

DECEMBER 23, 2024

Planning and Environmental Appeals Division (DPEA)

Sent by email to: Karen.Cowie@gov.scot

Your ref: LBA-170-2021 Planning Authority ref: 24/1491/LBC

RE. LISTED BUILDING CONSENT APPEAL: HOLYWOOD CHURCH HOLYWOOD DG2 0RH

Dear Karen,

Appellants' comments on Planning Authority's Response, dated 16 December 2024

The appellants respectfully present their observations regarding the planning authority's points of consideration placed before the reporter, in defence of their decision making.

Planning authority's defence

'The history of the bells themselves is not material to the consideration of this application for late Listing Building Consent for their removal. Irrespective of their particular history, as the bells formed part of the fabric of the Category B listed building, their removal diminishes the significance of the former church and the site of the historic Holywood Abbey, which the church replaced.'

This statement is in contradiction to the policy the planning authority employ to justify their decision not to consider the history of the bells, ie.,

*'3.5 The pre-amble to the historic environment policies of LDP2 sets out how and why the historic environment should be protected and how development can be managed. It states that the historic environment can accommodate change, providing it can be carefully and sensitively managed. The degree of permissible change **must be judged on a sound understanding of the historic asset in question and its setting**, and in some cases may not be desirable or possible.'*

The planning authority's defence for its judgement being based 'on a sound understanding' is that;

'it had, undertaken an assessment of the significance of the assets recorded in the Historic Environment Record. This assessment is material (underlined for emphasis) to the Council's consideration of development proposals.'

Material planning considerations, in this instance, concern the impact to the character of the church (not its appearance), within the national planning policy, framework and local development plan. The appellants stress these policies **are not explicit** about the source of the understanding of the character of a building and its fittings. The appellants point out it is not the age nor the connection to the site that is employed as justification for the removal of the bells, but their extreme value, uninsurability, and the exceptional Templar provenance that prevents the bells from being housed in the church safely; a point the planning authority obdurately ignores. This Templar provenance is based on **sound understanding**

obtained through comprehensive and competent research; ‘*Research, discussion and exchange of ideas can all contribute to our understanding of the historic environment. Understanding will improve when information is made widely available, and everyone has the opportunity to contribute to knowledge of the historic environment.*’ (Historic Environment Policy 1). The planning authority may wish to ignore the evidence presented by the appellants as not material to their decision making, but in doing so they present a dereliction of responsibility to consider the whole circumstance surrounding the bells and the site, presenting an indefensible and unworkable decision in the face of fact.

The appellants note, the planning authority confirm (through their response) their discrimination against the appellants’ presented evidence in their decision making, without carrying out any objective and professional appraisal of that vital evidence, even in the knowledge that the existing historic environment record is grossly deficient.

It is proven that recognition of the bells and the site’s extraordinary provenance had been negligently undisclosed by prior incompetent historical assessment and indolent behaviour by previous keepers of the church and bells. This failure is now being amplified by the planning authority’s refusal to consider the evidence; the only sound understanding of the bells and their connection to the site, presented as part of the appellants’ submission. This lack of concern and its harmful consequence, reinforced by the planning authority’s response to the appeal, in context of the underprovided understanding within the Historic Environment Record, has already been demonstrated by the planning authority’s initial previous planning approval for an untenable dwelling conversion in 2013, granted on the church and its bells without a sound understanding of the archaeology present, despite it being recorded within other source data; decisions leading to an unfeasible conservation proposal for the church, and mis-sold to the appellants with delinquent planning approvals (a point the planning authority fail to address in the appellants’ prior petitions to the council), placing the property into risk from disuse because of exorbitant development costs.

The knowledge that the existing historic environment record is deficient is coupled with the council’s understanding *Historic Environment Scotland* (HES) have chosen not to update the building record, in consideration of the appellants’ evidence, not because it is incorrect, but because it did not contradict the **general understanding** of the bells or site; HES concerned with only maintaining their **minimum** legal obligation, within the constraints of labour to maintain a updated property listing.

It is important to note the appellants’ report is not currently lodged within Canmore, the national archive, as it is a live document. Regardless of its absence from Canmore, HES have already confirmed, archived, the report would not inform a single narrative on the building or update the listing.

Planning authority’s defence (cont.)

‘3.6 *The Council is committed to supporting the conservation led management of our rich and diverse historic environment. It will ensure that this is undertaken in a way that promotes sensitive and sustainable development whilst retaining the historic character and quality of the area.*’

The appellants challenge this statement. How does denying a comprehensive understanding of the bells and the history of the site promote sensitive and sustainable development? Instead, the council’s dismissal of a sound understanding deprives the public enjoyment of an enhanced understanding, promoting tourism. With that understanding comes the reality the bells, as priceless artefacts, are unsuitable for retention in the church, unless that church is suitable in terms of security and public access.

‘3.3 *Policy 7: Historic Assets and Places of NPF4 sets out to protect and enhance historic environment assets and places. The stated Policy outcome for Policy 7 is to ensure that the historic environment is valued, protected*

and enhanced and recognising the social, environmental and economic value of the historic environment to our economy and cultural identity.'

The planning authority's decision to reject any consideration that these bells have provenance that elevates them to antiquities of great value and international interest, a solution to a church that would be destined for disuse without that provenance, does not illustrate the council is committed to the objectives set out in Policy 7. Instead, the council's subjective rejection of a sound understanding of the historic asset in question and its setting, by failure to demonstrate their evaluation and assessment of facts and evidence presented by the appellants, over and above an inadequately presented historic environment record cannot, in any circumstance, be considered judicious behaviour.

The council's lack of prudent, objective and professional consideration of the information presented as part of the appellants' application fails to recognise, and disregards, the economic value of the historic environment. This lack of concern for the bells' innate and unique value in terms of medieval history is confirmed by the planning authority's 'suggested conditions'(DGC18) which makes absolutely no allowance for the bells informed understanding and value, and so negligently place the bells, property and the owners at unacceptable risk.

In further consideration of the planning authority's 'suggested conditions', regardless of the planning authority's decision or outcome of the appeal, the appellants do not foresee the bells returning to the church, until such time new appropriate keepers/developers are found for the bells and church, suitable to the recognition and development of the site and bells' extraordinary historical provenance. New owners that can tackle the constraints presented by the significant archaeological challenge required to render the building habitable, useable and publicly accessible in context of health and safety, and offer a secure and protected environment for the bells, commensurate to their value.

In the meantime, the appellants have a duty of care to ensure the sustainability and protection of both the site and bells, placed into their ownership and care, mis-sold to them with a previous errant planning authority decision for development as a domestic dwelling, based on an inexcusable lack of understanding of the site's archaeological constraints. The appellants are thus honour-bound to reject any mal-directed planning authority decision or conditions based on further ignorance of the site rather than its sound understanding.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M Huitson' followed by a long horizontal line.

Mark Huitson and Rachel Bonde

Owners of Holywood Church