

3. THE CASE FOR THE APPLICANT

3.1 THE BACKGROUND AND CONTEXT OF THE APPLICATIONS

The applicant, previous projects and experience

3.1.1 Mr N A Campbell, the major (98%) shareholder and Managing Director of DML and of AGL, and a director of Thaw and Campbell (Contracts) Ltd, states that he has nearly 38 years of experience in all types of building and civil engineering work. Projects include the restoration and refurbishment of older and historic buildings, and new build schemes. Some have won awards. That experience makes him fully qualified to develop Rowallan in a sympathetic and meaningful way that will preserve, but allow the use of, the buildings and surrounding landscape on Rowallan Estate for successive generations.

3.1.2 The witness states that he has acquired in-depth knowledge of stonework, including on restoration projects at Glasgow Cathedral, Paisley Abbey, and Culzean Home Farm, and has become competent in a wide range of woodwork. He worked on the refurbishment and restoration of Ardlamont House, Tighnabruaich, where intricate wood panelling and plaster ceilings had to be taken down, extensive dry and wet rot eradicated, the interiors replaced, and stonework and features replaced and indented. Other prestigious restoration projects include the North and South Rotundas at the SECC in Glasgow, which AGL saved from demolition, and formed into restaurants and bar complexes. A water and sewerage project in Saudi Arabia in 1989 involved placing water supply pipes around Jeddah, where numerous types of archaeological remains were encountered. These had to be photographed and documented using best practice and techniques almost the same as those advocated in the Valletta Protocols.

3.1.3 On a personal level, the witness spent the summer of 1972 at the Silbury Hill archaeological dig. He has also completed the preservation and refurbishment of his own home, Hareshawmuir. A full archaeological survey carried out on that site culminated in the discovery of a Bronze Age stone cist. The fact that Rowallan Castle was indeed a Campbell Castle from the early 18th century, until it was sold to the Corbetts, also makes it also of personal interest.

3.1.4 DML was established in 1995 to form joint ventures with other development companies. It completed the Tulip Street Retail Park in Leeds, subsequently sold to Norwich Union for £22m, and has recently successfully negotiated to purchase the whole of Gourrock Waterfront. In a joint venture with Inverclyde Council, Cal-Mac, Railtrack plc and GMI, it has now applied for an agreed planning permission for a £50m development. That project will rejuvenate Gourrock and Inverclyde as a prime tourist, retail and commercial centre.

The ownership and development of Rowallan Estate

3.1.5 Alexander George & Co (Investments) Ltd, part of the AGL Group, purchased Rowallan Estate in January 1990 from Lord Rowallan's Trustees. At that time, the estate comprised approximately 120 ha (with an option on an additional 240 ha). The assertion in

the HS statement of case that the estate was sold in 1995-96 is untrue and its allegation that AGL was in serious financial difficulties at that time is potentially defamatory. What actually happened was that title to the estate, including the castle, was transferred to DML in 1997, because the witness wished to proceed with a joint venture with operators for a hotel, golf and leisure developments and DML is his development company. The timing of the transfer was prompted by the refinancing of AGL's bank loan, due to changes in bank ownership and policy. The terms of the original loan were renegotiated at the same time, with a saving to AGL of almost £800,000. The transfer was done then, to be seen as an arm's length negotiation for the bank's shareholders. DML therefore owns the estate, including the castle. Borrowing is outstanding, and will be repaid in the early stages of the housing, golf, and hotel development, if it comes to fruition.

3.1.6 DML has no intention of selling any of the estate, other than the housing site, and has, in fact, extended its ownership to 140 ha (the area edged blue in EAC/1) with a further 260 ha under option. The alleged "sales particulars" (HS/24) were prepared to gauge interest from developers in becoming involved in the housing and leisure scheme, because Savills is not authorised to advertise an investment opportunity. The section 75 agreement relating to the 2001 permission has been executed, and reserved matters are being discussed with EAC. A complex package to fully fund the various stages of development is almost complete and the sale of the housing site to a housebuilder is on the point of concluding. A number of listed building consents had been granted for alterations to the Lorimer House prior to the 2000 inquiry. Some of these have been partly implemented, at a cost of £2.6m to date, and remain extant.

3.1.7 DML would fund the entire development (less the housing). The hotel and golf components, which it is intended will open by summer 2004, would be leased to specialist operators through 2 shell companies, Rowallan Ltd and Caledonian Golf, which have been formed for that purpose. The housing would be phased. The concern expressed by HS in its statement of case that the castle could become separated from the main development, with consequent problems for future management, contradicts its wish to retain management for itself.

The use proposed for the castle

3.1.8 It is proposed that the castle would become the occasional centrepiece of the hotel development centred on the Lorimer House. It would be leased to the hotel operator, on a long lease, which would stipulate how the castle could be managed and used. A £50,000 performance bond would be written into the contract. An alternative plan, whereby title to the castle would be passed from DML to a family trust, with sufficient cash assets to carry out the works, would be put into action when the applicant is absolutely clear about the path the development is to take. DML, or the trust, would hold about 10% of the letting fees, to fund maintenance in perpetuity. Through these arrangements, a "pyramid" would be created, with DML at the top.

3.1.9 The lease would allow the hotel operator to let the 16th century area of the castle, as one unit, on a year round basis. Occasional functions, such as weddings, could also take place. It would not be a Class 7 (hotel) use but one of five separate lettable units on the estate, the others comprising the gardener's and coachman's cottages, the gamekeeper's

cottage, and the engine house. These units would let on the same lines as estate houses at Skibo. No food would be cooked on the premises, but a vehicle would be provided so that guests could travel to the main building to dine. Alternatively, guests could chose to have fully cooked meals delivered by a specially equipped hotplate van. Linen would be brought from the hotel. Luggage would be taken direct to rooms. There would be no live-in staff. Discussions are underway with 4 top hotel companies and the witness has no doubt that the proposal will be highly attractive to a hotel operator. Letting would be a high revenue source and DML has provisionally pitched the rental for full board, dinner bed and breakfast at £5,000 per night, to include a butler and maid service.

3.1.10 Car parking for guests and for other visitors to the castle would be provided in the new car park to be created for the golf club, adjacent to the walled garden. This would allow visitors to travel up the drive, past the castle, and to take in its magnificent setting. They would then disembark, walk down through the walled garden and yew tree walk, and into the restored formal garden.

