

Consultation Title: The Demolition and the use and Adaptation of Listed Buildings

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To: survey monkey

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Scottish Land & Estates (SLE) is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. SLE has members with interests in a great variety of land uses which includes the maintenance of a great variety of listed buildings. We therefore welcome the opportunity to respond to this consultation.

Demolition of Listed Buildings

2. to what extent to you agree or disagree with the specific considerations outlined under the heading 'What to consider first?'

Strongly disagree

Neither agree nor disagree X

Strongly agree

3. please explain your answer

While we consider the key considerations outlined are clearly covered in these paragraphs, SLE is of the view that it is not unreasonable to include financial viability as one of the 'initial considerations'. We appreciate that in most circumstances, every opportunity should be made to find a scheme that makes repair economically viable, however, under some circumstances it can become obvious quite quickly that it will not be economically viable that a building can be retained.

4. does the text provide sufficient clarity over when consent to demolish a listed building should normally be granted or refused?

Yes

No X

The consideration of partial demolition has not been addressed. We have answered this in more detail at question 8.

5. Under the heading ‘economic viability’, the text says that the demolition of a listed building should ‘only be accepted where the application has demonstrated that all reasonable efforts have been made to find a scheme to retain a listed building. The efforts should take in to consideration the significance of the listed building.’ To what extent do you agree or disagree with this wording?

Strongly disagree
Neither agree nor disagree X
Strongly agree

6. Please explain your answer

SLE is generally pleased to see that the guidance recommends a proportional approach to applications. However, we have minor concerns about this wording, namely, there could be inconsistent interpretations of what is ‘beyond the reasonable level of risk’ when referring to the conservation deficit. Discretion is left to the decision maker and we consider this will lead to inconsistent decision-making and complications in the process. We would also prefer to see greater emphasis placed on the balance between the significance of the listed building and the means to pay for its repair.

7. Does the text provide sufficient clarity as to the information required to support a demolition application?

Yes
No X

SLE considers that the document could go into greater detail. For example, where a ‘package of material’ to demonstrate that a listed building is not viable is mentioned we suggest there could be a checklist included detailing what that material is.

We also consider that information on a partial demolition or on the demolition of a building within a group, or one building on an estate with multiple listed assets should be included. For example, one of the recommendations is that before demolition is considered, ‘The building should be marketed openly and transparently’; if said building was a stable block that formed part of a courtyard of a country house, it would often be impossible for that building to be separated from the remaining suite of buildings and sold separately.

8. does the document leave out anything that should be included?

Yes
No

The list of specific cases where demolition might be justifiable looks sensible and adequately qualified, however, there is no mention of partial demolitions, particularly where parts to be demolished are of limited or negative significance. We consider there should be a flexible approach to partial demolitions, particularly where this can unlock the ability to preserve other parts of the building. For example, in the case of steadings it can be more possible and viable to convert a part of a steading rather than all of it in some instances and if sensitively designed, this can breathe new life into at least part of the listed building where complete renovation or adaptation might not have been possible.

This is a particularly important consideration given that under existing legislation the listing of a building automatically covers attached structures and additional buildings within the building's curtilage¹. This raises the potential for planning authorities to consider a decaying garden shed as a listed building, for example, even when the structure has little or no significance.

See also our answer to question 7 relating to the lack of information on how to proceed with applications for demolition for one listed building within a group of listed buildings. We also note there is no mention of health and safety issues relating to listed buildings in a state of disrepair. We would like to see this as part of either initial considerations or as part of the additional detail we have already mentioned. There could also be a strengthening of the final point on salvage. For example, materials should be salvaged for re-use and repair wherever possible.

9. does the document include anything you think is unhelpful or unnecessary?

Yes
No

The Use and Adaptation of Listed Buildings

10. do you think that the document promotes a positive case for the active use of listed buildings?

Yes
No

¹ <https://www.pas.org.uk/wp-content/uploads/2017/04/17.03.17-6-Listed-Buildings-CAs.pdf>

11. we list five approaches to the adaptation of listed buildings to allow continued active use. To what extent do you agree or disagree with these approaches?

Agree x 5

We strongly agree that the best way to maintain the nation's heritage is to make it economically viable.

12. we will publish separately short case studies to help illustrate ways in which listed buildings have been successfully adapted. Do you have any examples that you would like us to publicise?

SLE already publishes a variety of cases studies on our Helping it Happen [website](#), including some which involve adaptation of listed buildings. Please look through these to see if there is anything that might be suitable and if there is any more information HES require please get in touch.

13. does the document leave anything out that should be included?

Yes X

No

It is a concern that the vast majority of the examples of heritage mentioned in the text are urban and institutions when many more examples can be drawn from domestic heritage. While the case studies will help, it is important that the main text is altered, so that the reader is certain that the note refers to adaptive reuse of estate or farm buildings.

Under 'key messages' page 3 bullet 3, we would like to add that this careful consideration and understanding etc. "should be carried out at the beginning before any work begins".

The section on 'why the use and adaptation of listed buildings is important' (p3-4) appears inconsistent about change of use – some sentences seem to see that as a last resort, others advocate flexibility. It is obviously true that changes of use can cause loss of significance. But where the original use has no economic rationale, insisting on its 'continuation' would obviously over time lead to the loss of the building, and thus total loss of significance. Even a semi-viable use is likely to lead to gradual disrepair and loss of significance.

This would therefore benefit from redrafting to give a better balance, for example, on p3, final paragraph, first line, "is almost always" could become "will often but not always", and so on elsewhere.

14. does the document include anything you think unhelpful or unnecessary?

Yes
No X

Managing change guidance notes

15 do you think separating these topics is a good idea?

Yes X
No

We consider the approach taken offers opportunity for applicants to assess their options chronologically by first assessing the use and adaptation of listed buildings then looking at the possibility of demolitions without convoluting the two. However, there should be a clear link between both in the text that accompanies each guidance note, so that there is a clear link for owners / managers looking for all their options.

Separating demolition from change emphasises strongly that the demolition of a listed building is a last resort. The demolition guidance (whether separate or not) needs to cover the general issue of the grey areas between alteration and demolition, and also the specific danger that 'strong presumption against' and 'last resort' policies get applied to partial demolition even where the parts to be demolished are of little, or negative, interest.