

REFUSAL OF PLANNING PERMISSION

Reference No: 20/01728/FUL

To:
Inverness Paving Ltd
Kilrock
Galcantry
Cawdor
Inverness
IV12 5XS

Per:
HRI Munro Architecture
Per; Andrew Bruce
Willow House
62 Academy Street
Inverness
IV1 1LP

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

DECISION NOTICE

Change of use from equestrian centre to holiday, leisure and hospitality facilities including 13 lodges, cafe/shop, reception, laundry and restaurant
Land at TreeTop Stables Faebuie Culloden Moor 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
Tree Protection Plan	1112-TPP	REV E	06.05.2020
Tree Protection Plan	1112-TPP	REV E	06.05.2020
Access Layout	CTCH-J2023-005		06.05.2020
Visibility Splay Plan	CTCH-J2023-004		06.05.2020
Supporting Information	CTCH-J2023-003		06.05.2020
Drainage Layout Plan	CTCH-J2023-002	REV I	06.05.2020
Proposed Site Layout Plan	03	REV D	06.05.2020
General Plan	04	REV B	06.05.2020
General Plan	05	REV A	06.05.2020
General Plan	06		06.05.2020
General Plan	07		06.05.2020
Proposed Floor Plan	08		06.05.2020
General Plan	09	REV A	06.05.2020
Proposed Floor Plan	010		06.05.2020
Site Layout Plan	012	REV H	06.05.2020
Tree Planting Plan	013	REV D	06.05.2020
Site Layout Plan	014		06.05.2020
Landscaping Plan	157_02		06.05.2020
Site Layout Plan	157_03		06.05.2020
Landscaping Plan	157_04	REV B	06.05.2020
Supporting Information	157_DD_10		06.05.2020

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Drainage	157_DD_11		06.05.2020
Road Layout Plan	157_DD_12		06.05.2020
Supporting Information	157_DD_13		06.05.2020
Landscaping Plan	157_MP_01	REV C	06.05.2020

REASON(S) FOR THIS DECISION

This application is refused for the following reasons:

1. The proposed development would promote unnecessary and unacceptable commercial activity within the boundary of the Inventory Battlefield of Culloden and is contrary to the following:
 - 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 Culloden Muir Conservation Area as it relates to the Battlefield;
 - Policy 28 of the Highland-wide Local Development Plan (Sustainable Design) as the development does not demonstrate sensitive siting;
 - Policy 29 of the Highland-wide Local Development Plan (Design Quality and Place-Making) as the proposed development is inappropriately sited in the Battlefield and does not make a positive contribution to the architectural and visual quality of the place;
 - Policy 57 of the Highland-wide Local Development Plan as the development has not adequately demonstrated that it would not compromise the natural environment, amenity and heritage resource of the Culloden Muir Conservation Area. It will have a have a significant detrimental effect on the Inventory Battlefield of Culloden, which is a heritage site of national importance. It will be partially visible in between the development site and the Battlefield once the commercial woodland has been felled. It has not been satisfactorily demonstrated that the significant adverse effects of this development have been clearly outweighed by any social or economic benefits of national importance;
 - Policy 52 of the Highland-wide Local Development Plan as it has not been satisfactorily demonstrated that there is a need to develop the wooded site and does not offer a clear and significant public benefit;
 - Paragraph 149 of Scottish Government Planning Policy as the application fails to protect, conserve or enhance the 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 Character Appraisal and Management Plan as the application does not overcome the presumption against all development within the designated Battlefield as it is not convincingly supported by the adopted Development Plan or other planning policy and would not result in a development commensurate with the principal designation of the site as a Battlefield;
 - Policy 2 of the planning policies of the Culloden Muir Conservation Area Character Appraisal and Management Plan as the application has not demonstrated that the development will either preserve or enhance the character or appearance of the Culloden

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Muir Conservation Area;

- Policy 3 of the planning policies of the Culloden Muir Conservation Area Character Appraisal and Management Plan as the application has failed to produce a design statement which demonstrates how the development proposals will either preserve or enhance the character and appearance of the Culloden Muir Conservation Area; and
- Policy 8 of the Culloden Muir Conservation Area Character Appraisal and Management Plan 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

None.

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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).

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