Public access

3.1.11 DML proposes to make the main grounds, the ruinous part of the castle, the Mure clan room and museum in G3, and the courtyard, accessible to the public when the estate is open to other users. In practice, that should work out to be every day of the year. It is also willing to enter into an agreement whereby the remainder of the castle would not be let, but would be accessible to the public on at least 49 days of the year. That arrangement would also apply on any other days when no private letting or other reservations had had been made. Two visitor attendants would be provided. Visitors would be allowed to walk into each room, where they would find a multilingual card explaining the features of the castle. The clan room and museum would allow the interpretation and understanding of the history of the castle and surrounding areas. While the presence of paying guests would limit public access, the 49 days proposed would be better than what has existed until now, namely no public access at all.

3.1.12 While seriously disabled persons would be unable to visit the entire castle, there is nothing to prevent a wheelchair from being carried up the steps to the main floor of the building. Disabled toilets would be provided somewhere nearby. DML would also make provision for visitors' parking at an appropriate location consistent with the proposed new entrance road, to allow visitors to see the castle from the access road before disembarking from their cars.

Funding

3.1.13 The overall arrangements for the overall development are stated above. Draft financial projections produced for the previous inquiry allowed about £500,000 for the Old Castle. The Bill of Quantities in the CP (which totals about £400,000) is a draft version and figures are being refined. DML's finance director has produced business projections, on a very conservative basis, looking to only 50% occupancy in year 1, rising to 65% in year 2. While Kilmaurs is not exactly on the tourist trail, Ayrshire is very much on the golfers' trail. Famous golf courses in the area are enormously oversubscribed and local courses have closed membership lists. There would certainly be a demand for additional golfing facilities accompanied by high class hotel and leisure facilities.

3.1.14 That all said, while the castle would provide an extremely important source of income, it would not require to be an independent revenue centre on its own, although it is likely to be so. The proposed rental charge (which would be for the castle as a unit) is not based on refurbishment costs, but on a "fair rent". Ackergill Tower, which sleeps 12, costs £18,000 per night. While the plans show 6 bedspaces (2 double and 2 single rooms), that could be reduced, if necessary to make the scheme more acceptable to HS. Hotel operators have been advised that it would be available for 4-6 persons. If the letting venture did prove uneconomic, the castle would be operated solely as a visitor attraction.

Benefits of the proposal

3.1.15 The applicant considers that its proposals would allow beneficial use of the castle and procure its long term future, at no cost the public purse, while providing public access. It has already provided, at its own cost, a renewed water and electrical supply. The economical and correct way is that buildings should be used, whatever their age, as they were intended to be, i.e. lived in and alive. There is no historical, aesthetic or logistical reason why Rowallan should not be used in this way, subject always to the proper statutory safeguards, which DML fully accepts. It also believes that agreement in principle had been reached with HS on these safeguards.

3.1.16 The castle would retain its magnificent landscape, in restored garden grounds. The setting of the monument would not be impaired. The proposals for Lorimer House would, in time, enhance the setting, for example by additional planting outside the scheduled area. The applicant has always taken account of the legitimate interests of others. In this case, these interests include those of the general public, to whom HS is also answerable for its stewardship under the Deed of Guardianship.

3.1.17 The proposal would also be of economic benefit to an area that has no facilities of a quality comparable to what is proposed. The development of the estate as a whole would provide just over 100 full-time-equivalent jobs, and about 300 construction jobs. As far as public consultation is concerned, DML has discussed its proposal with the 2 local community councils, neither of which objects, with the local church, and with the Clan Muir Society.

The proposal

3.2.1 Mr Campbell states that DML's proposal for the castle are set out in the CP, and in the drawings described in Chapter 1 of this report. He maintains that using the castle as a habitable building would reduce potential damage to the fabric, and allow visitors to interpret it more easily than leaving it in a confusing mixture of *ad hoc* repair, appallingly low standards, some reinstatement and consolidation, not to mention the obscuring of archaeological remains. Where inconsistencies exist between the drawings and the CP, the former take precedence. In the case of inconsistencies between the drawings, the larger scale drawings take precedence, and these represent the applicant's more considered view. The Robertson Design plans, which are an approximate scale of 1:100, could have been more accurate, but are illustrative.

The conservation philosophy employed by the applicant

Minimal intervention and active use

3.2.2 The applicant believes that its proposal, which is for restoration and repairs, would accord with the standards and approach of the international treaties and conservation standards set out in Chapter 2. It also believes that it has complied with HS/13, "The Conservation of Architectural Ancient Monuments in Scotland - Guidance on Principles" specifically Chapter 16 - Restoration of Monuments for Re-use, and with other relevant national standards and guidance. TAN 8 (HS/5) is carefully researched, worthy of respect, and would be followed where applicable. The proposal already complies fully with paragraphs 3a, b, and c of section 6. However, TAN 8 omits to address the existing use of such buildings. The use of Rowallan as a dwelling may not have changed, but simply lain dormant during the 52 years it has been in State care.

3.2.3 The witness had read, and fully understood, paragraphs 21 and 22 of NPPG 18 regarding best viable use. The best use of the castle in that context would be as an integral part of the estate and as part of the hotel and leisure development. It sits in the middle of the estate and is its centrepiece.

3.2.4 Article 7.1 of the Burra Charter suggests that where a use has cultural significance, that use should be retained. DML contends that its proposal would retain cultural significance. While a SAM can be a use, Rowallan has not been used in that way, because of lack of public access, which is a critical requirement.

3.2.5 The assertion that evidence would be masked by the proposal and that it does not address conservation requirements is refuted. It is maintained that the proposal would provide a building that would reflect both historic form and use. Apart from educational and historical value, beneficial use should also be considered. A used building would be better than a museum. The work required to implement the proposal would be minimal and certainly much less than that now required to reverse some of HS's earlier, low quality "renovation", such as plasterboard stud partitioning, incompatible joinery, plumbing and electrical work, and the decision by HS to concrete over medieval remains.

Quality and reversibility

3.2.6 All the work would be reversible, and done under the auspices of a watching brief from HS, at no cost to the public purse. Plasterboard and other finishes would be secured with framework (dwangs and sub-structure). Water supply pipes would be surface mounted. The original panelling for the solar has been preserved in the Lorimer House. That said, it is accepted that, if implemented, DML's works would be unlikely to be reversed. However, they would be seen as modern insertions in line with the Article 1.9 of the Burra Charter. Although Article 21 suggests that adaptation should be limited, DML's position is supported by Article 6.3, which allows for the owner's needs to be taken into account.

