



Planning (Listed Building and Conservation Areas)  
(Scotland) Act 1997  
Appeal Decision Notice

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Decision by Trudi Craggs, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-340-2030
- Site address: St Columba's Episcopal Church, 19 Perth Road, Stanley PH1 4NQ
- Appeal by Stanley Development Trust against the decision by Perth and Kinross Council
- Application for listed building consent (22/02244/LBC) dated 22 December 2022 refused by notice dated 8 December 2023
- The works proposed: demolition of existing church hall
- Date of site visit by Reporter: 18 April 2024

Date of appeal decision: 26 June 2024

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## Decision

I dismiss the appeal and refuse listed building consent.

## Preliminary matters

The statutory address of the listed building is St Columba's Episcopal Church. The description of the west elevation refers to the church hall and there is further mention of it in the notes. Accordingly, I am satisfied that the hall is listed.

Section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 disapplies various sections of that Act to any ecclesiastical building which is for the time being used for ecclesiastical purposes. One of these sections is section 6 which provides that any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, must be authorised. I sought views on whether this would apply in this case.

Historic Environment Scotland's Ecclesiastical Exemption guidance states that church halls are not normally considered to be exempt if they are in a separate building. However if the hall is within the same building envelope as the main worship space, such as a basement, it is possible that it will be exempt.

Here the church hall is attached to the church but it is not within the same building envelope. They are separate buildings with limited shared fabric. It is not possible to access the hall directly from the church itself. Further the hall is not currently used for ecclesiastical purposes; I understand that it has been disused since 1970. Although for safety reasons I was not able to go inside it at the site inspection, looking through the door, it appeared to be used for storage.

The council advised that as the works involve demolition section 54 is not applicable. This reflects Historic Environment Scotland's guidance which states that listed building consent should always be sought for demolition as a building cannot be used while it is being demolished and as such the ecclesiastical use must have finished before any work starts. Taking all this together, I have concluded that the exemption in section 54 does not apply.

There has been considerable debate as to whether the proposal should be assessed as an alteration to or demolition of a listed building. The description in the application form is demolition but the appellant seems to argue that what is proposed is an alteration or 'selective demolition'. In its appeal form it still described the proposal as demolition and it specifically requested that Historic Environment Scotland be consulted. I note that Historic Environment Scotland only has remit to comment on demolition proposals. It has no remit to comment on applications for alterations to category C listed buildings except where the planning authority is the applicant (which is not the case here).

The council's decision describes the proposal as alterations and part demolition of the listed building. The council's conservation team advised that the application should be assessed as demolition and the planning officer duly did so, as set out in the report of handling, but did not consult Historic Environment Scotland.

Historic Environment Scotland advised that both options are potentially defensible but does not give an opinion on which basis the proposal should be assessed. Its guidance, *Managing Change in the Historic Environment: Demolition of Listed Buildings*, states that demolition means the total or substantial loss of a listed building. It goes on to say that even if part of a building is to be retained a proposal may still be considered demolition. This would be the case if the proposed works would result in the loss of the majority of the listed building.

In this case the entire church hall would be lost, which from the drawings appears to be over half of the listed building. Although the church would remain intact (subject to making good any damage to its fabric in the limited areas where both buildings adjoin), on balance, I find that the works would be demolition rather than alterations. Accordingly, I have assessed the proposal on that basis and have adopted the appellant's description.

There is a parallel proposal for planning permission (22/01959/FUL) to demolish the church hall and erect a single multi-use building, an outside multi-use games area, pedestrian and vehicular access and accessible car parking. Planning permission was refused and that decision is currently before the council's local review body for consideration. As part of the development, alterations would also be required to the war memorial adjacent to the church. That application for listed building consent was also refused by the council and subsequently appealed. My decision on that appeal will be issued separately.

## **Reasoning**

1. The determining issue in this appeal is whether there is justification for the demolition of the listed building. In terms of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining this appeal, I must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

2. The council referred to policy 7b) of the National Planning Framework 4 and to policy 27B of the Perth and Kinross Local Development Plan 2 in its reasons for refusal. As this is an appeal against the refusal of listed building consent, I am not obliged to consider this

matter against the development plan, however policy 7b) was useful as was Historic Environment Scotland's guidance, Managing Change in the Historic Environment: Demolition of Listed Buildings.

