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ECCLESIASTICAL EXEMPTION

A GUIDE TO HOW LISTED BUILDING
CONTROLS ARE APPLIED TO PLACES
OF WORSHIP



HISTORIC
ENVIRONMENT
SCOTLAND

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EACHDRAIDHEIL
ALBA

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This guide applies to buildings used as places of worship that are listed. Normally, works which would alter the character of a listed building need Listed Building Consent (LBC), which is administered by planning authorities.

The [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#) sets out the requirements for LBC. [Section 54](#) of the Act specifically states that ecclesiastical buildings being used for ecclesiastical purposes can be altered without the need for LBC. This is known as 'ecclesiastical exemption'.

This guide answers common questions on ecclesiastical exemption and is based on our understanding of how it is usually applied. This guide is not intended as a legal interpretation of the legislation.

Many congregations wish to use their buildings in a more diverse way. This means that there are an increasing number of situations that the existing legislation did not anticipate and to which there are no straightforward answers. This guide does not address these more complex issues, where nuanced decision-making may be required. You may need to speak to your local planning authority or seek legal advice if you require more information.

Ecclesiastical exemption only applies to listed building consent. Other consents that may be required for altering buildings (such as planning permission, building warrants, scheduled monument consent) are not affected and should be sought as normal.

What is an ecclesiastical building?

An ecclesiastical building is generally considered to be one that has been designed or adapted for religious worship or preaching as its primary use (see Note 1).

What are ecclesiastical purposes? What is ecclesiastical use?

Ecclesiastical purposes are generally considered to be religious worship or preaching. In this document and elsewhere this is also referred to as ecclesiastical use.

Charitable activities can form a central role in a community's religious observance. Exemption is normally considered to apply where charitable activities are carried out from ecclesiastical buildings that are also used for worship and preaching.

Does Ecclesiastical Exemption apply to non-Christian places of worship?

The legislation is normally interpreted to include all places of worship.

In practice, most of the listed places of worship in Scotland are Christian, so some of the wording in this guide may apply more directly to Christian denominations. However, the principles given here are intended to apply to all places of worship.

Does my church need to obtain Listed Building Consent for external alterations?

No. However, the majority of Christian denominations have voluntarily agreed to seek listed building consent for external works, and will therefore be expected to do so. A list of these denominations and information on how the voluntary scheme works is given in Note 2 below. Alteration, replacement or removal of windows and entrance doors are normally considered to count as external work.

Does my church need to obtain Listed Building Consent for internal alterations?

No. However, some denominations have their own internal processes for approving works. These include the Church of Scotland, Scottish Episcopal Church, Roman Catholic Church and Methodist Church.

I own a former church building. Does that building qualify for Ecclesiastical Exemption?

No. Listed Building Consent should be sought for alterations affecting the character of church buildings that are no longer in ecclesiastical use.

Our church owns other buildings that are not used for worship. Are these exempt?

No. Exemption only applies to buildings used for ecclesiastical purposes.

We worship in a building that has been converted from a different use. Is our building exempt?

Normally yes. If the worship space occupies only a small part of the building you should speak to your planning authority, who will advise if consent is required.

Do church halls have Ecclesiastical Exemption?

Church halls are not normally considered to be exempt if they are in a separate building. If the hall is within the same building envelope as the main worship space – such as in a basement – it is possible it will be exempt. Your local planning authority are delegated to decide whether consent is required.

Is living accommodation such as a manse or presbytery exempt?

No – listed building consent should be sought for alterations. The legislation makes it clear that ecclesiastical exemption does not apply to buildings that are wholly or mainly available for use as a residence by a minister of religion.

Are churchyards exempt?

Usually not. Most burial grounds are looked after by the local authority. Where this is the case they are not considered to be in ecclesiastical use, and listed building consent should be sought for alterations affecting their character.

Our church is closing. When does Ecclesiastical Exemption stop?

Most churches would hold a 'last service' or other ceremony to mark the closure of their building. If this does not happen, then ecclesiastical use could be considered to have stopped once no more services are scheduled.

Our church has to close temporarily. Would Ecclesiastical Exemption still apply?