Cultural significance

3.2.7 Mr Campbell has personally researched the history of the castle back to mediaeval times and claims a far better understanding than HS of its cultural and historical significance, and the actual physical fabric of the building. DML's proposal would not obscure primary evidence, which has already been well documented.

3.2.8 The applicant believes that the cultural significance of the castle, frequent alterations to its fabric over time, and the ease with which its proposal can be accommodated without any risk to that fabric, support its application. National guidance is that conservation should be forward looking. The application provides life and purpose to an important part of Scotland's cultural heritage, which will sustain it for time to come. The views of those associated with the building are also a consideration in this context. However, Lord Rowallan's view that the castle should not be used for accommodation, changed before his death. The comments that he made in 1944 have to be weighed in the context of his wish to transfer responsibility for the property at that time.

3.2.9 The applicant also accepts that an analysis of cultural significance should precede the choice of a specific use, and it would not approve of a use being decided prior to the production of a CP. However, HS has already defined the conservation strategy by its work. The application simply follows HS guidance towards establishing a principle. In any event, use as a house pre-dated the CP because it was the original use and therefore obvious. Rowallan, properly restored, could safely accommodate high grade function facilities, and exclusive sleeping accommodation, with all necessary related services, without any risk to its historical, archaeological or constructional integrity. There is no reason why it could not be used for accommodation along the same lines as Culzean Castle. where the Eisenhower Suite and other rooms are fully booked and let, whilst at the same time, the public has access to the very same rooms on specified days and at specified times. Similar arrangements are also in place at Cliveden.

The applicant's response to criticisms of its proposal by Historic Scotland

Allegations regarding lack of information provided

3.2.10 The applicant contends that it has done what HS asked, and that it has provided sufficient information to establish the principle of converting Rowallan to habitable use. It has produced drawings, specifications and a full CP, spending considerable sums of money in the process. HS now states that the principle of conversion is one that it cannot support, and that this has been a general policy change, although DML has been unable to detect a rational

basis for that change. HS had advised the applicant not to prepare more detailed proposals until the principle of the use had been resolved. It is unreasonable to be berated for lack of detail, at the same time being told not to produce any more work until the principle of the proposed use is determined.

3.2.11 Mr Campbell produced most of the CP himself, with limited assistance from others. Levels of heritage merit are based on information obtained from AOC archaeology, and on his own knowledge. However, if the principle of the proposed use were established, a specialist conservation architect would be used. HS does not have a monopoly of skills or resources to look after SAMs. DML has not provided an implementation programme because the principle of conversion is not yet established. However, it expects its proposal to take between 9 months and a year to implement, whereas HS's programme would probably take five years. The management and financial appraisals suggested by HS would be an unnecessary expense at this stage. As already stated, DML does have a clear idea of what the conversion would cost. A separate economic appraisal of the contribution expected from the use of the building would be produced in due course.

3.2.12 It is accepted that the CP is incomplete, lacks detail and definition, and that these deficiencies may limit the validity of its conclusions. However, it is sufficient as it stands to establish the principle of use, which is all that DML is seeking now. The works stage is akin to the RIBA stage C, not stage E.

3.2.13 DML would seek HS advice on a painting and decoration scheme. Its approach to furnishing and finishes would enhance cultural, historical and architectural interpretation, again subject to HS advice.

Failure by HS to make information available

3.2.14 Rowallan is probably one of the most documented and researched buildings in recent times. Most aspects of the property are known and agreed, and have been in HS's possession for years. To complement its proposal, DML would draw together all the information now presented to the inquiry to provide a very full historical document. It is concerned that, after repeated requests for information over the years and having been told that it did not exist, has suddenly been deluged by everything it has asked for.

3.2.15 HS's responses to DML's request at the pre-inquiry meeting for outstanding information demonstrates its complete lack of integrity. For example, DML had been told previously that HS did not have a dilapidation survey carried out at the onset of guardianship. However, out of the blue, it was given a full survey written in 1943, in longhand and deliberately magnified to A3 size, making it virtually impossible to read. After "translating" and typing up this document, it is now included in HS/25, already typed up. This attitude of covert secrecy and truculence is symptomatic of what DML has had to deal with.

3.2.16 The witness had also sought copies of the Loys survey drawings (HS/41). He saw the first 10 drawings in 1999, a further 10 in May 2002, but did not see the remainder until during the inquiry. Although the nature of the proposal would not have changed, had he been given access to all of these drawings earlier, he could have prepared a more detailed and accurate SMC application, for example in relation to the solar.

The proposal is unclear, plans and other information are confusing and contradictory

3.2.17 In response to questions, the witness states in clarification that, other than rooms F7 (41) and F14/F15 (44/45), the existing internal layout would be retained. As regards the uses intended for individual rooms, F6 (35), F13 (42), F14/15 and (possibly) G16 (17) and F16 (46) would be bedrooms. Room G10 (22) and the gallery A2 (49) would sitting rooms, and G11 (21) would be a dining room. Room G3 (29) would be a clan room and museum. Bathrooms are shown on the plans. In general these uses would reflect the last known uses of the rooms concerned. Room F7 was probably used as a washroom, or at least was proposed as such by 1896. Room A2 was probably a sitting room. Rooms G16 and F16 were used as a bedrooms in the 1860s.

3.2.18 The bed recess in F13, which would be removed, is already in danger and is not being properly conserved. The cob partition is less vulnerable and could remain. The proposed protective vapour barrier would probably be needed, even if it did not become a bathroom. Previous advice from HS was also for a vapour barrier, possibly with an inspection panel.

3.2.19 If dry heating were to be installed, existing cabling routes would be followed as far as possible. While the plans are not definitive, the applicant has decided where it would locate pipe runs if a wet heating system was employed. Burst pipes are less of a problem nowadays than previously. Cables and pipework would be run through floor voids and through sleeves through walls and drop-downs from the roof space. Pipework on walls would be surface mounted. Pyro (i. e. insulated) electrical cabling would be used to counteract the effects of damp. Radiators would be to an early 20th century reproduction design. The radiator in Room G11 would be below a window, not against the panelling as shown in drawing AGL/24. Temperatures would require to be carefully monitored in order to preserve the fabric and fittings. However, a solution suitable for conservation purposes, and for paying guests, could be achieved, if temperatures were increased slowly. This could take as long as 2 years. However, in some rooms, a suitable temperature has already almost been reached.

