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Planning (Listed Building and Conservation Areas)
(Scotland) Act 1997
Appeal Decision Notice

Decision by Philip McLean, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-270-2016
- Site address: Cromarty Harbour, George Street, Cromarty, IV11 8YL
- Appeal by Cromarty Harbour Trust against the decision by The Highland Council
- Application for listed building consent 24/00352/LBC dated 5 February 2025 refused by notice dated 2 April 2025
- The works proposed: erection of a new gate
- Application drawings: location plan, site plan
- Date of site visit by Reporter: 7 July 2025

Date of appeal decision: 09 September 2025

Decision

I allow the appeal and grant listed building consent.

Preliminary matters

The description of the proposal differs between the original application form, the council's decision, and the appeal form. I adopt the appellant's original description above but have excluded additional wording describing the site location rather than the works.

The works have already been undertaken. The retrospective nature of the application and appeal is not relevant to my consideration of the appeal's merits, although it did allow me to view the works in situ and assess their impact.

Reasoning

1. In accordance with section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the determining issue in this appeal is the proposal's effect on the listed building, having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
2. The site is located within the Cromarty Conservation Area and I am also required by section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The appeal site forms part of the category A listed building of Cromarty Harbour, which comprises two ashlar-built and cobbled piers with an outer breakwater or mole. It was originally built by John Smeaton between 1781 and 1785. The parties agree its significance derives partly from its design and stonework, including bullnosed pier ends and the

curvature of the north pier (also referred to as the east pier), which form key features of architectural and historic interest. Its significance and historic interest also derives from its role in helping understand the evolution of Cromarty as a fishing settlement, with the harbour's construction contributing to the town's prosperity. Repairs and modifications were undertaken in the 1830s by the newly formed Cromarty Harbour Trust after the town's trade declined due to construction of a harbour pier at nearby Invergordon in 1828. The outer breakwater was connected to the south pier (also referred to as the west pier) by a timber bridge in 1879 to facilitate use by steamers (with this bridge being replaced by the current 'Bailey' bridge in 1995). Later additions include reinforced concrete extensions associated with the Cromarty Firth's use as a fortified naval base in the two world wars.

4. As the appellant highlights, the harbour also contains a more modern central pontoon with a metal ramp and gated access from the shore, constructed in 2004. Further renovations have been carried out to the south (west) pier since 2019, including works to replace timber harbour sheds, replace and extend railings, upgrade lighting, and provide new fendering and ladders. Renovation of stonework on the north (east) pier is currently ongoing. The listed building has evidently continued to be maintained and adapted to meet the needs of a modern harbour, and I consider this ongoing use is part of its character.

5. The proposal involves installation of a metal gate attached to the landward end of the Bailey bridge between the south (west) pier and outer breakwater. According to the council's report of handling, the gate is 3.6 metres wide and 2 metres tall. It comprises a metal frame forming three sections vertically and horizontally (nine sections in total) with wire mesh infill. The right-hand section contains an integrated pedestrian gate. The council also refers to the presence of four signs, which are shown in photos provided by the appellant. Only three of these were there when I visited, and just one is attached to the gate itself. It is not clear to me whether the two others might pre-date the gate's installation.

6. The council's reason for refusal refers to development plan policies within National Planning Framework 4 (NPF4) (2023) and the Highland-wide Local Development Plan (HwLDP) (2012). As this is an appeal against the refusal of listed building consent, development plan policies do not have the same status afforded to them in planning permission appeals by section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). Nevertheless, they are a relevant consideration in my decision.

7. The most applicable policies in this case are NPF4 policy 7 and HwLDP policy 57. NPF4 policy 7 expects proposals affecting historic assets to be informed by an understanding of their cultural significance, and provides that the alteration of a listed building should preserve its character and its special architectural or historic interest. HwLDP policy 57 similarly provides that development should not compromise the heritage resource. Design policies also apply, in particular HwLDP policies 28 and 29, which in summary expect high quality design in keeping with local character and the historic environment, appropriate materials, and respect for local distinctiveness. The council lists a number of other policies but does not identify any as particularly relevant to this proposal.

8. Similar provisions are included in national policy, in particular the Historic Environment Policy for Scotland (HEPS) (2019) and Interim Guidance on the Principles of Listed Building Consent (2019). The council also refers to guidance documents in Historic Environment Scotland's series entitled Managing Change in the Historic Environment but does not draw my attention to any specific advice within them.