3. The guidance confirms a strong presumption in favour of retaining listed buildings and an assumption that demolition would only be sanctioned as a last resort when all other feasible options have been discounted. If one of three criteria is met, the loss of a listed building is likely to be acceptable as long as this is clearly demonstrated and justified. The criteria are: the building is no longer of special interest; it is incapable of meaningful repair; or the demolition is essential to delivering significant benefits to economic growth or the wider community. The guidance goes on to note that in some cases the repair and reuse of a listed building is not economically viable.

4. Policy 7b) reflects the above guidance albeit there are some differences. It states that demolition would be supported if one of the following criteria is met: (i) the building is no longer of special interest; (ii) the building is incapable of repair and re-use as verified through a detailed structural condition survey report; (iii) repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; and (iv) demolition is essential to deliver significant benefits to economic growth or the wider community.

5. St Columba's church, which opened in 1889, is a category C listed building. The listing provides a brief description of the building and then gives details of each elevation and the interior, highlighting key architectural features. The church hall was built in 1907 and is sited at a right angle to and attached to the rear of the church. The list description describes it as the rubble church hall but there are no other details. From the photographs and my site inspection I note that externally the church hall is a simple building. Other than the stonework around the main door and the internal open timber roof, which is similar to that of the church, the hall has very few architectural features. This is supported by Historic Environment Scotland's view that its architectural features are of limited interest.

6. The notes to the listing description state that the development of the site was specifically to provide a place of worship for mill workers from England who were required to attend church to retain their employment at Stanley Mills. I therefore consider that the listed building including the hall has historic interest and is still of special interest.

7. The listing carried out in 2002 notes that the church hall was in a poor state of repair. A quinquennial condition survey carried out in February 2016 concluded that the hall was in fairly poor condition suffering from serious structural problems. It recommended that repairs to bulging stonework, the roof structure, the leadwork and the suspended timber floor be carried out. The cost was estimated to be around £70,000 (excluding professional fees and VAT). I understand that none of the recommended works were undertaken.

8. A further structural condition report was carried out in 2023. This also concluded that overall the building is of poor condition for its age and type. The structure is of poor quality and requires extensive remedial works to extend its useful life including the replacement of the suspended timber floor (with adequate ventilation); underpinning the existing masonry walls to provide suitable bearing for the foundations; repointing and partly rebuilding the walls to address movement and cracking; and likely strengthening of the roof to prevent lateral splaying.

9. Although I could only partially see inside the building on my site inspection, from what I did see I have no reason to disagree with the conclusions of these reports. I accept that substantial works would be required. However the evidence does not demonstrate that the building is incapable of repair and re-use. Even though some of the fabric may have to be replaced or parts rebuilt, neither report indicates that complete reconstruction would be required. Further given the limited architectural features, I consider that the repairs could be done without having a consequential effect on the building's special interest and therefore in terms of the criteria in the guidance, the building would be capable of meaningful repair.

10. Although there are no costs in the 2023 structural condition report, the appellant has estimated that to bring the hall back into use would cost in the region of £310,000 - £385,000 (excluding VAT). This includes the essential works identified by the survey as well as other works, for example re-wiring, the addition of toilets, thermal improvements, heating, and redecoration.

11. A full schedule of updated costs would have been useful however given the extent of the works that would be required, the estimated cost range does not seem unreasonable. Nevertheless there is no evidence of what the value of the listed building would be once these works have been carried out and therefore no conservation deficit calculation can be made. As such from the evidence before me I am unable to conclude whether the repairs are economically viable or not.

12. The appellant indicated that the Bishop of St Columba's Episcopal Church has advised that no-one other than the appellant has shown any interest in purchasing the building since 2018. In this context it is not clear what is meant by 'building' (whether only the church hall or the whole listed building). Nevertheless from the evidence before me, I do not know whether there would be any interest in the listed building if it was marketed for sale as there is no evidence that any marketing has taken place.

13. The demolition would be required to redevelop an area to the west of the church (including the land on which the church hall is constructed) as a community sports hub. The appellant states that the hall cannot be meaningfully incorporated into the development proposals and is not suitable for re-use as part of the development. While I accept that is likely to be the case and that the development would provide benefits to the wider community, I am not persuaded that but for the demolition of the listed building the community benefits could not be delivered, particularly given the extent of the overall development site.

14. The proposal would therefore not meet any of the criteria in either Historic Environment Scotland's Managing Change guidance or policy 7b) of the National Planning Framework 4. Based on the evidence before me, the demolition of the church hall has not been justified. I therefore refuse listed building consent.

*Trudi Craggs*  
Reporter