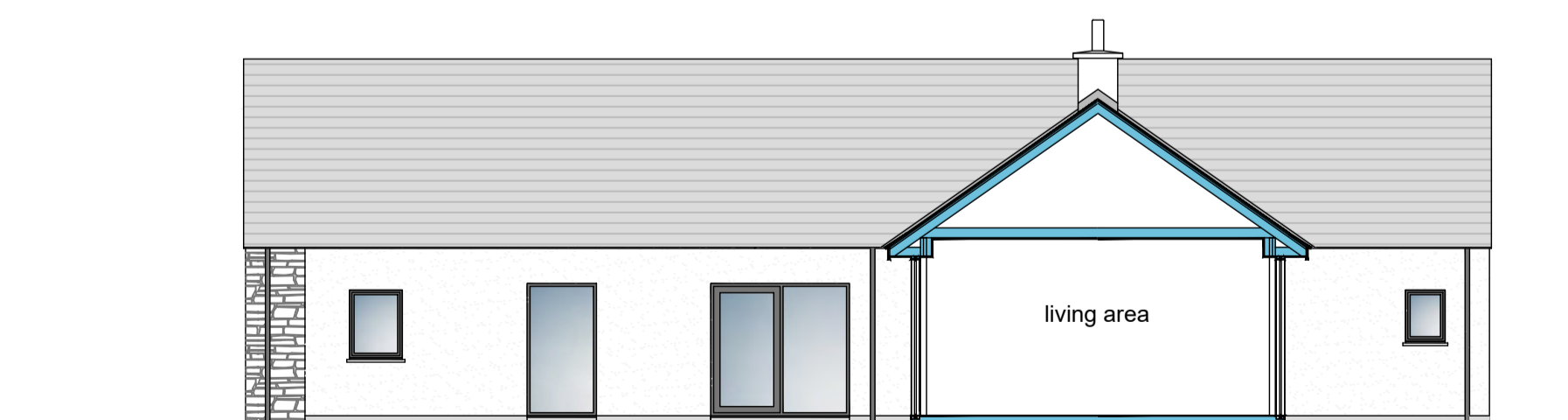
NORTH EAST ELEVATION



COURTYARD ELEVATION TO SOUTH WEST



SOUTH WEST ELEVATION



COURTYARD ELEVATION TO NORTH EAST

PLANNING APPLICATION

REVISIONS

rev.	description	date
A	House mirrored.	14.1.19
B	Omit Bed 4 window & adjust other one	27.2.20
C	Alter Windows in Master Bedroom	28.2.20
D	House layout adjustments & reductions	2.12.20

Client
 Mr & Mrs C Wares

Project
 Proposed New Farmhouse
 Muirfield Farm, Westhill
 Inverness

Drawing
 Floor Plan, Sections & Elevations

Scale	Date	Drawn by
1:100@A1	May 2018	SR
Project no	Dwg no	Rev
2461	PL100	D

