

Case Name: Weiss Development Company Limited v The Scottish Ministers

Case Ref No: XA52/23

Date of Hearing: Tuesday 9 July 2024 at 10.30 (half day)

Division and Senators: First Division (Lord President, Lord Pentland, Lady Wise)

Livestreamed Hearing?: Yes No

Agents and Counsel:

Agents / Counsel for the Appellant (*Weiss Development Company Ltd*):

Jonathan Weiss, lay representative.

Agents / Counsel for the Respondents (*The Scottish Ministers*):

Scottish Government Legal Directorate

Neil McLean, solicitor advocate.

Link to Judgment Appealed:

Decision Notice: <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=123567>

Case Description:

This is an appeal under section 58 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 against a decision of the Scottish Ministers to uphold a decision by Historic Environment Scotland to designate Weiss Development Company Limited's property as a Listed Building.

Weiss Development purchased the City Sawmills at 124 Craighall Road, Port Dundas, Glasgow on 30 August 2013. In May 2022, Weiss Development applied

for planning permission from Glasgow City Council to demolish the property and erect 60 flats on the site. That same month, Paul Sweeney MSP applied to Historic Environment Scotland to have the building designated as a Listed Building, with a view to having it preserved from demolition. HES assessed the building and found that it met the criteria for listing, but declined to designate it as such owing to the advanced stage of the development proposals.

Glasgow City Council assessed the building and considered that it was of special architectural or historic interest, and issued a Building Preservation Notice in October 2022. The Council asked HES to assess the building for listing a second time. HES did so, and this time designated the building as C-listed, owing to the fact that it was a good surviving example of a late 19th century commercial office building, and was therefore of special architectural or historic interest in terms of s 1 of the 1997 Act.

Weiss Development appeal that decision. The First Division will hear the appeal on Tuesday 9 July 2024.