Yes, usually. Churches may close temporarily for a number of reasons, for example because a new minister needs to be appointed, it is only used during the summer months, or building works are being carried out. Where there is a clear intention to return the building to ecclesiastical use, exemption remains.

We are converting an existing church for use by a different denomination or religion. Does Ecclesiastical Exemption continue?

Yes.

Our church is closing. Can we remove fixtures and fittings before it closes?

Fittings, such as loose furniture, are not protected by listing. You don't need LBC to remove them.

Fixtures are items that are fixed to the building and include doors, windows, panelling, fireplaces and memorials. Items that are large and heavy may be considered to be 'fixed' by their own weight. Pews, communion tables, altars, fonts, pulpits and organs are normally considered to be fixtures, but if these items are lightweight they may be classed as fittings. Our [Managing Change guidance note on Interiors](#) gives further information on the distinction between fixtures and fittings. The local planning authority can advise on whether listed building consent is required.

Some fixtures and fittings within a church can play a fundamental role in worship. These might include the pulpit, communion table or altar, and font. If items that are fundamental to worship are removed, we would take this as a sign that ecclesiastical use has ended. Any alteration associated with the end of ecclesiastical use would not be covered by exemption, and would need LBC.

Can we demolish our church under Ecclesiastical Exemption?

No. Listed Building Consent should always be sought for demolition. This is because a building cannot be used while it is being demolished, and therefore ecclesiastical use must have finished before any work starts.

Demolishing a listed building is a last resort and should be avoided wherever possible – there will always be a strong presumption to retain listed buildings. Every effort should be made to preserve them before demolition is considered. This includes adapting them for a new use, if the previous use has finished.

How do I find out if Listed Building Consent is required?

Planning authorities administer listed building consent and are responsible for deciding whether consent is required. If you have any questions, you should contact your local authority's planning department.

Does Ecclesiastical Exemption apply to Scheduled Monuments?

No. Scheduled Monument Consent is always required for works that affect scheduled monuments. Scheduled monument consent is administered by Historic Environment Scotland.

We want to carry out alterations or repairs in a way that protects our building. Who should we contact?

An architect or surveyor with experience in working with historic churches should be best placed to help you draw up sympathetic proposals.

Some church denominations (including the Church of Scotland, Scottish Episcopal Church, Roman Catholic Church and Methodist Church) also have internal processes and advisors who may help.

The Church of Scotland has published a series of guidance notes on common alterations to church interiors. These may be helpful to other denominations and are available online here: <https://www.resourcingmission.org.uk/resources/quick-guides/worship-places>

Scotland's Churches Trust has information on maintenance: <https://scotlandschurchestrust.org.uk/maintain-your-church/>. Their website also provides information on grants that are available from various organisations.

We have published a number of guidance notes including [Inform Guides](#) and [Short Guides](#) that give advice on building conservation. We also have a series of guidance on [Managing Change in the Historic Environment](#), which gives advice on alterations and listed building consent.

We are also happy to discuss proposals. Enquiries should be emailed to HMenquiries@hes.scot

Is Ecclesiastical Exemption different in other parts of the UK?

Yes. England, Wales and Northern Ireland operate different planning systems and different rules apply.

Notes

Note 1: This definition is intended to help identify buildings that may benefit from ecclesiastical exemption. Individual church denominations may define the term more widely. For example, the Church of Scotland's Work at Ecclesiastical Buildings Regulations 1998 (as Amended) defines 'ecclesiastical building' as broadly including all buildings owned or used by the Church of Scotland, reflecting the scope of that document.

Note 2: The following denominations have voluntarily agreed to seek listed building consent for external works:

- Associated Presbyterian Churches
- Baptist Union of Scotland
- Church of Scotland
- Free Church of Scotland
- Free Presbyterian Church
- Methodist Church in Scotland
- Roman Catholic Church in Scotland
- Scottish Episcopal Church
- United Free Church of Scotland
- United Reformed Church Scotland Synod (formerly Scottish Congregational Church)

Further information on how the voluntary scheme works is available online here: <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b890f4aa-e176-44dc-9053-a58e00e31c4c>



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