3.2.20 The balanced flue from the boiler would appear simply as a silver metallic square in the adjacent window pane. A stone floor would be laid in G3, following archaeological investigation of the existing earth floor. Other floors, which are new, would be sanded, stained, and waxed. Fireline boarding and/or glass wool insulation between joist and the rugs in rooms would deaden impact noise.

3.2.21 The reference to "completion of stone walling to underside of roof joists" in the gallery is simply to add a stone course to complete work that is already partly done. While it is accepted that is not required for conservation reasons, the room is clearly not intended to be left as it is. It is understood that HS also had that work in mind. The reference to the "cornicing" in room G10 should read "corbel", to match the existing corbel shown in Plate 9, although upon reflection, that might be better omitted.

3.2.22 Other than in room F7, bathroom floors would be tiled. The "Heritage" sanitaryware that is proposed is the nearest available to the proposed primacy period of around 1860, when the castle was last occupied. Steam would be extracted. Soil vent pipes and mechanical vents could be taken to chimneys, or a slate vent, without affecting the building construction.

3.2.23 The applicant proposes to apply a range of finishes throughout the castle, including the re-pointing of stonework (F6), lime-plaster (G10) and protective panelling (F7). New plasterboard and plaster ceilings would be installed on a sub-framework - in line with the precedent set by HS - so that services and insulation could be hidden without fixing directly to the structure. It is also prepared to accept advice from HS on this area. The witness accepts that the proposal to insulate and line the gallery roof with plasterboard would limit the extent to which the depth of rafters would still be seen, perhaps to a greater degree than illustrated in drawing 550/11.

3.2.24 Painting and decoration would generally follow the precedent set by HS although, so far, this is limited to specific areas (e.g. G16 and F16). While the drawings and Bill of Quantities refer in generic terms to 'gloss and emulsion' paint systems, DML would take HS advice on this matter. The historic painting systems in the solar are acknowledged for their interest and value, but no specialist report is included in the CP.

3.2.25 The exterior of the castle need not be harled if HS is opposed to it. Lime-washing is also a possibility. The 2 rooflights shown on the plans could be reduced to one, placed behind a chimney, to lessen its intrusion. It is not proposed to change the windows, FW8 and GW4. These are not shown on the elevations, but would remain.

3.2.26 As far as external works are concerned, the garden would be restored to an agreed design. HS has consistently opposed this, yet HS/25 shows that it is now a proposal they wish to adopt. It asserts that DML does not assess the full archaeological impact, although the CP makes clear that DML will pay for any archaeological investigation. The barn walls would simply be restored to their condition of about 2 years ago, again as proposed in HS/25.

3.2.27 The preferred solution for foul drainage is to link it to the new sewage plant proposed for the overall development, to the west of the castle, outwith the scheduled area. The link would skirt the end of the barn wall. A separate SMC application would be made for a new water supply pipe, which would follow the line of the electricity supply. DML is willing to carry out an archaeological investigation of all service routes.

3.2.28 DML also proposes to make good an extensive range of internal and external "dilapidations" that have resulted from work by HS. Examples of the latter include:

- spalling of the stonework to the drum towers due to over-hard mortar (Portland cement mixed with gypsum as a hardening agent - see Stirling Stone results, Appendix 1 in the CP);
- the mortar cope to the external boundary wall should be capped in stone as the tennis court wall, not layered in mortar;
- the new oak access stair to the tower is rawl bolted directly into mortar, whereas it should be timber plugged.

3.2.29 Among internal dilapidations:

- an open water vat in the basement is causing excessive condensation, and ingress of water to a passageway is causing excessive humidity;
- on the ground floor, the dining room door is badly restored, with untreated softwood timber, badly fitting jambs and fillets, and crude staining to the new frame; untreated

- timber is warping; new stone flags are un-pointed; and carlite gypsum plasterboard and plaster has been used;
- the untreated timber stud partition in the mezzanine is finished in gypsum plaster and is erected in the incorrect position; plaster over-run is contaminating the oldest fireplace in the castle circa 1120 (according to MacGibbon & Ross); a balustrade to the landing is cut and erected incorrectly;
 - the first floor wattle screen has been erected incorrectly - referring to Fairley/Leadbetter plans of 1896; the bed recess panelling has 1/4 inch ply screwed to the backing and has active woodworm.

Criticism of DML's proposed works as not minimal intervention

3.2.30 HS states that Rowallan is currently not at risk, and that the proposed works do not constitute "conservation works". However, DML disagrees that the application would have a detrimental and irreversible impact, and only wishes to complete what was previously agreed with HS. While taking no issue with the thrust of the 1912 report (HS/32) in terms of minimal intervention, DML simply wishes to follow what HS has done. Further work is required in terms of detail, but the proposals are no worse than the precedent set by HS.

3.2.31 These precedents include:

- removal of all internal finishes, with minimal records kept;
- re-pointing of all internal stonework in Portland cement rather than lime based, and recessed rather than flush;
- introduction of new services to the basement, and connection to the septic tank;
- stud and plasterboard to ground floor walls and ceilings, and gypsum plaster;
- holes drilled through historic fabric to take drainage in the courtyard;
- new floors and roof joists in off-sawn white pine;
- new windows in red pine when they would all have been in oak originally;
- new floors and roof joists;
- new electrical cable - power sockets and lights;
- new lintels;
- new Caithness stone flooring;
- new steel roof lights;
- new slating;
- new rainwater gutters and down-pipes.

3.2.32 As far as specific criticisms are concerned:

- it is accepted that the raised walling to Room A2 is not required, but it would be comparable to HS work there, which has gone beyond the charters and is therefore devalued;
- the bed recess in Room F13 would be removed because it is fragile and is already at risk. Although the cob partition would be retained, this would need protection in any event. DML's approach to these 2 features is different, because the partition is less vulnerable than the bed recess timber;
- the plasterboard and insulation proposed in Room A2 is not based on direct evidence as to its authenticity, but on Mr Campbell's experience and anecdotal evidence;

- the repointing of the stone towers has not been assessed for risk, but to leave it as now, would present greater damage;
- wires and pipework could be hidden where necessary, or simply left exposed;
- photographs, publicly available, support various facets proposed for change; for example, doorways, windows etc;
- the wood-burning stove is justified because, although not authentic to the age of the house, it would have less effect on reversibility than an open fire. Technical objections by HS should be dismissed.

