

**Argyll and Bute Council  
Development & Economic Growth**

**Committee Planning Application Report and Report of Handling in relation to The Planning (Listed Building Consent and Conservation Area Consent Procedure)(Scotland) Regulations 2015**

---

**Reference No:** 23/01369/LIB  
**Planning Hierarchy:** Local  
**Applicant:** Mrs Helen Tomolillo  
**Proposal:** External and internal alterations to former church to form dwellinghouse including formation of opening in boundary wall to provide pedestrian access and associated works  
**Site Address:** Kilmichael Glassary Parish Church

---

**DECISION ROUTE**

Committee - Local Government Scotland Act 1973

---

**(A) THE APPLICATION**

**(i) Work Requiring Express Listed Building Consent**

Various alterations to the B listed Church and Churchyard Wall, including:

- Replacement windows.
- Insertion of heritage rooflights.
- Insertion of stovepipe into the roof plane.
- Roof infill to the eastern section of the building.
- Internal alterations to form a dwelling house, including formation of new partial first floor.
- Alteration/removal of part of northern churchyard wall.
- Installation of heat pump

**(ii) Other specified operations**

- N/A
- 

**(B) RECOMMENDATION:**

Recommend that listed building consent be granted, subject to the conditions contained within this report

---

**(C) CONSULTATIONS:**

In summary, the following consultation responses were received:

Historic Environment Scotland  
Response Issued: 08.08.2023

Welcome that most of the proposed changes are sympathetic to the historic interest and special character of this Category B listed church. However, they further recommend that the existing pulpit and a number of the pews are meaningfully incorporated within the proposed reorganisation of the ground floor.

*Officer comments: The applicant has since acknowledged this and has agreed to the changes to reflect HES comments.*

Argyll and Bute Design and Conservation Officer

Response issued: 26.02.2024

No objections to the physical alterations to the listed structures, but the setting of the listed building would be adversely impacted by the proposed change of use of the building.

*Officer comments: The change of use of the building is associated with the accompanying planning application, reference 23/01369/LIB.*

---

**(D) HISTORY:**

23/01367/PP, Change of use of former church to form dwellinghouse, formation of vehicular access and driveway, erection of garage/carport, formation of opening in boundary wall to provide pedestrian access and associated works, pending.

---

**(E) PUBLICITY:**

The proposed development has been advertised by neighbour notification, local newspaper advertisement, and site notice.

ADVERT TYPE:

Listed Building/Conservation Advert

EXPIRY DATE: 01.09.2023

---

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total of 13 representations have been received:

**3 no. Support**

- Miss Joanna Freeman, 19 Austen House, Amwell End, Ware, SG12 9FW
- Miss Sarah Melville, 269 Chesterfield Road, Staveley, Chesterfield, S43 3SA
- Mr Tim Bedford, 10 Mount Pleasant drive, Old Kilpatrick, Glasgow, G60 5HJ

**10 no. Objections**

- Mr Brendan McMonagle, 3 Gleneagles Place, Kilmarnock, KA1 2FE
- Ms Jade Clark, 1 Brabloch Park, Flat 3/2, Paisley, PA3 4QD
- Mr Ross Cook, 3 Gleneagles Place, Kilmarnock, KA1 2FE
- Mrs Melody Banford, 11 Crescent, Skelmorlie, PA17 5DX
- Mrs Lorna Thorburn, 7 Barga Gardens, Saltcoats, KA21 6GG
- Mrs Anne Gillies, 20 Clamps Terrace, east Kilbride, G74 2HA
- Mr Gary White, 43 Viking Crescent, Houston, Johnstone, PA6 7LQ

- Mr Jamie Thorburn, 7 Barga Gardens, Saltcoats, KA21 6GG
- Mr John Gillies, 20 Clamps Terrace, St Leonards, East Kilbride, G74 2HA
- Ms Marrian Pallister, 13 Balliemore, Kilmichael Glassary, Lochgilphead, Argyll and Bute, PA31 8QD.

Representations are published in full on the listed building consent application file and are available to view via the [Public Access](#) section of the Council's website.

