



Planning (Listed Building and Conservation Areas)
(Scotland) Act 1997
Appeal Decision Notice

Decision by Ailie Callan, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-170-2021
- Site address: Holywood Church, Holywood, Dumfries, DG2 0RH
- Appeal by Mark Huitson against the decision by Dumfries and Galloway Council
- Application for listed building consent 24/1491/LBC dated 16 July 2024 refused by notice dated 22 October 2024
- The works proposed: late listed building consent for the removal of two church bells

Date of appeal decision: 19 February 2025

Decision

I dismiss the appeal and refuse listed building consent.

Preliminary

The appeal forms submitted name two parties as the appellant, whereas the original application forms name Mark Huitson as the only applicant. I sought clarification regarding the name of the appellant, and this was confirmed to be Mark Huitson.

Reasoning

1. The appellant proposes that listed building consent is granted for the removal of two bells from Holywood Church. I am required by section 14 (2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ('the Act') to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Therefore, the determining issue in this appeal is the effect of removal of the church bells on the special architectural or historic interest of the listed building.

2. I am referred to policy HE1 (listed buildings) of the Dumfries and Galloway Local Development Plan 2 (LDP2) adopted October 2019, the council's statutory supplementary guidance SG42 (historic built environment) dated February 2020, policy 7 (historic assets and places) of National Planning Framework 4 (NPF4) adopted February 2023 and the 2019 Historic Environment Policy for Scotland (HEPS). As this is an appeal against the refusal of listed building consent, the development plan does not have primacy in decision-making. However, the policy and guidance provide an indication of how the council intends to achieve the statutory aims under section 14 of the Act, and I have taken them into account in my consideration.

3. Hollywood Church is a category B listed building located centrally within a walled graveyard and surrounded by farm land and open fields beyond. It is located to the east of Hollywood Village, and around 4km north west of Dumfries. The church is a T-plan single storey church constructed in red sandstone with slate roof. A three stage tower is centrally placed on the southern elevation, flanked by two slim arched windows on each side. The top stage of the tower is formed by a belfry with louvred openings on all four sides, where the church bells were previously hung.
4. The church and graveyard were previously the site of Hollywood Abbey, a medieval abbey which was dismantled or demolished with the stone reused to build Hollywood Church in 1779. The church was listed on 3 August 1971, with supplementary information updated on 6 June 2024. The listing describes the property in detail and includes a description of the two church bells as '...of medieval date from a former abbey church at this location. One bell has an armorial and initials. The other is inscribed.' This description matches the photographs of the bells that have been submitted as part of the appeal. The Statement of Special Interest specifically identifies the contribution the church bells make to an understanding of the earlier ecclesiastical history and development of the site.
5. Hollywood Church was closed for worship and subsequently sold in 2010. Planning permission was granted in 2013 for the redevelopment of the church as a three bedroom dwellinghouse. The appellant purchased the church in 2019. From the submissions, the redevelopment of the church has not commenced.
6. The appellant removed the bells from the church, and subsequently from the site, in 2022 without listed building consent. From the evidence before me, this was initially to enable essential structural work to the timber structure to be carried out, as described in paragraph 3.2.1 of '008 & Ref 003 – Bell Report – 1530025' (also known as 'The Templar Bells of Scotland'). References were also made in this paragraph and in the appellant's submissions 'Ref 002 – Letter from Appellant to Council 15 July 2024 – D&Gc. 150724' and '007 – Supplementary Information – Declaration – 1529876' to the deterioration of the belfry timber floor due to wet rot and an increase in rainwater ingress to the tower. Paragraph 3.2.3 of 'The Templar Bells of Scotland' reiterates that whilst the bell frame was found to be sound, all floors in the bell tower required replacement and timbers to the roof renewed before the bells could be returned. It was the initial intention of the appellant to return the bells to the tower.
7. However, the appellant now intends the removal of the bells to be permanent. Policy 7 of NPF4, HEPS 2019, and policy HE1 of LDP2 all discourage the removal of fixtures and fittings from listed buildings unless it has been shown to be fully justified, would preserve its character, special architectural or historic interest or historic features, and would only be necessary or essential to secure the future of the historic environment asset.
8. The justification provided by the appellant for the permanent removal of the bells from the church has been two-fold. Firstly, the appellant has stated that suspected subterranean archaeology or voids below the existing church building have resulted in a humidity problem which could cause harm to the bells if they were to be reinstalled in the building. Secondly, the appellant's identification of the bells as historic artefacts has, by their account, rendered the bells uninsurable. The appellant states that returning the bells to the building could risk their theft or could result in damage to the bells and the building.
9. In submissions 'Ref 013 – Letter from Appellant to Council 19 December 2023 - D&Gc. 191223' and '007 – Supplementary Information – Declaration – 1529876' the appellant claims that the suspected voids and subterranean archaeology beneath the

church building filled with ground heated water and caused catastrophic humidity problems throughout the church. However, I have no evidence before me identifying the location of the voids. As access to the building was prohibited on health and safety grounds, I was unable to carry out a site inspection to verify the appellant's statements. I note from submissions that historical references to undercrofts and deeper works have been attributed to Holywood Abbey which previously occupied the land within the church yard rather than the site of the church building.