3.2.33 HS also asserts that covering up the walls, even by the reintroduction of the existing panel work, would not be acceptable, in that it would possibly cover up the “evolution of the building periods” within the castle. However, Rowallan is probably one of the most photographed, surveyed and recorded buildings within HS’s jurisdiction. The applicant has noted a number of points relating to the construction and appearance of the castle. Of particular interest it suggests that there was a jettied chamber (known colloquially as a “minstrel’s gallery”) above G10 (22) looking over what would have been the dining room G11 (21). Access could have been from a staircase between G11 and G6 (33). Similarly, the attic room A2 (49) would originally have had a corniced ceiling, although DML is not proposing to put one back.

The Building Standards (Scotland) Regulations (BSR)

3.2.34 The witness believes that it has agreed with EAC, the council’s requirements for the issue of a building warrant. Prior to submitting the SMC application, Mr Campbell met EAC’s Head of Building Control, who been instructed to visit the site by the council’s Head of Technical Services. The latter wished to be sure that DML’s proposal was feasible, so that he could speak to that proposal at a meeting he had convened with HS. The Head of Building Control was able to confirm that the proposal was feasible, that some relaxations would be required, but that they would be granted. For example, the requirement for a fire escape from the gallery A2 could be accommodated by an inertia escape sling attached above the rafters at window AW6 in the CP.

3.2.35 Mr Ferguson, a lecturer at Strathclyde University on Conservation Architecture for over 35 years, was also asked for advice. Although unable to give evidence for professional reasons he had written to say that he could see no matters that could not be overcome with intelligent interpretation of the BSR, other than perhaps disabled access. However, HS would be unlikely to achieve this either. He had written “In short, to have the building well conserved and restored by a private owner with both the means and will, and led by an architect who has already demonstrated considerable skill in this field would be eminently preferable than to leave it in its present state.”

3.2.36 In response to points on this issue raised by HS witnesses (Mr Wallace and Mr Wright), Mr Campbell states:

- With the replacement of ceilings, modern fireproofing and sound deafening could be introduced between the floor joists. The use as proposed, as one unit, would be far less intrusive than opening to the general public, where measures required for that purpose would be more stringent, specifically for items such as a sprinkler system.
- The introduction of toilet facilities would be accommodated by the use of “Durgo” valves and ventilation through existing chimneys.

- Potential hotel operators are aware of the need to apply for BSR approval, and that this would require a creative approach. It had not prevented or reduced their interest in Rowallan.
- Insulation between Rooms G3 and F6 would not be required because G3 would be heated and DML is not considering use as an hotel *per se*.
- There would be no need for door closers or fire lining to the door to A2. There would be specific restrictions on parties.
- No disabled access facility is proposed; it would discriminate but there may be no need to comply because of the status of the building.

3.2.37 The applicant states that the Assistant Firemaster has appraised the proposal and accepted the principle of its use as an annexe to the hotel (DML/5). The letter also states that a certificate under the Fire Precautions (FP) Act 1971 would not be required if the sleeping accommodation was for less than 6 persons, and at ground or first floor level only. There is further guidance on other regulations.

Criticisms of Historic Scotland work and actions during the period of guardianship

Poor quality work

3.2.38 Much of the work carried out by HS is of a standard well below that to be expected for a building of this significance in State care. HS has also failed to explain its architectural and archaeological rationale for that work, including services, choice of materials and method of working. Examples include the removal of old lime plaster and unsympathetic stone pointing. Some untreated stud partitions, plasterboard to walls and ceilings, untreated timber panelling, ragging out, electrical systems, pipework and drainage work have also been introduced. It is unbelievable that there is no apparent audit trail for the timber that has been used.

3.2.39 HS has allowed previous generations of work to be covered up (although critical of DML proposals in a similar vein). The prime examples can be found in the dining area, the entrance hall and the mezzanine floor. HS recently excavated the medieval keep, and after recording and photographing the exposed floor where a burial cist was discovered, concreted it over. The first floor cob partition has been erected in the wrong position, despite having drawings on record. Roof lights have been introduced where none were before. Historic stonework has been drilled through to accommodate drainage, and a historic banister has been hacked off to make it fit surrounding stonework.

3.2.40 In addition to the matters previously listed, the new rainwater goods have caused water to discharge below the recently introduced damp-proof membrane. That work is also, architecturally, an unsightly carbuncle in the courtyard, on what is a particularly outstanding elevation. Most of the windows up until 1997 were painted shut, the heating had been off, not because of DML introducing underground cabling, but because the existing heating system in the castle kept overloading the transformer on the supply pole. When temporary heating was re-introduced, it took about 2 years to attempt to stem the water inflow to the basement. When the workforce was on site, it used the ground floor of the woman house as a bothy, which for weeks was superheated, transmitting heat to the room above, and causing cracking in the panelling.

Poor use of public money - the building is still at risk

3.2.41 It is of particular concern to DML that, although public money has been spent on preserving the castle, work is being done in a piecemeal fashion, only when funding is available. Although the building is now safe and in reasonable condition, that approach is very much to its detriment, and to that of its grounds. For example, after heating was eventually installed, extreme condensation occurred after the basement became flooded in heavy rainfall. It took HS 3 years to find money to have the necessary waterproofing done. Gale damage at Christmas 2000 caused a severe ingress of water. Work on a boundary wall only began after 8 years of letter writing. No action has been taken to prevent the banks of the Carmel Water from continuing to erode, despite letters from DML. HS claims that repointing of the external stonework (which is becoming critical) has not been done because access is blocked, but DML denies this. When DML has offered to carry out urgent remedial work, free of charge, Mr Campbell was threatened with criminal prosecution.

3.2.42 The archaeological excavation to the tower provided an opportunity to assemble, using modern techniques, the exact positioning of the stones comprising the fallen vault. This would have allowed the vault to be rebuilt. However, several large stones, which were still *in situ* but deemed unsafe by HS, were removed and the areas from which they were removed "made good" by racking. This was carried too hastily, with a severe lack of funding, and an opportunity was lost, despite DML being prepared to pledge money for the work. The costs that HS puts forward in HS/25 in relation to the viability of its proposal are unsustainable and heavily subsidised, relying on continuing Government funding. There have been previous changes in policy, and there could yet be a further change, which could put the castle at risk on the present marginal figures.

