



Consultation response
Historic Environment Scotland: draft Demolition and Reuse guidance notes

Date: February 2019

Description: This was a consultation on a proposed guidance notes on demolition and reuse / adaptation.

About us

Historic Houses represents the UK's largest collection of independently owned historic houses, castles and gardens. Our family includes over 1,650 important listed buildings across the country. In Scotland, our Historic Houses places include such diverse houses as Inveraray Castle, Traquair House and Dumfries House.

The historic houses and gardens which Historic Houses represents are not only local heritage landmarks but have also found many ways to keep their houses economically viable. They are embedded in rural communities as major tourist attractions; as small businesses, as well as hubs for other local businesses; as employers and clients; as providers of community space and leisure activities; and of course, as land managers and stewards of rural heritage and landscapes.

Demolition of Listed Buildings

2. To what extent do 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

Historic Houses believes that most of the key considerations are covered in these paragraphs, and that they take the reader clearly through the steps they should follow ahead of working on an application to demolish a listed building.

The one addition that would benefit this section would be to explain that in some cases, the demolition of either part of a building or an associated building can positively impact the significance of the listed asset.

While this iteration of the guidance explains that sometimes buildings may lose their significance, it should also highlight that in some cases, due to previous listing techniques, a building might have been included in a listing without its significance being properly assessed, i.e. a structure in the curtilage of an estate. Under the primary legislation, the listing of a building automatically also covers (a) fixtures, (b) attached structures which at the time of listing were ancillary and in the same ownership, and (c) pre-1948 structures which at the time of listing were ancillary, in the same ownership, and in the curtilage. This happens

simply by operation of law and does not require these fixtures/structures to have 'special', or indeed any, interest. Their interest may be special, or less than special, or nil, or negative. In such cases, it would be appropriate to seek a review of the listing, not because of any loss due to deterioration or later alteration, but because it was not significant in the first place.

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 list of specific cases where demolition may potentially be justifiable looks sensible, and adequately qualified, but one key area is missing; where the demolition of a building or structure would enhance the significance of the other listed building(s), as that building has no significance and was only included in a listing as it was either an ancillary building in the same ownership at the time of listing, or a pre-1948 structure in the same ownership and in the curtilage at the time of listing.

As mentioned in response to the previous question, in such instances a review of the listing should be sought, and if they are deemed to be of no significance, the structures should be demolished.

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 the 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

Historic Houses is pleased to see that this guidance recommends a proportional approach to applications for demolition. However, there is some room for improvement some of the later text. It would be useful to have a clearer definition of what constitutes 'beyond the reasonable level of risk' when referring to the conservation deficit. As this appears to be left to the discretion of the decision maker, it will likely lead to inconsistent decision-making across Scotland, and complications to the process as both owners, project managers and conservation specialist interpret this differently. The reduced number of specialist historic buildings experts in local authority employment across Scotland will increase the risk in this regard. We would welcome further consultation with the sector to more properly define this phrase.

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

Yes
No X

The key information that is lacking from this iteration of the guidance note is information on how it relates to the demolition of a building within a group, or one building on an estate with multiple listed assets. 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. It is not desirable or reasonable that the ownership of the listed buildings be divided in this way. Historic Houses would welcome further consultation with the sector to draft additional text for this guidance note which would cover similar examples.

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

Yes X
No

As we have noted previously, there is a lack of information as to how to proceed with applications for demolition for one listed building that is within a group of buildings, for example a stable block that forms part of a courtyard. Such groupings of buildings are common in Scotland, are often listed, and it would be useful for the guidance to relate to an instance beyond the need to demolish a single listed heritage asset.

Also, as noted previously, there is also no information on cases where the demolition of a building or structure would enhance the significance of the other listed building(s), as that building has no significance and was only included in a listing as it was either an ancillary building in the same ownership at the time of listing, or a pre-1948 structure in the same ownership and in the curtilage at the time of listing.

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

Yes
No X

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 X
No

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?

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agrees	Strongly Agree
Minimal intervention				X	
Adaptation				X	
Extension				X	
Selective demolition				X	
Enabling				X	

Please explain your answers

Historic Houses strongly agrees that the best way to maintain the nation's heritage is to make it economically viable. Often, the best way to do this is to create a conservation and business plan that is as unique as the building is; each of these options is a valid way to conserve Scottish Heritage and there may be others as well.

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

Historic Houses would like to be involved with the case studies and contribute some from Historic Houses places, especially as most of the examples in the text of the current iteration of this guidance note are nearly all urban and institutional. We would welcome more information from HES to enable us to put these case studies together so that they are most useful to other heritage owners and managers.

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

Yes X
No

It is a shame that the vast majority of the examples of heritage mentioned in the text are urban and institutions; while there are undoubtedly many listed hospitals and schools, there are many more listed domestic buildings, ranging from terrace houses to palaces. It would greatly improve the guidance note if there were more examples in the main text of 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 for estate or farm buildings.

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 (Demolition and the Use and Adaptation of Listed Buildings) in separate documents is a good idea?

Yes X
No

Both issues are very separate in their audience. However, there should be a clear link between them made in the text that accompanies each guidance note, so that there is a clear link between the two for owners / managers looking for all their options.

16. As we continue to develop our suite of guidance are there any topic areas you would like to see covered?

17. Any additional comments?

Historic Houses looks forward to continuing to work closely with HES and the rest of the sector in the future to help to develop other guidance notes.