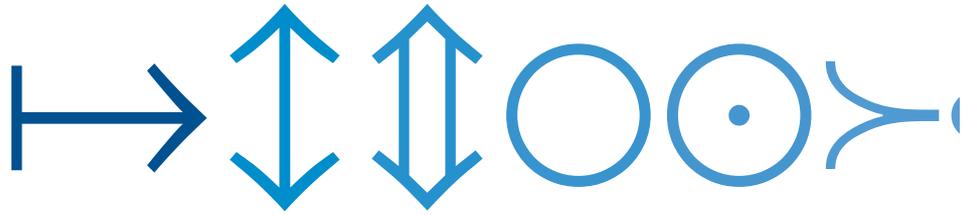


Directorate for  
Planning and  
Environmental Appeals

ANCIENT  
MONUMENTS AND  
ARCHAEOLOGICAL  
AREAS ACT 1979

Summary of Report of  
an Inquiry held in  
connection with an  
application for  
Scheduled Monument  
Consent at Rowallan  
Castle, Kilmaurs,  
Ayrshire, KA3 2LP



• Case reference	AMH/90254/1
• Case type	Scheduled Monument Consent
• Works proposed	Conservation and restoration of the building to ensure habitable use
• Reporters	Iain G Lumsden and John H Martin
• Date of application	31 August 2006
• Applicant	Mr Niall Campbell
• Other parties	Historic Scotland, Lord Rowallan and Mr J McFadzean
• Method of consideration and dates	Public Inquiry which took place on 8 to 11 and 15 to 18 April 2008
• Date of report	17 October 2008
• Reporters' recommendation	Scheduled Monument Consent should be refused

**Reasons for the inquiry:**

1. In May 2007 the applicant was informed that it was the provisional view of Scottish Ministers that scheduled monument consent for the works proposed at Rowallan Castle should be refused. The reasons given for reaching this view were that: (i) the Castle was of national significance and illustrated an approach to lairdly domestic architecture that was not known to survive with quite the same combination of elements elsewhere in Scotland. (ii) The works proposed were not considered to be the minimum necessary to secure the long-term preservation of the monument and could threaten its significance. As it was not considered that there were any exceptional circumstances that would justify the level of intervention proposed, the proposals were contrary to Scottish Government

policy on the preservation of scheduled monuments. Subsequently, the applicant indicated that he wished to exercise his statutory right to appear before a person or persons appointed by Scottish Ministers before a final decision was made on the application. A public inquiry was therefore arranged.

**The Site:**

2. Rowallan Castle is located within the Rowallan Estate, which lies on the north side of the B751 some 4km to the north of Kilmarnock and midway between Kilmaurs and Fenwick. The Castle is in a rural location characterised by undulating farmland and woodlands. Rowallan Castle is a scheduled ancient monument under the provisions of the Ancient Monuments and Archaeological Areas Act 1979. To be scheduled, a

monument must be of 'national importance'. The Castle is also a property that is the subject of a Deed of Guardianship, signed in 1950, under which Scottish Ministers have responsibility for its preservation and management. In addition, the Castle is a Category A listed building. The property has lain vacant for more than 100 years.

3. The scheduled monument comprises a medieval lairdly residence that has been transformed into a renaissance house that has the appearance of a 16<sup>th</sup> century courtyard building. In addition, there is evidence that the location has attracted settlement since the Iron Age and a 'castle' in various forms has existed on the site since at least the 14<sup>th</sup> century. The monument therefore exhibits at least 7 different periods of construction, which demonstrate the changing styles of domesticated and castellated architecture in Scotland from the 13<sup>th</sup> to the 18<sup>th</sup> century. The monument represents one of the most complete castle complexes of its type to survive down to the present day.

### **Description of the works in the scheduled monument consent application**

4. Consent is sought for the conservation and restoration of Rowallan Castle to ensure habitable use. Externally, the works proposed would include the re-pointing and harling of the walls, repairs to the roofs and entrance steps, the replacement of windows and repairs to the ruined tower. Internally, the proposals aim to correct previous inappropriate interventions, replace lime plaster to previously stripped walls and ceilings and where possible to reinstate original panelling. A number of the rooms would be finished in paint and fabric wall linings to replicate their likely former state. In addition, electrical power and lighting circuits together with heating would be installed in most rooms. Water and drainage services would also be provided to the proposed kitchen and new bathrooms. It is proposed that the building would be used for residential purposes.

### **The case for the Applicant:**

5. It was submitted that the applicant has the experience, commitment and financial resources to undertake the sensitive restoration of Rowallan Castle and to return the property to residential use. It was emphasised that the costs of this work would be borne entirely by the applicant and that this should result in a saving to the public purse. There was no substantive difference of views with HS over the cultural significance of the Castle or its national importance. The application did however highlight the dilemma which exists between the competing claims of the owner and HS regarding the future use of Castle. The owner is seeking to return the property to active residential use while HS is content for it to remain as a 'museum'. In the applicant's opinion, the proposals do not represent an extensive level of intervention in the fabric building and it was not considered that the works would be so invasive that the character of the Castle would be irretrievably altered. The application was therefore believed to accord with the provisions of the Act and be consistent with the policy of Scottish Ministers on scheduled ancient monuments, as set out in SHEPs 2 and 4. The applicant considered that provided a full programme of investigation and recording was undertaken prior to the restoration it was not necessary for all the architectural and archaeological detail and evidence to be visible. While some of this detail may be obscured by the proposals, the works could if required be reversed.

