

Appeal Decision Notice

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Decision by Katrina Rice, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-290-2020
- Site address: Cockpen School House, Cockpen Road, Bonnyrigg EH19 3HS
- Appeal by Mr John C H Barrington against the decision by Midlothian Council
- Application for listed building consent 14/00801/LBC dated 27 October 2014 refused by notice dated 23 December 2014
- The works proposed: installation of solar panels to roof (retrospective)
- Date of site visit by Reporter: 7 May 2015

Date of appeal decision: 27 July 2015

Decision

I dismiss the appeal and refuse listed building consent.

Reasoning

1. Having regard to section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), the determining issue in this appeal is whether the installation of the solar panels preserves the character of the listed building, its setting or any features of special architectural or historic interest which it possesses. I must also consider if there are any other material considerations which would indicate that consent should, or should not, be granted.
2. The 19th century semi-detached school house is a category B building and was listed on 7 March 1997. The school house is part of the listing for the former Cockpen Nursery School, to which it is attached. The solar panels are located on the roof of the principal elevation of the school house. The 12 panels cover the majority of the slate roof.
3. Historic Scotland's guidance note "Managing Change in the Historic Environment – Micro-Renewables" provides guidance for local authorities on how to apply the policies contained in Scottish Historic Environment Policy (SHEP) and Scottish Planning Policy (SPP) when considering applications for listed building consent. It states that wherever possible solar micro-renewable developments should be installed on inconspicuous areas of a roof. It recommends that principal elevations should always be avoided. Historic Scotland has commented in relation to this appeal that such additions should generally be located on secondary and less prominent parts of a building.
4. On my site visit I noted that the solar panels, although partially obscured by vegetation, are clearly visible on the front elevation of the school house from Cockpen



Road. Their reflective nature makes them highly conspicuous. I accept that the panels have been fitted clear of the existing slates in line with Historic Scotland advice in the guidance note and that they are likely to be capable of being removed without damaging the roof surface. However, the majority of the roof on the principal elevation has been covered in a modern, reflective material. I consider that this detracts from the traditional appearance of the slate roof which forms an important and integral part of the original character of the school house.

5. I appreciate that SHEP states that, in general terms, listing rarely prevents adaptation to modern requirements, but it also states that work should be done in a sensitive and informed manner without adversely affecting the special interest of the building. I agree with Historic Scotland that the addition of solar panels to the principle elevation and entrance of the school house has had an adverse impact. Following my assessment on the site visit, I consider that the extent of visual prominence of the solar panels results in a significant adverse impact which is unacceptable. The appellant has offered to remove up to 3 of the lower solar panels but this would not reduce the adverse impact to an acceptable level.

6. It is further suggested that a planning condition could be added, asking for the panels to be removed before a change in ownership. However, planning permission generally runs with the land and it is seldom desirable to provide otherwise. I am not convinced that a personal or temporary permission is justified in this case, given the extent of adverse impact on the character of the listed building.

7. Turning to other material considerations, the appellant contends that he was not aware that the school house was listed and that he was never contacted by the council or Historic Scotland at the time of listing in 1997. He argues that the listed building record is unclear and that both he and his contractors rang the council on a number of occasions before fitting the solar panels and were told that the former nursery school was listed but not the school house. I recognise that the description of listing for the property is headed "Cockpen Nursery School, Sherwood Crescent" and that the postal address of the school house is Cockpen Road. Nevertheless, the first sentence of the description clearly refers to the 4 bay asymmetrical school "and school house".

8. Parties have been unable to produce written evidence of whether the appellant was or was not contacted at the time of listing or was or was not wrongly advised of the building's listed status before the installation of the solar panels. In any event, this does not alter the fact that the school house is listed and has been since 1997. I must therefore determine this appeal in that context. I am also aware that the owner of a listed building can ask Historic Scotland to review a listing at any time or suggest changes to the listed building record.

9. The appellant draws my attention to Scottish Government policy which encourages micro-generation. This has to be balanced against government policy in relation to listed buildings which states that any development which will affect a listed building should be appropriate to the character and appearance of the building (paragraph 141 of SPP). In the context of this case, I am satisfied that the adverse effect of the solar panels on the character of the listed building outweighs the potential contribution to renewable energy generation.

10. In conclusion, I find that the installation of the solar panels does not preserve the character of the listed building, its setting or any features of special architectural or historic interest which it possesses contrary to the statutory test set out in paragraph 1 above, SHEP, SPP and policy RP24 - Listed Buildings of the adopted Midlothian Local Plan 2008, all of which reflect this statutory test. I have considered all other matters raised, such as other modernisation works carried out by the appellant and whether or not the solar panels could be located elsewhere on the roof, but find none which would lead me to alter my conclusions.

11. Finally, I have noted the appellant's comments with regard to the financial implications of removing the solar panels. Financial considerations cannot, however, form part of my consideration of this appeal which must be based on its planning merits.

Katrina Rice

Reporter