



Appeal Decision Notice

Decision by Trevor A Croft, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-270-2013
- Site address: Inverallan Church, Grant Road, Grantown-on-Spey, PH26 3JH
- Appeal by Barry Edmundson against the decision by Highland Council to grant listed building consent reference 21/04872/LBC dated 10 October 2022 subject to a condition
- The development proposed: Alterations to church to create flexible sanctuary for worship and use as a concert/performance venue, including associated meeting rooms and activity spaces, toilets, stairs and lift, provision of social enterprise cafe, alterations to window to create new door and side screens with terrace access
- The condition appealed against is: 1. No photovoltaic panels shall be installed on the Category B Listed Building as part of this permission. Reason: In order to preserve the character and appearance of the Grantown on Spey Conservation Area, and to protect the special architectural and historic interest of the Category B Listed Building.
- Date of site visit by Reporter: 9 February 2022

Date of appeal decision: 3 April 2023

Decision

I dismiss the appeal and refuse to vary the terms of the listed building consent.

Background

Listed building consent reference 21/04872/LBC was granted on 10 October 2022. This permission was for alterations to the church, primarily internal, as set out above. Conditions 2 and 3 concern the detail and timing of the development and are not at issue. Condition 1 relates to an external part of the proposal which is to install photovoltaic panels on the roof. The condition specifically refuses consent for these on grounds relating to the character and appearance of the Grantown on Spey Conservation Area and to protect the special architectural and historic interest of the category B listed building.

An associated appeal PPA-270-2281 against the imposition of a similar condition on the grant of planning permission reference 21/044869/FUL has been dealt with in a separate notice.

Reasoning

1. The determining issue in this appeal is whether condition 1 meets the six tests in Circular 4/1998 The Use of Conditions in Planning Permissions, which apply equally for listed building consents. These are: necessity, relevance to planning, relevance to the development permitted, enforceability, precision and reasonableness in all other respects. I also have a duty imposed by section 14(2) of the Listed Buildings and Conservation Areas(Scotland) Act 1997 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 has been applied. As the site lies within the Grantown-on-Spey Conservation Area I have a duty imposed by section 64(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

2. In this case I find condition 1 clearly meets the tests of relevance to planning and the development permitted, enforceability and precision. This leaves the issues of necessity and reasonableness.

3. The church occupies a prominent location at the head of Church Avenue, which leads south-east from the church itself towards the centre of Grantown. Grant Road and Mossie Road form a continuous road that runs from south-west to north-east across the front of the church, with the name changing at this point – Grant Road to the south-west and Mossie Road to the north-east. The church is of sandstone construction under steeply pitched slated roofs.

4. In plan form the church is in the form of a cross, with the longer arm extending north-west – south-east towards Church Avenue. It terminates at the south-east end in a prominent gable which dominates the appearance of the building when seen from the Avenue. This gable is also the principal entrance to the church, with twin doors sitting within a gothic arch containing inscriptions about the erection of the building in 1884. Above the arch is a window with fine tracery that extends nearly to the point of the gable. The roof itself cannot be seen from the Avenue as it is visually behind the gable.

5. The proposed photovoltaic panels would be located on the south-west side of the roof of this part of the church. It is dominant in views of the church from this direction, primarily from Grant Road. As there would be 45 panels they would take up the great majority of the roof's surface leaving small areas of slate around them. This is shown particularly well on drawing 105 A Elevations as submitted with the original application.

6. The appellant argues that the roof would only be seen from about 20 metres along Grant Road until the front of the building is reached and it is effectively hidden by the gable. It adds that there are numerous examples with the conservation area where panels have been allowed and that in this case modern low profile units would be used, being built into the structure rather than being mounted on top. It is argued that other solutions put forward by the council and Historic Enterprise Scotland would not provide enough energy to support the running of the building but no evidence has been provided to support this.

7. The appellant also notes that Historic Environment Scotland has not objected to the proposal but this is now standard practice for category B and C listed buildings. It states however that its decision not to object should not be taken as support of the proposal. It adds that the south-east and south-west elevations are the most prominent parts of the building and that the solar panels would have an adverse impact on the special architectural interest of the building.

8. This view is supported in the council's report of handling, which states that the location of this installation is not considered to be acceptable with regard to the built fabric of the church and its position within the conservation area. It confirms the suggestion that alternative locations should be examined, noting that the appellant was unwilling to amend this part of the proposal.

9. Drawing all these points together I am satisfied that the proposed panels would be harmful to the special architectural features of the building. The section 14(2) test is not therefore met.

10. With regard to the appearance of this part of the conservation area this derives largely from older properties, many stone built under slated roofs dating back to the Victorian era around the time the church was constructed. More modern buildings are screened by significant tree cover which gives the area a somewhat sylvan charm. Its character is of a well-established residential area in which the many older buildings contribute to this charm. Set against these qualities I consider the installation of the proposed panels would be damaging to the appearance of this part of the area and thus have an adverse impact on its character. The section 64(1) test is not therefore met.

11. I therefore find that that condition 1 meets the test of necessity. I also find that it is reasonable in all other respects and that all the six tests are therefore met.

12. Drawing all these matters together I am not satisfied that I have clear evidence that every effort has been made to consider and assess alternative solutions to the problem, as suggested by Historic Enterprise Scotland. The appellant has consent to proceed with the main parts of the redevelopment proposals and whilst saying that these would not be viable without the panels I do not have sufficient evidence to support this. Further consideration of the panel proposals in discussion with the council would enable a further assessment to take place.

13. Taking everything into account I am not satisfied that a sufficient case has been made out to justify the deletion of condition 1 of the listed building consent. I have referred above at paragraph 12 to a way forward but at present the evidence supports my dismissing the appeal.

14. I have considered all other matters raised but found none that justifies a different decision.

Trevor A Croft

Reporter