#### **4 Summary of issues raised:**

It should be reiterated that the considerations listed below are only a summary of the representations received and that full copies of representations made are available to view on the Council's website:

#### **SUPPORT**

- Concerned about the building going to ruin; its best purpose is for a single family house as anything else would bring more traffic and noise pollution to a peaceful area. There is already traffic congestion with the primary school;
- Many old churches are converted into houses and the church is so well suited to this. The design is superb and will complement the changes made to the manse next door;
- The graveyard and war memorial will still be publically accessible;
- As a home the building can be brought to life. The alternative would be a public meeting house, community centre, night club or children's play area, which would bring considerable traffic, parking problems, noise, and a far greater likelihood of the graveyard being impacted;
- Converting the church into a home will have the least impact on parking and the graveyard.

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. The issues raised have been addressed in the associated Report of Handling.*

#### **OBJECTIONS**

##### **Disturbance to the graves**

- Excavation and construction works could disturb the graves (including war graves, and historical graves dating back to the 1200s or possibly earlier, and unmarked graves. Kilmichael was the central village and church of the area in ancient times;
- There are no details on how graves will be protected during renovations or longer term;
- There are graves of many forebears of local residents;
- Breaking the boundary wall would disturb graves.

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. The issues raised have been addressed in the associated Report of Handling.*

### **Archaeology**

- Has an archaeological survey been undertaken?

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. The issue raised has been addressed in the associated Report of Handling.*

### **Infrastructure and Services**

- What is the tarmac area to be used for?

**Officer Comments:** *This appears to relate to the proposed vehicular access area. This matter relates to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. This has been addressed in the associated Report of Handling.*

### **Historical Sensitivity and Sense of Place**

- Object because of the proximity of the graves to the church subject to the change of use to a dwelling house;
- The graveyard would effectively be someone's back garden and access through the church yard would require walking over graves;
- Graves not visible may be affected;
- Ground source heat pumps generally require digging significant depth. Graves near this part of the scheme are both in close proximity and have historic value;
- The proposed sewerage drain would affect unmarked graves.

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. The issues raised have been addressed in the associated Report of Handling.*

### **Alternative Change of Use**

- There surely must be another way to preserve the church.

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. This issue raised has been addressed in the associated Report of Handling.*

### **Access**

- Concerns of public access to the graveyard being prevented.

**Officer Comments:** *The above matter relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. This issue has been addressed in the associated Report of Handling.*

### ***Compatibility of the proposed use and graveyard***

- There would be desecration of the graveyard ground;
- As the proposer is not the owner of the relevant land, there is no mention of arrangements for graveyard maintenance;
- The proposed escape window will exit onto a grave;
- If the proposal is accepted, what happens in relation to public parking?
- The site planning drawing does not in any way show the extent and number of graves wrapped around the church;
- The noted pre-application discussion only related to the additional ground outside the wall. Was this the wrong point to discuss the graveyard ground disturbance and building work?
- It is extremely disrespectful to the people buried that this may no longer be a place of peace and tranquillity.
- There is nothing preventing residents using the ground as they wish.

**Officer Comments:** *The above matters relate to the proposed change of use which forms part of the accompanying planning application 23/01367/PP. The issues raised have been addressed in the associated Report of Handling. No request for formal pre-application advice was submitted to the planning authority.*

---

#### **(G) SUPPORTING INFORMATION**

##### **(i) A Design or Design/Heritage statement:**

None.

- (ii) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  No

---

#### **(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:**  No

- 
- (i) (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**List of all Development Plan Policy considerations taken into account in assessment of the application.**

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 7 – Historic Assets and Places

**[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)**

**High Quality Places**

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment  
Policy 16 – Listed Buildings

- **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**
- Third Party Representations
- Consultation Responses
- Planning History
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

---

**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:**  No

---

**(L) Has the application been the subject of statutory pre-application consultation (PAC):**  No

---

**(M) Does the Council have an interest in the site:**  Yes

The surrounding graveyard is managed by Argyll and Bute Council.

---

**(N) Requirement for a pre-determination hearing:**  No

---

•  
**(O)(i) Key Constraints/Designations Affected by the Development:**

- Kilmichael Glassary Parish Church, Kilmichael Village Category B Listed LB11033
- Kilmichael Churchyard Wall Category B Listed, Kilmichael Village LB11034

**(P) Summary assessment and summary of determining issues and material considerations**

Listed building consent is sought for a number of external and internal alterations to Kilmichael Glassary Parish Church (Category B Listed) and Churchyard Wall (also Category B Listed) as part of a proposed conversion of the church to a dwellinghouse.