9. The council refused consent on the basis it considers the gate's design and scale cause it to have a significantly adverse impact on the building's historic fabric, character

and appearance, with the associated signage further harming its character. It therefore considers the proposal contrary to the requirements of the Act and to relevant policies.

10. During my site inspection I observed the historic design and fabric of the harbour piers, built of ashlar and with a cobbled surface. I saw that the metal Bailey bridge is contrasting, being obviously more modern and with a somewhat utilitarian design and appearance, including wire mesh fencing on the railings. It does not constitute historic fabric. I noted several other modern and functional metal fixtures close to it, including lampposts, fencing, ducting, and a solar panel with fixings. It has not been put to me that any of these are unauthorised. To my mind they did not appear out of place in their context but they did contribute to the overall character of Cromarty Harbour as a working harbour.

11. At the time of my visit there were also several storage containers in place on the south (west) pier, plus fencing, a skip, construction materials, machinery, and other items. I assume they were temporary, connected with the ongoing renovation of the north (east) pier. I have therefore disregarded them when considering the proposal's impact.

12. The appellant indicates the gate is closed only when required for health and safety reasons (such as adverse weather or overcrowding). During my site inspection I observed the gate in both the open and closed positions (by closing it myself), and from different vantage points on the pier and shore. I accept that it has an 'industrial aesthetic', as the council puts it. However, I consider this is not dissimilar to that of the Bailey bridge. There are also other modern metal features nearby, as detailed above. For these reasons I do not regard the gate as appearing out of place in its immediate context. I acknowledge that it is taller than the bridge's railings and those on the pier itself. However, given its modest size relative to the length of those railings, I do not agree with the council that it 'dwarfs' them.

13. The gate's open mesh design means it is visually permeable when seen face on or at an oblique angle (apart from the small section with a sign attached), so features beyond remain visible. From certain perspectives it is seen end-on when open. From the landward end of the pier, it is viewed against the Bailey bridge and the grey harbour sheds beyond. The similarity of the sheds' colours to that of the gate means it does not appear discordant. At closer range the gate is inevitably more noticeable but is also apparent that it is attached to the bridge, in effect appearing as part of it due to their comparable design and materials.

14. From much of the outer breakwater or mole the gate is seen behind the bridge with only its top part visible, while from the breakwater's far end (referred to by the appellant as the Admiralty pier) slightly more of the gate can be seen but at a greater distance. In these views from the seaward side it is generally set against a backcloth of buildings and is not especially conspicuous. From more distant vantage points the comparatively small size of the gate in the context of the wider harbour also means it is not overly noticeable.

15. As noted above, I am not certain whether either of the two signs I saw beside the gate may already have been in place and hence do not form part of these works. In any event, the three signs' modest sizes and positioning on modern metal elements of the harbour (namely the gate, the bridge, and a cabinet mounted on the bridge) mean I do not consider they appear particularly out of place.

16. Taking this all together, I do not agree with the council that the proposal's design and scale is visually obtrusive or out of character with the historic integrity of the listed building. I consider that the building's special interest derives in part from its original architectural design and historic fabric, partly from its historic importance and evolution, and also from its continued use as a working harbour with modern and functional elements. In my view the

proposal preserves the listed building's special interest, consistent with relevant policies. It does not harm any historic fabric or features of special architectural or historic interest.

17. As the site is within a conservation area I am also required to consider the proposal's impact on this designation. Cromarty Harbour is undoubtedly an important component of the conservation area's character and appearance, being key to the town's character as a historic fishing settlement. Having concluded the proposal would preserve the listed building's special interest, I am also satisfied it would not harm the conservation area's character and appearance. The council does not suggest otherwise.

18. I have considered the matters raised in consultation responses and representations and I have mostly addressed these above. A number of interested parties object based on the gate restricting access to the outer breakwater. Some question the appellant's motives, or dispute its claims that health and safety issues have occurred at the harbour. The retrospective nature of the application and the perceived lack of public consultation are also raised by objectors. None of these matters is relevant to my assessment of the proposal's effect on the listed building's special interest. No material considerations have been brought to my attention that indicate listed building consent should be refused.

19. In conclusion, for the reasons given above, I find that the proposed development would preserve the listed building and the special features of architectural or historic interest which it possesses and that there are no material considerations that would justify refusing listed building consent. I have considered all the other matters raised but there are none that would lead me to alter my conclusions. I therefore allow the appeal and grant listed building consent.

Philip McLean

Reporter