



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

Decision by Simon Bonsall, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-340-2036
- Site address: The Castle Farm, Methven, Perth, PH1 3SU
- Appeal by David Gane, H C Pilkington Trust, against the decision by Perth and Kinross Council ('the council')
- Application for listed building consent 23/01611/LBC submitted 26 September 2023, refused by notice dated 6 June 2024
- The works proposed: demolition of buildings
- Date of site visit by Reporter: 24 October 2024

Date of appeal decision: 27 November 2024

Decision

I dismiss the appeal and refuse listed building consent.

Preliminary

There are differences between the descriptions of development used in submissions. I am using the council's decision notice description, which adequately describes the development to be considered under this appeal. A related application for planning permission including the erection of three agricultural buildings is being considered by the council's Local Review Body.

Reasoning

1. This appeal concerns the demolition of category A listed, by curtilage, steading buildings. Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) (the 'act') requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly, the determining issue in this appeal is whether there is justification for the demolition of the listed building, despite that this would not preserve the building and its features of special architectural or historic interest.
2. The steading is a mix of historic and more recent buildings set between Methven Castle, residential buildings and farmland.
3. Although Section 25 of the Town and Country Planning (Scotland) Act does not apply, parties have referred to national and local policy and guidance, and I have taken these into account in my assessment. Historic Environment Scotland (HES) Historic Environment Policy for Scotland (HEPS) is for the understanding, protection and

enhancement of the historic environment with unavoidable detrimental impact minimised. This is reflected by National Planning Framework 4 (NPF4) policy 7, which includes that potentially significant impacts on historic assets should be supported by an assessment of those based on an understanding of the significance of the asset or place. Policy 7(b) does not support demolition except where exceptional circumstances are demonstrated and reasonable effort has been made to retain, reuse and/or adapt the building. Four considerations are set out to demonstrate this: (i) building is no longer of special interest; (ii) building is incapable of physical repair and re-use; (iii) repair is not economically viable and adequate marketing for a reasonable period has been undertaken; and (iv) demolition is essential to deliver significant benefits to economic growth or the community.

4. These considerations are reflected in the Perth and Kinross Council Local Development Plan 2 (LDP2) policy 27B and the HES Managing Change in the Historic Environment: Demolition of Listed Buildings guidance (the 'HES guidance'). I address the four considerations below.

Is the building no longer of special interest?

5. The council refers to the steading as a curtilage listed building, which the appellant says was not identified in the pre-application response. I note the statutory listing does not describe the steading but that HES consider that the steading is listed. Given this and that a case has not been made that the steading should not be considered to be listed, I do not consider this matter further.

6. The appellant says that only parts of the steading are of interest, given the poor state of the buildings and that deterioration continues.

7. I consider the special interest to be in particular the historic form of the buildings. HES evidence identifies that the plan form and materials contribute to the special interest and I agree. I am satisfied that the historic 'L' plan form of outer buildings is currently legible. I consider the age of the buildings, creating the historic plan form, support a strong setting relationship with the castle, highlighting the historic working agricultural nature of this part of the estate. I observed the courtyard has been infilled by buildings over different periods of time, using different materials. I consider the more modern buildings and materials do not always positively contribute to the historical context of the older buildings, but they do represent a story of more modern farming practice. The oldest stone buildings infilling the courtyard appear to include buildings for housing animals and storage. There is a two storey building in partial collapse that has more domestic features. I observed that the stone buildings frequently contain historic architectural details that reveal the approach to construction, including the stonework, wooden joinery and ironmongery. This forms part of the historic character of the steading. I consider that the current condition and appearance of the buildings does not significantly erode their special interest.

8. Given that complete demolition is proposed, this would be a significant impact on the steading. I agree with the council that an assessment of the impact based on an understanding of the cultural significance of the steading and/or the place has not been provided, contrary to NPF4 policy 7(a). The design statement for the planning application identifies the appellant's view that there isn't an impact on the garden and designed landscape designation but does not provide detail beyond visual amenity to support that. Had I been minded to allow the appeal I would have sought further assessment about these factors.

9. I agree with the council and HES, and find that the steading remains of special interest, in particular the older buildings that create the most historic character.

Is the building incapable of physical repair and re-use?

10. The parties disagree on whether the condition of the buildings means they are incapable of repair and re-use. The appellant's Structural Condition Assessment (the 'Structural Assessment') says that the steading is 'beyond viable economic repair' and is a health and safety risk. However, economic viability is not a factor when considering whether the buildings are capable of repair. The issues the Structural Assessment identifies include: rotting timbers; roof failings and areas of collapse; poor or missing rainwater goods; poor mortar; and some localised masonry failures. The Structural Assessment does not indicate that no original material can be saved or that complete reconstruction would be needed, which I consider means meaningful repair is not ruled out for the buildings. I note that assumptions used in the appellant's Feasibility Report include the complete roof replacement for retained buildings. For buildings 5 and 9 (as identified by the Structural Assessment) the roof appears to be the main structure and has partially collapsed. For both of these buildings, in particular building 9, I consider it reasonable to question whether meaningful repair is possible.