Whilst the proposed change of land use to a dwellinghouse requires planning permission, it does not require listed building consent. As such, the assessment of the proposed change of land use is contained within the Report of Handling for planning application reference 23/01367/PP, which is also before members today. In this light, it is noted that a significant proportion of the representations received in response to this listed building application raise points more relevant to the accompanying planning application rather than this proposal. Such matters are addressed in the Report of Handling associated with the accompanying planning application (ref 23/01367/PP).

This application for listed building consent relates solely to the physical changes proposed to the Church and Churchyard Wall. In considering such applications Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the Act) is of particular relevance and sets out “*in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

Development Plan policies of particular relevance to listed building consent applications include NPF4 Policy 7, and LDP 2 policies 15 and 16. These policies broadly seek to ensure that alterations to a listed building preserve its character, special architectural and historic interest and setting.

For the reasons set out in Appendix A, it is considered the physical alterations proposed to both the listed Churchyard Wall and Parish Church building would preserve the special interest of both listed building/structures and its setting. On this basis, subject to conditions, officers consider that the proposal would meet the requirements of Section 14 of The Act and the above noted policies. As such, it is recommended that listed building consent is granted for the proposed alterations.

A full report is provided in Appendix A.

---

**(Q) Is the proposal consistent with the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Development Plan:  Yes**

---

**(R) Reasons why listed building consent should be granted :**

The proposed physical internal and external alterations would preserve the special interest of Kilmichael Glassary Parish Church (Category B Listed) and Churchyard Wall (also Category B Listed) and the respective settings. As such the proposed works would be consistent with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP2 policies 15 and 16, and the relevant requirements of NPF4 Policy 7.

---

**(S) Reasoned justification for a departure to the provisions of the Development Plan**

**N/A**

---

**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**

No

---

**Author of Report:** Jennifer Campbell & Bryn  
Bowker

**Date:** 06.08.2024

**Reviewing Officer:** Sandra Davies

**Date:** 07.08.2024

**Fergus Murray**  
**Head of Development & Economic Growth**



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF NO. (23/01369/LIB) (****Standard Time Limit Condition** (as defined by Regulation)**Additional Conditions****1. LIB - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 13.07.2024, supporting information, and the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	2906/103		14.07.2024
Existing Floor Plan	2906/103		14.07.2024
Existing North Elevation	2906/106		14.07.2024
Existing South Elevation	2906/104		14.07.2024
Existing West Elevation	2906/105		14.07.2024
Existing East Elevation	2906/107		14.07.2024
External Stair Sections A-A and Existing Proposed	2906/117		27.07.2024
Proposed North Elevation	2906/112		20.07.2024
Proposed South Elevation	2906/110		20.07.2024
Proposed West Elevation	2906/111		20.07.2024
Proposed East Elevation	2906/113		20.07.2024
Proposed Ground Floor Plan	2906/108		14.07.2024
Proposed First Floor Plan	2906/109		14.07.2024
Proposed Site Plan	2906/102		20.07.2024
Rooflight Detail	CR_CRSF_LS_B		20.07.2024
Rooflight Technical Data Sheet	Form QD349		20.07.2024
Window Details, Heritage System Data Sheet	BR_IS25 Rev G		20.07.2024
Window Schedule 1-2	2906/118		20.07.2024
Window Schedule 2-2	2906/119		20.07.2024

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

This consent will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).]

2. The proposed works shall not commence until a detailed scheme to demonstrate how the existing pulpit and pews are to be incorporated into the proposal has been submitted to and approved in writing by the Planning Authority.

Thereafter the proposal shall be completed in accordance with the approved details.

Reason: In order to safeguard the special interest of the Category B Listed Parish Church.