6. It was acknowledged that the works that had been carried out by HS and its predecessors after the property had been taken into guardianship had probably saved the building. However, concern was expressed that much of this work was of a poor quality and that a number of the interventions had been inappropriate. As a result, the property was not being preserved in the state it was in prior to being taken into state care, but as it existed now following the unfortunate alterations. It was believed that the cultural significance of the property had been adversely affected by the work that had been carried out. HS's view that any work to a scheduled monument should normally be restricted to the minimum required to preserve the monument was believed to be unnecessarily restrictive. Applying such a test, it was unlikely that any proposals involving a property in the care of the state that was in a sound physical condition could ever be supported. Consequently, HS was denying the owner the prospect of enjoying his property and preventing the public from properly appreciating an important historic building. It was submitted that the HS was no longer necessarily in the best position to preserve and maintain monuments such as Rowallan Castle.

#### **Case for Historic Scotland:**

7. Historic Scotland indicated that Rowallan Castle clearly satisfied the criteria for a property that was of national significance. As such, the property was correctly recognised under the legislation as a scheduled ancient monument and given an appropriate level of protection. Furthermore, HS considered that the historic importance and cultural value of the Castle also fully justified its inclusion as a guardianship site in the portfolio of properties of national significance that are under the care of Scottish Ministers. It was submitted that the monument demonstrated the development of domestic architecture in Scotland over the centuries and as such it was of considerable archaeological and historic interest and value. The property was considered to be an important and rare survivor of its type which merited preservation as it currently exists. With respect to the works included in the application, it was submitted that the proposals to conserve and restore the building and to introduce a residential use, would involve extensive interventions and alterations. It was noted that the proposed residential use would require the installation of modern facilities and the replastering of a number of interior walls. In HS's view, these works clearly exceed what is necessary to secure the preservation of the monument. In addition, the proposed works would mask much of the basic structure of the monument and obscure valuable archaeological evidence relating to the different periods of its construction. It was considered that the proposed scheme of works together with the change in use to residential would have a significant adverse effect on the cultural significance and value of the monument. The alterations would also detract from the character of the Castle.

8. It was emphasised that the monument was currently in a sound and safe condition and there was no evidence to support the view that it was at risk of falling into disrepair. This was in stark contrast to the situation when the property was taken into care when the castle was in such a poor condition that it was in danger of being lost. In the absence of any exceptional circumstances, it was considered that to grant consent for the application would be contrary to Scottish Ministers' policy on scheduled monuments, as contained in SHEPs 2 and 4.

### **Other Parties' Cases:**

9. Mr McFadzean of Fenwick Community Council supported the proposed restoration of the Castle as the best way of securing its future and retaining the building as a local amenity and asset for the community. He considered that only by finding an active use for the restored building property could it make a positive contribution to the local economy and be of benefit to future generations.

10. Lord Rowallan was keen to ensure that his grandfather's wishes regarding the long term preservation of the Castle, as expressed in the Deed of Guardianship, were maintained. He was concerned that public access to the property in the past had been constrained as a result of the disputes between Mr Campbell and Historic Scotland. However, he believed that this was a matter that could be resolved with good will on all sides. Lord Rowallan considered that the future of the castle would be best served by it remaining under the control and guardianship of Historic Scotland.

### **Reporters' Reasoning:**

11. The regulation and control of works affecting scheduled ancient monuments under the 1979 Act are directed primarily at the preservation of the archaeological and historic interest of the sites. In this context, preservation means the maintenance of a property in its existing state, retarding deterioration and changing only where necessary to prevent further damage. Scottish Ministers' policy with respect to scheduled monuments, as set out in the recently published SHEPs 2 and 4, reflects the terms of the Act and the principle of the minimum level of intervention consistent with conserving what is culturally significant in a monument. In this case, the works proposed relate to the conservation and restoration of Rowallan Castle to ensure habitable use. In order to achieve these objectives, substantial changes are proposed to the exterior and interior of the property to create residential accommodation that would satisfy the requirements of modern day living. It is considered that the nature and extent of the proposed changes, involving the harling of the exterior and the replastering of internal walls, the installation of a modern kitchen and bathrooms, the provision of electric power and lighting circuits, heating and plumbing services, would materially change the type and level of use of the property and alter its character and appearance. The works would not therefore serve to preserve the monument in situ nor would they constitute the minimum level of intervention consistent with the conservation of its archaeological, historic and cultural significance.

12. There is evidence that there has been some form of settlement on the site since the Iron Age and that a 'castle' in various forms has been in existence for at least six centuries. Consequently, the property provides evidence of the changing styles of domesticated and castellated architecture in Scotland from the 13th to the 18<sup>th</sup> century and is considered to be one of the most complete castle complexes of its type to survive to the present day. The monument is of national historic and cultural significance and is considered to be worthy of preservation in its existing state. The property is in a sound structural condition and is maintained on behalf of Scottish Ministers by Historic Scotland. In these circumstances, the property is not currently at risk.

13. Scottish Ministers' policy on scheduled monument consent recognises that there can be exceptional circumstances in which the setting aside of an approach

based on the principle of minimal intervention can be justified. These relate to situations where more extensive works would: provide important information that improves our knowledge and understanding of a site; secure the long term future of the property; or, provide the public with benefits that are of national importance. It is not believed that any such circumstances exist with respect of the present application and there are no matters that would justify exceptional treatment in this case. Furthermore, it is clear that there is no requirement that a scheduled monument should necessarily have an economic use or 'earn its keep'. The preservation of a scheduled ancient monument, whether as a complete or ruinous structure, can be justified on historic and cultural grounds alone.

14. Overall, it is not considered that the proposal would therefore be consistent with the provisions of government policy in relation to scheduled ancient monuments, as set out in SHEPs 2 and 4, or the requirements of the 1979 Act to secure their preservation.

### **Conclusion**

15. The application for Scheduled Monument Consent for works at Rowellan Castle to conserve and restore the building to ensure habitable use should be refused.