

Scheme to Apply Listed Building Control to
Exteriors of Churches in
Ecclesiastical Use

Guidance Notes

This leaflet supersedes all previous guidance.

Introduction

Many Scottish churches are listed for their historic and architectural interest. They reflect Scotland's history and architecture and are often the most prominent buildings within any community. They should be conserved not only for the benefit of their own congregations and communities but also for the nation at large.

Proposals to adapt any building in a way that may materially affect its external appearance are subject to planning control and require the submission of an application for planning permission to the planning authority. Churches are not exempt from this control.

Proposals to repair or adapt a listed building in a manner that may affect its character require the submission of an application for listed building consent to the planning authority. However, churches in ecclesiastical use are currently exempt from this control, under section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

A voluntary pilot scheme to evaluate the effect of applying listed building control to works proposed to the exterior of churches in ecclesiastical use was run by Historic Scotland in conjunction with planning authorities and the Scottish Churches Committee between January 2002 and December 2004. Having considered the evidence gathered from the pilot scheme, Scottish Ministers agreed that the best way forward for the present was to continue with a voluntary arrangement based on the system tested in the pilot scheme.

This leaflet explains the new voluntary arrangements under the Scheme for dealing with proposals for works to the external fabric of buildings in ecclesiastical use which, were it not for the exemption, would require listed building consent. The arrangements hold true irrespective of whether planning permission would or would not also be required.

Historic Scotland will continue to monitor the effectiveness of self regulation as a mechanism for safeguarding this important part of our heritage and the Scheme will be reviewed every 3 years.

The Scheme has been agreed by Historic Scotland, the Scottish Churches Committee, and COSLA, in consultation with the Scottish Society of Directors of Planning. It will run from 1 January 2006.

Denominations included within the Scheme

The following denominations, being members of the Scottish Churches Committee, are included within the arrangements of the Scheme:

Associated Presbyterian Churches
Baptist Union of Scotland
Church of Scotland
Free Church of Scotland
Free Presbyterian Church
Methodist Church in Scotland
Roman Catholic Church in Scotland
Scottish Episcopal Church
United Free Church of Scotland
United Reformed Church Scotland Synod
(formerly Scottish Congregational Church)

Procedures for the scheme

- Anyone proposing to undertake works to the exterior of a building in ecclesiastical use belonging to one of the above denominations will approach the planning authority to ascertain if planning permission and/or listed building consent under the Scheme is required;
- If planning permission is required, the application will be submitted for consideration by the planning authority in the normal way;
- If, were it not for ecclesiastical exemption, listed building consent would be required, an application for consent will be considered under the Scheme. An application form for listed building consent will be given by the planning authority to the congregation or agent for completion and return to the authority; and
- The planning authority will, except as otherwise required in terms of the Scheme, treat the application for listed building consent exactly as it would any other such application, including advertisement and consulting amenity bodies, as is the normal practice.

Consideration of applications where listed building consent is being sought

There are two possible outcomes from such an application:

Either **(a)** The planning authority and the applicant reach agreement on a proposal.

In the case of category A and B-listed buildings, the planning authority notifies the application to Historic Scotland in order to allow the Historic Scotland Inspectorate to consider the case. If the Inspectorate is content with the proposal, the application will be returned to the planning authority, which will inform the applicant that works may proceed on the basis of the agreed drawings.

In the case of category C(S)-listed buildings, there is no need for the planning authority to consult Historic Scotland. However, the planning authority notifies the Historic Scotland Inspectorate for recording purposes.

Or **(b)** The planning authority and the applicant cannot agree a proposal or, having agreed a proposal, following notification to Historic Scotland, Historic Scotland is not content, and no acceptable compromise can be reached between the three parties.

If the applicant still wishes to proceed with the work, then under the arrangements for the Scheme, the application will be referred by the planning authority to the appropriate 'Decision Making Body' (DMB) within the denomination concerned, along with any written submissions from the Historic Scotland Inspectorate, the planning authority and other parties as appropriate.

The DMB will determine whether the work can go ahead and attach such conditions as it considers appropriate. In doing so, it will be expected to adhere to the guidance contained within the *Memorandum of Guidance on Listed Buildings and Conservation Areas*, (Historic Scotland 1997) which sets out government policy and advice and take into consideration any comments made by the Historic Scotland Inspectorate, the planning authorities and other parties. The applicant will be expected to accept the decision of the DMB and will be granted approval for the proposed works in terms of the decision of the DMB.

DMB

If a denomination has no DMB, a suitably qualified arbiter, acceptable to Historic Scotland, within the denomination, should consider the matter. Each participating denomination should inform Historic Scotland about its DMB or arbiter.

Church interiors

Proposed changes to church interiors are to be dealt with by the denomination under its own scheme of self-regulation involving, where appropriate, its DMB or arbiter.

Further guidance

Informal advice on all matters relating to historic buildings is available to applicants at any stage of the process from the Historic Scotland Inspectorate. Informal discussion at an early stage and site meetings where appropriate are encouraged.

Assessment of the scheme

Planning authorities will copy to Historic Scotland the letter of decision notification on all applications which are submitted to them.

Denominations will inform Historic Scotland and the planning authority of the outcome of all cases which are considered by their DMB or arbiter.

A record will be kept by Historic Scotland of all applications and, an assessment of the scheme will be undertaken by Historic Scotland and discussed with the Scottish Churches Committee, COSLA and the Scottish Society of Directors of Planning every 3 years from 1 January 2006.

**Historic Scotland
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For further advice on the operation of the Pilot Scheme or the ecclesiastical exemption, please contact either Bill McQueen or Robin Evetts at Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH

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Copies of this leaflet are available from Bill McQueen at Historic Scotland at the above address and number or fax: 0131 668 8987