11. I find that the evidence does not clearly demonstrate that most of the buildings are incapable of meaningful physical repair. The lesser potential for meaningful repair of buildings 5 and 9 does not outweigh my overall finding.

12. The appellant, supported by the Agricultural Justification Statement, says that the scale of the current buildings is unsuitable for the farm operation and modern machinery. The appellant finds an ongoing horse stabling use unviable due to building condition. However, as that is a point about the building condition not its nature or form, the use could be viable if the condition of the buildings were improved. No comparison has been provided about the potential area for storage or cattle within the existing steading if repaired, compared to the units proposed as replacement. The appellant considers the location of the steading suitable for agricultural use, in support of demolition. However, I find the location could also support retention of the buildings in agricultural use. Given that the steading includes a mix of building types and ages I do not find that complete demolition is the only way in which modern machinery could be accommodated.

13. The agent's letter to the council dated 18 April 2024 (the 'agent's letter') presents professional advice about alternative uses. This does not clearly demonstrate that the buildings are incapable of physical re-use and the appellant's Feasibility Study considers options where six buildings are retained (with replacement roofs).

14. I find the evidence does not clearly demonstrate that most of the buildings are incapable of re-use.

Is repair not economically viable and has adequate marketing been undertaken?

15. The Structural Assessment opinion that repair is not economically viable, is contested by the council and HES who seek a fuller break down of costs as well as current and projected values.

16. Contrary to the position set out in the agent's letter that private residential use is not compatible with the farm operation, I find the presence of near-by houses, albeit some of which I consider will include farm worker households, means that residential use could be

made compatible with the farm operation. The agent's letter says commercial use is not compatible with the farm operation and would be impacted by it. The 'hidden location' of the site and inadequacy of the access track for commercial vehicles are identified as limitations on the appeal for commercial uses. I consider that not all businesses would require a highly visible location accessible by commercial vehicles of scale. Furthermore, the evidence has not demonstrated that it is not possible to mitigate the impact of alternative uses on farm operations.

17. The Feasibility Report considers two scenarios for alternative uses and provides indicative costings. The agent's letter includes advice about indicative potential end values for residential use. Notwithstanding the indicative nature of the costings and values given, the residential scenario suggests there may not be a conservation deficit for residential use. Insufficient evidence is available for me to form a view on the likelihood of a conservation deficit for commercial use.

18. The alternative scenarios presented have not been tested through marketing activities that would establish if there is a restoring purchaser. I do not consider the need for this is overcome by the professional advice provided about the alternatives.

19. In light of the above, I find that the appellant has not taken all reasonable efforts to adequately demonstrate that it would not be economically viable to repair some or all of the buildings and that no alternative use can be found.

Is demolition essential to deliver significant economic or community benefits?

20. The appellant says that the demolition and new agricultural buildings support the farm's viability and contribution to the local economy, referring to NPF4 policy 29 on rural diversification, which supports development contributing to farm viability. The appellant also highlights the health and safety risk identified by the Structural Assessment. The council and HES say the appellant has not made a case that suggests this consideration would apply to the proposal.

21. I find that the submissions do not clearly demonstrate a significant economic benefit beyond the farm operation. I am satisfied that the evidence and my site visit confirm that a health and safety risk is present, although the evidence does not explore the nature and degree of risk. I consider the risk would be linked to further failure of building structures injuring people on-site. Access to the site is largely unrestricted and it is adjacent to a core path. Although I consider it unlikely that a significant number of people, who may be from the local community, would be put at risk at any one time, injury to an individual could be significant to them. Nevertheless, as the evidence does not include other options to address the risk, I consider that demolition has not been sufficiently demonstrated to be the only means to address it.

22. I find the evidence does not demonstrate the demolition would provide significant economic or community benefits.

23. Overall, I find that the evidence is not sufficient to demonstrate exceptional circumstances for demolition under any of the four considerations. Therefore, the proposal would not be in line with the development plan, HEPS, or the HES guidance.

Other matters

24. While the current state of the appeal buildings does to some extent detract from the setting of Methven Castle when viewed from the north and east, this is mitigated by the largely intact roofs of buildings at the edge of the steading group. From other directions the steadings are partially screened by trees and buildings that are not part of the proposal. I find that the setting of Methven Castle would not be so significantly visually improved by the demolition to justify overturning my conclusion on the four considerations above.

25. I have not attached weight to the brownfield land issue raised by the appellant as that would be a matter for the related planning application.

Conclusion

26. For the reasons set out above, I find that exceptional circumstances for demolition of the steading have not been adequately demonstrated and that its demolition would not preserve the listed building or its setting. I have considered all other relevant matters raised but find none that would alter my conclusion. I therefore dismiss the appeal.

Simon Bonsall

Reporter