



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise a Principal or Assistant Chief Reporter so issues emerging can be considered for future case work

Guidance note:	<b>Appeal on grounds that a building is not of special architectural or historic interest and should be removed from the list.</b>
Relating to:	<b>Appeals against listed building consent decisions and listed building enforcement notices.</b>
Background/ legislative and policy framework:	<p>Section 19(3) of the Planning (Listed Buildings and Conservation Areas) Act 1997 enables an appeal to be made on the grounds that the building is not of special architectural or historic interest and ought to be removed from the list.</p> <p>Section 35(1)(a) states that one of the grounds of appeal in a listed building enforcement notice appeal is that the building is not of special architectural or historic interest.</p> <p>Schedule 3 (paragraph 2(1)) gives the appointed person dealing with an LBA or an LBE delegated powers under section 20(1) and 37(4) respectively to remove the building from the list.</p>
DPEA practice:	<p>Where this issue is raised in an appeal, the reporter must ensure that parties and Historic Scotland have had an opportunity to express their views on this point. Appeals on this ground are relatively rare and are usually allowed only where there has been a material change of circumstances since the building was listed such as to affect in a substantial way the features of special architectural or historic importance for which the building was listed. The Reporter should consider the arguments raised for and against de-listing against the criteria used for listing a building, which are clearly set out in Annex 2 to the SHEP; and, if necessary, seek further information in writing or through discussion at a hearing or inquiry session.</p>
Process:	<ul style="list-style-type: none"> <li>• Appeal received on or including grounds that building should be removed from the list.</li> <li>• Appointed person to ensure Historic Scotland and parties' views on this issue are sought.</li> <li>• Appointed person to examine views and proceed to determine case, seeking further information through written submissions or an oral process as necessary.</li> <li>• Administration team to ensure copy of decision notice sent to Historic Scotland.</li> </ul>