

Directorate for Local Government and
Communities
Planning and Architecture Division :
Planning Decisions



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Our ref: NAL-ABS-001
7 August 2019

Dear [REDACTED]

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND)
ACT 1997
THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
(NOTIFICATION OF APPLICATIONS) DIRECTION 2015
DEMOLITION OF DWELLINGHOUSE AT 11 OLD MARKET PLACE, BANFF**

1. This letter contains Scottish Ministers' decision on the above application submitted to Aberdeenshire by Mantell Ritchie on behalf of Eastside Discount Centre. The application was called-in for Scottish Ministers' determination on 30 January 2019.
2. The application was considered by means of written submissions and a site inspection which took place on 29 April 2019, conducted by [REDACTED] a reporter appointed for that purpose on 29 April 2019. A copy of the reporter's report is enclosed.

Consideration by the Reporter

3. The reporter's conclusions and recommendations are set out in Chapter 5 of the reporter's report. The reporter recommended that listed building consent be refused.

Scottish Ministers' Decision

4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation that listed building consent should

be refused and adopt her reasoning for the purpose of their own decision, which is summarised below.

5. Scottish Ministers are in agreement with the reporter that although there would be substantial challenges in bringing the building back into residential use, not all of the options for retaining this listed building have been explored to the level required to justify demolition.

6. Therefore, Scottish Ministers agree with the reporter and conclude that the proposal would fail to preserve the building as required by Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and that listed building consent should be refused.

7. Accordingly, for the reasons set out in the reporter's report and as summarised above, Scottish Ministers refuse listed building consent for the demolition of dwellinghouse at 11 Old Market Place, Banff.

8. The decision of Scottish Ministers is final, subject to the right, conferred by Sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

9. A copy of this letter and the report has been sent to Aberdeenshire Council and Historic Environment Scotland. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

PLANNING DECISIONS