Lack of public access

3.2.43 HS has never opened Rowallan to the public, explained the reasons for that delay, or for the delay in its own proposals for opening. Lord Rowallan and the key-holder employed by HS (letters dated 21 May 2002, 175 and 176 in DML/4) confirm that the estate has never been open to the public while it has been in State care. The metal plaque on the gatehouse entrance confirms this. HS's Visitor Services Manager confirmed in June 1997 (94 in DML/3) that the castle was closed to the public "as visitor figures did not merit the employment of a steward" and that HS was negotiating with the owner to hopefully reopen the castle in the future. Enshrined in the Deed of Guardianship is free right of access for the public at all times, always to be exercised *civiliter*. DML believes that this right has become prescribed, under "the twenty year rule" and is pursuing that as a separate legal issue. In the early years of guardianship, Rowallan was not even made available for occasional specialist public access, because the building was unsafe. With no State-paid custodian, Mr Campbell has carried out the role himself.

Continuing tensions

Use of the castle for living accommodation

3.2.44 HS argues that the 1979 Act prohibits the use of the castle for accommodation, other than for a caretaker. However, that is at odds with Senior Counsel's opinion obtained for DML (included in HS/28), albeit that the opinion concedes that occupation might prove

difficult if there are rights of public access. DML recognises that fact, and has consistently said that what is required is a management regime to accommodate the competing interests of visitors and guests, as at Cliveden. DML also understands that there is a precedent for occupation, at Balgonie in Fife, where part of the building is scheduled and the remainder is Category A listed.

3.2.45 Mr Campbell describes his relationship with HS initially as extremely good. It appeared very supportive of his plans, which were then at an embryonic stage. HS representatives had readily agreed that the castle could be used either as a house, or as an annex to the hotel, as long as public use could be geared to a satisfactory level. However, that position changed dramatically and there was a gradual move from enthusiasm for use of the Rowallan for accommodation to an absolute “not at any price”.

3.2.46 HS claims that the castle was first scheduled in 1955, but this is not quite true. It was officially registered in the Register of Sasines only in 1994. In any event, it gave what transpired to be misleading assurances (63 in DML/2) at the time of the 1994 scheduling, including the possibility of use for accommodation. Compensation for the work done by HS to that date was discussed in its letter of 22nd April 1993 (52 in DML/2), which proposed that “we should call it quits” and that they would keep the castle in Guardianship until “... the conversion to a dwelling house is complete” and that the building should remain as a listed building with public access on an agreed limited basis.

3.2.47 However, a change in direction within HS emerged in its letter of 6th February 1997 (77 in DML/2) where, for the first time, scheduling was used against the DML proposal. There was then a concerted effort to change from what was previously agreed. Following a meeting with the HS team in June 1997, further guidelines were tabled on what was required to “lay out a clear programme of work which would be expected from the applicant (DML)”. It did not rule out the restoration of Rowallan, and was coupled with a further meeting on 29th July, where again there was no disagreement with the principle of DML’s use. That attitude was completely reversed in Mr Watkins’ letter of 23rd February 1998 (119 in DML/2) and culminating in the outright “No” in early 1999. The line now adopted by HS is that the building cannot be used at all because it is too fragile, could not easily be converted while retaining its essential historical features and fabric, and because it would be difficult to manage in practical terms.

3.2.48 The HS pamphlet Scheduled Ancient Monuments “A Guide for Owners” states “scheduling is usually applied to monuments which have passed their day and are unlikely to be used again in their original form. Indeed a structure in use as a dwelling house cannot be scheduled nor can a building in ecclesiastical use”. However, as stated at paragraph 3.2.2, the question arises as to whether the use of the castle as a dwellinghouse has ever been extinguished.

The Deed of Guardianship (DG), scheduling, and future management

3.2.49 The DG is seriously unsuited to modern day conditions. The lack of public access is contrary to the plan attached to it, which is prescriptive and not permissive or indicative, and expressly stipulates the area covered by access. Vehicular access is very restricted. Any vehicles wishing to gain access to the castle have to negotiate the very narrow hump backed bridge over the Carmel Water, and the only parking within the guardianship or the scheduled areas is through the narrow arch at the front of the castle. HS has demanded access for larger

vehicles, outwith the guardianship area. However, because of the difficulties over the proposed use of the castle, DML has not been willing to cede any more ground. Nothing in the title, the Guardianship Deed, or the scheduling, gives HS any enhanced rights for reasons of convenience or practicality, however compelling.

3.2.50 If HS retains management, access and security conflicts will intensify. However, if the existing agreement is modified for modern conditions (an alteration which, in DML's view, is badly needed) then the guarantees are backed by statute and contract. If it does not remain in guardianship, DML would be prepared to provide the necessary guarantees regarding supervision and consultation. That could be done either by imposing conditions on the SMC, or perhaps more effectively by a Minute of Agreement with HS, to amend the present Deed.

Lack of consultation with DML as owner

3.2.51 HS has only considered its own, insular, use of Rowallan. It has failed to address and take into account the needs of DML as owners, and the overall proposal for the estate. The HS Management Scheme (HS/25) largely comprises information that HS must have held for some time. It was only produced shortly before the inquiry after several years of requests. Counsel for HS stated at the pre-inquiry meeting that there was no management plan, when the majority of this report seems to have been available at the end of 2000. DML contends that much of the information required for its SMC application was available but withheld. Counsel for HS had also told the Reporter at the pre-inquiry meeting that HS had "no plans" for opening the castle, whereas HS/25 makes it clear that HS has been working up plans for opening Rowallan to the public since 1997. Mr Campbell is astonished that he has never seen, or been consulted about any part of HS/25. There is no hint that DML, as owners of Rowallan, have even a vestige of rights left in its future.

Criticisms of the HS opening and visitor proposal

3.2.52 HS is claiming, on one hand, that Rowallan should be preserved as a museum piece, being too fragile for use. However, at the same time, it is proposing to admit a projected 5,000 visitors annually to view the interiors. That is an absurd figure for an area of East Ayrshire that is not exactly on the tourist route. There is only limited interest in Rowallan and Mr Campbell has shown round no more than 50 people in 10 years. Although interest may increase with some vivid imagination, HS admitted in June 1997 that this would be unlikely. The interpretation plan in HS/25 also provides extremely limited access, relying heavily on accompanied tours. It is doubtful whether such tours can possibly be economically viable, given previous experience with the site.

