

CDS Planning Local Review Body

From: Euan FS Pearson [REDACTED]
Sent: 12 Julv 2024 04:37
To:
Cc: CDS Planning Local Review Body;
Subject: Re: LRB-2024-13 | 21 Perth Road, Stanley PH1 4NQ.

Hello Danny

The Local Review Body has requested the Appellant's comments on Appeal Decisions LBA-340-2029 and LBA-340-2030.

LBA-340-2029 was allowed and Scottish Ministers granted listed building consent for Alterations to Pier and Boundary Wall of the War Memorial. The Appellant accepts this decision and asks that the LRB do so too.

LBA-340-2030 was dismissed and Scottish Ministers refused consent to demolish the Church Hall. The Appellant is aggrieved by this and asks that the LRB not agree with the Reporter's conclusions.

Perth & Kinross Council is the planning authority. The determination of applications for planning permission is the exclusive remit of Councillors (having regard to any scheme of delegation). Councillors are elected to serve constituents/local communities, and take decisions in their interests, (in accordance with the law).

The Local Review Body (LRB) has been asked to review the decision taken by Officers to refuse planning permission for a single multi-use building with outside multi-use games area, pedestrian & vehicular access, and accessible car parking. This community facility is much needed in Stanley and has the support of local people: hence why it is being progressed by Stanley Development Trust, a registered charity.

In undertaking its review, the law requires the Local Review Body (as the decision maker) to have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In coming to its own views on this, regarding demolition of the Church Hall, the LRB is not bound by the decision taken in Appeal LBA-340-2030 nor the personal views of the Reporter.

The Appellant considers that the LRB, in exercising its legal right, as decision maker, has a number of propositions to consider, on the matter of demolition.

(i) The Reporter considers that the Hall forms part of the Listing. She states, unequivocally, that the Hall is attached to the Church. Therefore, both MUST be included in the same 'envelope'. Ergo, as the Church is in use for worship, Ecclesiastical Exemption under Section 54 of the Act applies. The Hall is used for the storage of the Congregation's possessions, including items used in worship. The Reporter DID NOT enter the Hall, and did not examine its contents.

(ii) The Reporter considers that the Hall is listed on the basis that it is mentioned in Historic Scotland's "notes" taken in 2002. The building that is listed, by law, is that named in the statutory address. That is St. Columba's Episcopal Church. Therefore, the Hall is not listed. If it was, the statutory address would have been entered as "St. Columba's Episcopal Church and Hall".

(iii) The Reporter contradicts Herself, stating that She is not required to consider the matter in the context of the Development Plan (or anything else) but then proceeded to do so. The legal test, here, is that of “desirability of preserving”. The LRB can disregard Her ‘checklisting’. She has chosen to reference the National Planning Framework and Historic Environment Scotland guidance, as these were written by Scottish Government divisional/agency staff, and She is paid by the Scottish Government. The reality is that the Hall is in poor condition and beyond economic repair. It is not worth keeping. The fact that the Scottish Episcopal Church has not openly marketed the Hall for sale, is of no relevance to this. The Church is of historic interest as employees of Stanley Mills were required to attend & worship within its walls. That is not the case with the Hall.

In terms of the 1st Proposition, if Ecclesiastical Exemption is applied, then listed building consent is not required. Planning permission would be sufficient to allow the proposed development to commence.

In terms of the 2nd Proposition, if the Hall is not considered part of the listed building, then listed building consent is not required. Planning permission would be sufficient to allow the proposed development to commence.

In terms of the 3rd Proposition, if the LRB considered that demolition was justified, Stanley Development Trust would reapply for listed building consent. Presumably, any such subsequent decision would follow this one.

Decisions taken by the Local Review Body are challengeable in the Courts.

The Appellant has not read anything, anywhere, that suggests that the Scottish Government or Historic Environment Scotland would take such action, if the Local Review Body granted planning permission, in any of these circumstances.

Regards
Euan

Euan FS Pearson MRTPI MRICS