10. A record of humidity readings was provided in Appendix XIV of 'The Templar Bells of Scotland'. However, a primary investigation carried out in 2021 described the bells as being in sound condition (as referred to in paragraph 3.1.1 of the appellant's submission '008 & Ref 003 – Bell Report – 1530025' and submission '007 – Supplementary Information – Declaration – 1529876'). I do not have any information before me which identifies damage caused by humidity which required or necessitated the removal of the bells. I accept that the temporary removal of the bells may have been required in order to restore the wooden structures within the belfry. Even so, this would not justify the permanent removal of the bells or prevent their return.

11. The appellant stated that the removal of the bells to an unspecified location was for security and protection purposes relating to the uninsurable nature of the bells and that the return of the bells to the site could result in their theft. I have not been provided with the location of the bells. The appellant does not intend to return the bells to the church and instead proposes to sell the bells separately from the church. The appellant states that the sale of the bells is essential to enable renovation of the now vacant church but also states that redevelopment of the building as a three bedroom residential dwelling is no longer the intended outcome for the church.

12. In line with HEPS policy 1, NPF4 policy 7 part a) and LDP2 policy HE1, I have taken into consideration the site, its setting and the understanding of the breadth and cultural significance of the bells and Holywood Church. I have taken into consideration the evidence the appellant has submitted to justify the removal of the bells from the listed building and from the site entirely, including the appellant's interpretation of the history of the bells. I have also read all the submissions and evidence before me, including the objections made by Historic Environment Scotland, the comments made by the council's internal consultees and the representation made by an interested party.

13. It is clear from the submissions that there are differences in opinion regarding the earlier history of the bells. However, even with a disputed history it is clear from reading the submissions that the bells were part of the original abbey and that all parties agree that they are medieval in age. However, the matter for consideration in this appeal is not the provenance of the bells but to consider the effect the removal of the bells would have on the special interest of the listed building.

14. In its consultation response dated 11 September 2024, Historic Environment Scotland objected to the proposal on the basis that the removal of the bells has had an adverse impact on the special interest of the building and would not preserve the special interest of the listed building. It also stated that the removal and sale of fixtures and fittings of a listed building to generate money for reuse is not encouraged as this would fail to preserve the interest of the building and the supporting information did not establish that the removal was necessary to avoid greater harm. The council's Archaeologist and Senior Planner (Built Heritage Policy) in their consultation responses shared similar concerns regarding the removal of the bells, and submitted that the appellant had not demonstrated

that the permanent removal of the bells was the only solution and that the adverse impact on the historic significance of the link of the bells to the site had not been justified.

15. Having read the submissions, it is clear to me that the bells are intrinsically linked to the church and form an important part of the fabric of the building and the history of the site. The evidence before me demonstrates that the importance of the bells as a significant special historic feature within the church specifically relates to their history as bells that were originally hung in Holywood Abbey and then subsequently rehung in Holywood Church. The removal of the bells from the church would break this link. From the evidence before me, there are few, if any, visible remains of Holywood Abbey in the vicinity of the church. In my view, this strengthens the importance of the historic link the bells create between the abbey and the church. This would not be preserved by the permanent removal of the bells from the church.

16. I have read the submissions from the appellant detailing his understanding of the history of the bells, and his concerns regarding potential security issues associated with the return of the bells to the church. However, this would not overcome the adverse impact on the listed building and would not preserve the building or the features of historic or architectural interest of the bells or the church. I do not consider that the appellant's financial motivations or potential security concerns arising from his interpretation of the history of the bells provide sufficient justification for the removal of the bells. Furthermore, no evidence has been submitted to show that the building or the bells are at risk of serious deterioration or loss or that the removal of the bells from the church is essential to secure the future of the listed building.

Conclusion

17. Taking all matters into account and for the reasons given above, I find that the removal of the bells would fail to preserve the listed building and the features of special architectural and historic interest which it possesses. Accordingly, I dismiss the appeal.

18. I have considered all other matters raised, but there are none that would lead me to alter my conclusions.

Ailie Callan

Reporter