3.2.53 HS has been trying to circumvent its inability to park within the estate by attempting to purchase land opposite the gatehouse for parking and has recently made an application for a car park in that area. Implementation of that proposal would necessitate the removal of protected trees, and impinge directly on the setting of the Category A listed gatehouse and the designed landscape of the estate. It would also be dangerous, on a very busy feeder road, involve a hazardous crossing for pedestrians, and has been discounted by EAC Roads Department.

Historic Scotland's approach to conservation

3.2.54 HS says that its approach is to preserve as found. However, its work in the dining room, the mezzanine, the entrance lobby, and the woman house stair, are all contrary to this statement. They set an undesirable precedent, devoid of historical integrity, and demonstrate a lack of understanding not only about the evolution of the building, but also of the need to understand and carry forward the very conservation principles which they now accuse the applicant of neglecting or failing to comprehend. If HS had followed the route of minimum intervention, it would not have replaced floors or plastered ceilings. HS is also guilty of obscuring primary evidence, for example by the new concrete floor in the tower. The panelling to the dining room has been erected so as to obscure the large inglenook fireplace. HS argues in its defence that the work carried out to date was completed some years ago, and would not be carried out now. However, much of it, including the oak screen to the dining room, the oak cupboard screen at the access stair and balustrade, were all refitted between 1997 and 2000. The internal finishes to the dining room were completed about 1992.

3.2.55 Professor David Walker says (in the Foreword to HS/39) that "Rowallan is still roofed and capable of being made habitable. and that "it is also important to keep the issue of authenticity often raised as an argument against restoration, in perspective, since so many of these buildings do not have their original roofs or (sic) floors, ceilings, roofs or windows as in Rowallan's case". DML seeks to undo those mistakes, and to better the work thus far in the context of workmanship and materials used. If HS refutes DML's proposal as a "finishing exercise", why did it provide guidelines and a full Bill of Quantities in December 1992 setting out its requirements?

The principles of cultural significance and use espoused by HS

3.2.56 While agreeing with much of what HS says about the cultural aspects of Rowallan, Mr Campbell believes his emphasis is slightly different and that HS's statements do not go far enough. They fail to assess pre- and post-Mure history, when the lands were in the hands of the Balliols and the Campbells. DML has researched the Loudoun papers in the Huntingdon Museum in California, which relate to the Campbell tenure.

3.2.57 HS has wilfully misquoted NPPG 5 in its statement of case. What the guidance says is that "developments which would have an adverse effect on scheduled monuments or the integrity of their settings should not be permitted unless there are exceptional circumstances." It does not say "It is Government policy that ancient monuments of national importance are preserved *in situ* unless there are "exceptional circumstances" pertaining thereto." In other words, it is guidance, which requires a judgement for its application, and not, as HS might like to think, a rule cast in stone, which can only be displaced on proof of exceptional circumstances. The Castle Tioram report is not relevant in this context.

3.2.58 HS's Assessment of Significance is agreed. Again, DML would follow an agreed route with HS to determine areas of significance, in line with the conservation charters, which themselves do not rule out change.

3.2.59 While authenticity is important, it should not necessarily be at the behest of differing views within HS. Any conjectural elements such as the toilet areas will not impinge on the important features of the castle. As Professor Walker says, authenticity should be kept in

perspective. There is no question that the building was once harled; the type of harling that should be adopted, not whether it should cover up the archaeological complexity, should be the issue in this context. About 80% of the timber work in the castle is new work. Most of the structural timber is new, so it is unclear whether HS is trying to create a pastiche of its own conservation ideas, or pretending that what it has done bears the stamp of authenticity.

3.3 THE PLANNING APPLICATION

3.3.1 The applicant submits that this application accords with the relevant provisions of the statutory development plan and the Finalised EALP, and with relevant national policy in NPPG 1, NPPG 5, NPPG 15 and NPPG 18. As there are no sound planning reasons for refusal, planning permission should be granted.

The development plan

3.3.2 The applicant's planning witness stated that the proposal would comply with the objectives and policies of the AJSP. It would accord with the principles of sustainable development in line with Policy ADS7 and would help promote economic growth in East Ayrshire. It would also strengthen the economic viability of the proposed, and committed, hotel and leisure business at Rowallan House, provide local employment, and increase the prosperity of the business enterprise in full compliance with Policy ADS1. Introducing private investment is particularly sustainable, as it allows public money to be spent elsewhere.

3.3.3 Using the castle for hotel purposes would also increase the range and quality of tourist facilities, attractions and experience in Ayrshire in accordance with Policy W5. The structure plan recognises the importance of encouraging tourist development away from the coast and spreading tourist opportunities throughout the area, and highlights the need for improvements to existing tourist locations in order to support economic growth in Ayrshire. DML's proposal seeks to sustain the countryside as a place of varied and productive social and economic activity, thereby also complying fully with Policy W6, which reinforces the approach of Policy W5.

3.3.4 AJSP Environment policies recognise that the landscape of Ayrshire embodies a wide range of elements and is "a major asset in economic development, tourism, leisure and recreation". In this context, the re-use of the castle for hotel purposes would secure private investment in the listed building and in the management of the entire estate. As a result, the proposal accords with Policy E20. It would have no effect on the historic landscape at Rowallan (Policy E1). As it would have a beneficial impact on the building and its environs, it would not infringe Policy G2D, and would actually enhance the use, enjoyment and economic viability of the property. It would also conform to the AJSP in terms of Policy G5, as it would provide a sensitive tourist development that could only be realised at this specific location.

3.3.5 The adopted local plan was prepared in order to conform to a previous structure plan, is substantially out-of-date, and should be given little or no weight. That said, accordance with policy 4.7.13 depends on whether a proposal would be detrimental to the character of the listed building. That is not the case here. [Ans4] Policy 4.7.15 provides scope for some development on the site of a SAM, provided that the monument is adequately protected. Policy 5.3.9, which has essentially been carried forward to the AJSP and to the Finalised EALP, does not refer to "the need" for a facility.

Other material considerations

3.3.6 In any event, greater weight should be attached to the objectives and policies of the EALP, which is soon to replace the adopted plan. While AIM 2 and AIM 3 of the plan could come into conflict in some cases, that would not arise here. DML's proposal would satisfy the aims of the plan in the desire to promote development opportunities, promote tourism, and maximise the re-use of existing buildings (Policy SD7). It would also increase the attraction of Rowallan and East Ayrshire, create new employment and enhance economic vitality, all in accordance with national, regional and local planning policy commitment to sustainable development, including that contained in Policy SD1. Its acceptability in terms of the 3 criteria of Policy SD3 that apply, namely (ii)-(iv), mean that the negative presumption in Policy SD2 does not apply.