#### **ADDITIONAL NOTES TO APPLICANT**

- The proposed physical internal and external alterations would preserve the special interest of Kilmichael Glassary Parish Church (Category B Listed) and Churchyard Wall (also Category B Listed) and the respective settings. As such the proposed works would be consistent with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP2 policies 15 and 16, and the relevant requirements of NPF4 Policy 7.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/01369/LIB</b>
<b>LISTED BUILDING APPLICATION ASSESSMENT</b>	

## 1. Site, Surroundings, and Proposed Works

- 1.1. Kilmichael Glassary Parish Church and its Churchyard Wall are both Category B Listed Buildings respectively. The site of the proposal is located on the north east edge of the settlement of Kilmichael Glassary. The site is situated within an area predominantly residential in use, including detached and semi-detached dwellings. The surrounding landscape to the east and north of the church and graveyard has a sloping gradient where the landscape is open and agricultural in nature. The Church is currently not in use.
- 1.2. With reference to the listed building entry compiled by Historic Environment Scotland (HES) for the Parish Church, the Church is dated as 1827 (rebuilt in 1873) noted to be Gothic Revival in architectural style. The Statement of Special Interest published by HES states '*Ecclesiastical, in use as such. Probably on site of ancient chapel of St. Michael. (As centre of Glassary lands of powerful family of Campbell of Auchinbreck (in Kilmodan) Kilmichael was once the most important village in Parish)*' [sic]. With reference to the listed building entry for the Kilmichael Church Yard Wall, limited details are in the entry provided by HES. However, officers are of the view that it is an attractive wall in of itself, which derives its particular special interest from its close association with the Parish Church, which it bounds.
- 1.3. Various alterations to the Church and Churchyard Wall are proposed and include replacement windows; the insertion of heritage rooflights; the formation of a stovepipe in the roof; a roof infill alteration to the eastern section of the Church building; internal alterations to form a dwelling house (including formation of new partial first floor); the alteration/removal of part of northern churchyard wall and the installation of a heat pump
- 1.4. The proposed change of use of the site to a residential use, alongside servicing infrastructure and proposed garage, parking turning and vehicular access require separate planning permission and do not require listed building consent. The assessment of the proposed change of use is contained within the Report of Handling for planning application reference 23/01367/PP, which is also before PPSL members today.

## 2. Statutory Duty and Development Plan Policy

- 2.1. LDP2 policies 15 and 16 'Listed Buildings' and NPF4 Policy 7 'Historic Assets and Places' are also of relevance to the principle of development.
- 2.2. Beginning with NPF4 Policy 7, of particular relevance is criterion c) which of relevance sets out that development proposals for the alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.
- 2.3. LDP 2 Policy 15 comprises the Council's development plan policy for the historic built environment, and of relevance sets out that proposals will not be acceptable where they fail to protect, preserve, conserve or enhance the special characteristics and/or cultural significant of the historic built environment in terms of its location, scale, form, or design.

2.4. LDP2 Policy 16 relates specifically to Listed Buildings, and of relevance sets out that proposals which affects a listed building will only be supported where it respects the original structure in terms of setting, scale, design and materials and it confirms to national policy and guidance.

### **3. Whether the proposed works would preserve the special interest of the listed buildings**

3.1. The proposed replacement windows and are considered sensitive to the ecclesiastical character of the Church. The rooflights would be modest in extent, sensitively placed and utilise a heritage design. Other elements of the proposed works (small infill roof extension, formation of stovepipe, installation of heat pump) are minor in scale and would represent discrete additions to the building. Whilst a section of the Churchyard wall would be removed to allow pedestrian access to the northern section of the site, the extent removed is very minor in extent.

3.2. It is also noted that the Council's Design and Conservation Officer has raised no objections to the proposed physical alterations to the proposed works, although concerns are raised regarding the proposed change of use and its resultant effect on the setting of the Church. As the proposed change of use is a matter that requires planning permission and not listed building consent, this matter is further assessed in the associated planning application (ref 23/01367/PP). HES have raised no objection to the proposed works, but do request that the existing pulpit and a number of the pews are meaningfully incorporated within the proposed reorganisation of the ground floor. The applicant has agreed to this request, and this is a matter that could be secured by way of condition.

3.3. Overall, individually and cumulatively the proposed physical internal and external works would preserve the character and special interest of the Category B listed Church and Churchyard Wall. As such the proposal would be consistent with Section 14 of The Act, and the relevant requirements of LDP2 policies 15 and 16, and NPF4 Policy 7 insofar as it relates to this matter.