3.3.7 The applicant has recognised the tourism issues described in the EALP, and wishes to create a unique form of hotel accommodation to address them. Its proposal would accord with Policy IND10(iii), and with the terms and purpose of Policy TLR1, which seeks to "broaden the economic base of the area and provide new employment opportunities, and to overcome existing tourism and recreation deficiencies". Specifically, it would:

- assist in the development of sustainable tourism in re-utilising an existing building;
- broaden the range of tourist accommodations and increasing employment;
- improve the nature and quality of tourism facilities and economic viability; and
- increase the attraction of the rural area of East Ayrshire.

3.3.8 The EALP, in encouraging tourism as an element of rural regeneration and as a positive force for environmental protection and enhancement, reflects NPPG 15. Rowallan Castle is the type of Category A listed building that the local plan seeks to protect, preserve and enhance. By actively encouraging its retention, restoration, renovation and re-use, the proposal would comply with local plan policies regarding the built heritage, specifically Policy ENV2, which reflects national and structure plan policies and guidance on this issue. Although initially agreeing, in cross-examination, that Policies ENV1-ENV5 are hierarchical, the witness, upon further reflection, described them as interdependent. As regards Policy ENV3, an interventionist approach is consistent with preservation. The principle of minimal intervention in SAMs was not one to which the witness personally subscribed - the issue is to identify the best use for the building concerned. As the proposal could be accommodated without detriment to the listed building or its setting, it would also accord with Policy ENV4, and with the provisions of section 59(1) of the LB & CA(S) Act, which is also a relevant consideration.

3.3.9 The proposal would also accord fully with the purpose, goals and objectives of NPPG 1 and the planning system. As far as paragraphs 3 and 4 of the NPPG are concerned, the applicant is seeking permission for a proposal which would allow development, without infringing the objectives of conservation, against a public agency which seeks to inhibit development and undermine the rights of an individual landowner. EAC considers the proposal to be in the interest of the wider community. Paragraphs 6 and 7 of the NPPG are also relevant. In this regard also, the applicant is seeking to comply with national planning guidance, promoting regeneration and the full and appropriate use of an existing building,

whilst conserving an historic and cultural asset. The proposal would also reduce the costs to public agencies for the restoration and long term maintenance of the property. It would represent the most sustainable option, particularly as it would increase employment to the benefit of the local economy.

3.3.10 NPPG 5 appears to concentrate on archaeological remains that are incapable of full and appropriate use, whereas the castle is intact and a usable building. In any event, it clearly advises a presumption in favour of encouraging the private sector to maintain and restore heritage properties. DML is seeking to maximise private sector investment to secure the full and appropriate restoration and use of the Rowallan Castle in accordance with the aims of the NPPG.

3.3.11 NPPG 15 sets out the means by which the statutory land use planning system can assist rural areas of Scotland to achieve sustainable development. It underlines the Government's commitment to the preservation, conservation and enhancement of Scotland's built heritage, stating that "this will often be best secured through appropriate productive use of historic buildings". That is exactly what DML is proposing.

3.3.12 NPPG 18 is also relevant to DML's proposal, as it sets out the Government's policies in relation to the historic environment, including listed buildings. The NPPG re-affirms the importance of sustainable development and confirms the Government's recognition of the historic environment as a finite and non-renewable resource that should be preserved, and continued in use "so that it may be enjoyed today and passed on in good order to future generations". It also highlights the advantages of recycling existing buildings, the need for a sympathetic approach in building materials, and promotes the efficient use and re-use of land and buildings within the historic environment as a way in which the planning system can contribute towards sustainable development.

3.3.13 The NPPG acknowledges that the most appropriate use for an historic building is likely to be the use for which it was designed. However, it also states that new economic uses should be found for historic buildings where they can no longer reasonably be expected to serve their original purpose over the long term; recognising that deciding the best viable uses for listed buildings will require economic viability to be balanced against special architectural or historic interest. Paragraph 24, in referring to the use of conservation grants as a means of unlocking the development potential of historic buildings, and paragraph 58, further reinforce the clear presumption in favour of encouraging the re-use and development of listed buildings. It is therefore clear that the Government wishes to encourage and promote the re-use of listed buildings such as Rowallan Castle. It is equally clear that the applicant has sought to utilise the imagination, market awareness, technical knowledge and proper understanding of the relative importance of the different aspects of the historic environment advised in NPPG 18. However, it is also clear that HS has failed to respect the advice in the NPPG, particularly as regards the need for co-operation and flexibility.

3.3.14 Questioned, the witness maintained that policies relating to listed buildings are relevant where a listed building is also a SAM. While the provisions that apply to SAMs may take precedence in some cases, those applying to listed buildings could take precedence in the case of a usable building, rather than a ruin. The relationship between NPPG 18 and NPPG 5 is complementary, rather than hierarchical, as HS suggests. They overlap, and it is difficult to

say which takes priority. The Memorandum of Guidance recognises the possibility of overlap between listing and scheduling. He had not weighed the relative importance of the archaeological features of the building against other factors, as advised in paragraph 17 of NPPG 5 and had considered only the documents mentioned in his precognition. HS/13 represents SE policy and, while still only guidance, it is also relevant. Paragraph 6.3.1 of HS/9 suggests that SAMs may be treated differently in terms of having to "earn their keep".

3.3.15 The witness stated that he had assessed the proposed change of use, and the principles of "refurbishment". As that term does not generally encompass physical works that materially affect the exterior of a building, when planning permission is required, the details of refurbishment are a matter for the SMC application. That said, the physical consequences of putting a change of use into effect, and the provisions of the 1979 Act, can be material considerations in deciding whether to grant planning permission for that use. The fact that a building is a SAM should also be taken into account.

3.3.16 However, applications have to be considered on their merits. The issue in this case is whether there is justification for the proposal, not whether there is a need for it. The use that DML proposes is appropriate and would secure the preservation of the SAM. Mr Campbell's evidence indicates that the proposal would not have an adverse physical effect on the castle. It would return a vacant building to its original, and last, use, which was as a house, and allow it to be better appreciated as an archaeological resource. It would provide a higher value than a SAM administered by HS, which could ensure that the work was done appropriately. A SAM is a status, not a use. HS/12, in referring to the restoration of a monument for re-use, recognises the possibility of a use for a SAM, other than as a SAM.