



## Case information

<b>Case ID</b>	300008846
<b>File Reference</b>	HGH/B/SA/148
<b>Name of Site</b>	County Buildings (former Court House and Prison), Breadalbane Street, Tobermory

<b>Local Authority</b>	Argyll and Bute Council		
<b>National Grid Reference</b>	NM 50277 55100		
<b>Designation No. (if any)</b>	LB42072		
<b>Designation Type</b>	Listed Building	<b>Current Category of Listing</b>	B
<b>Case Type</b>	Amendment		

<b>Received/Start Date</b>	2014 (Former Scottish Court Houses Listing Review 2014-16)
<b>Decision Date</b>	11/01/2017

## 1. Decision

In our current state of knowledge, the County Buildings continue to meet the criteria for listing. The statutory listing address and the listed building record have been amended. The category of listing has changed from B to C.

<b>Previous Statutory Address</b>	Court House
<b>Amended Statutory Address</b>	County Buildings (former Court House and Prison) including gatepiers and boundary walls, Breadalbane Street, Tobermory

## 2. Designation Background and Development Proposals

### 2.1 Designation Background

The former Tobermory Court House was listed at category B in 20/07/1971.

### 2.2 Development Proposals

There are no known development proposals.

### 3. Assessment

---

#### 3.1 Assessment information

The former Tobermory Court House was considered for amendment as part of the Former Scottish Court Houses Listing Review 2014-16.

The building has not been visited. The present assessment is desk-based, using available information.

#### 3.2 Assessment against designation criteria

The building was found to meet the criteria for listing.

An assessment against the listing criteria was carried out. See **Annex A**.

*The designation criteria are published in the Historic Environment Scotland policy statement June 2016, Annex 2, pp. 51-53.*

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/historic-environment-scotland-policy-statement/>

---

#### **Elizabeth McCrone**

Head of Designations  
Heritage Management  
Historic Environment Scotland

<b>Contact</b>	Laurence Parkerson, Designations Officer Laurence.parkerson@hes.scot, 0131 669 8093
----------------	--

## **ANNEX A – Assessment Against the Listing Criteria\***

### **County Buildings (former Court House and Prison) including gatepiers and boundary walls, Breadalbane Street, Tobermory**

---

#### **1. Description**

Designed by John Dick Peddie and Charles Kinnear in 1862 it is a 2-storey, 3-bay, rectangular-plan, Scots Baronial former court house and prison. It is sited on high ground overlooking Tobermory Harbour. It is built in squared and snecked rubble with ashlar dressings, chamfered reveals and crowstepped gables. There are curved corner, corbelled out at the first floor and an advanced, crowstep gabled entrance bay to the north with a segmental arched doorway at the centre. There are shouldered chimney stacks at the corner and the side elevations have gabled outer bays with wallhead chimney stacks. Three gabled windows with thistle finials break the eaves to the former courtroom at the first floor. There are four horizontal, small-pane glazed openings to each of the former cells at the ground floor on the east elevation.

The building has mostly a 6-pane glazing pattern in timber sash and case windows, a grey slate roof and coped wallhead stacks.

The interior has not been seen. Photographs of the interior of the former courtroom (used as a registry office) show that it has timber panelling to dado height, a segmental-arched recess in the south wall behind a raised timber judge's bench (with later pieced fretwork frieze). There is a raised cast iron fireplace to the left of this recess.

Three sandstone ashlar, square-plan and coped gatepiers front Breadalbane Street including a pedestrian entrance. The rubble boundary wall has rubble copes and includes a curving section of retaining wall to the north.

---

#### **2. Assessment Against the Listing Criteria** (HES Policy Statement, 2016) Annex 2, pp. 51-52

---

Criteria for determining whether a building is of 'special architectural or historic interest' for listing under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 [[www.legislation.gov.uk/ukpga/1997/9/contents](http://www.legislation.gov.uk/ukpga/1997/9/contents)]

*To be listed, a building need not meet all the listing criteria. The criteria provide a framework within which judgement is exercised in reaching individual decisions.*

##### **2.1 Age and Rarity**

The former Tobermory Court House and Prison (now the County Buildings) was built in 1861-82 by the renowned Edinburgh architectural practice of Peddie and Kinnear. The architects' plans, dated 1861 (Canmore 157762, reference AGD/29/2), show the

principal courtroom on the first floor with the main staircase to the north. There is a row of holding cells at the ground floor in the south of the plan with living quarter above that are accessed by a separate entrance in the south elevation. The east elevation (facing the harbour) and the entrance elevation to the north are little altered from that shown on these drawings. The building is marked as a court house and prison on the 1<sup>st</sup> Edition Ordnance Survey Map (surveyed 1877).

The building ceased to operate as the sheriff court in 1905 and the building was acquired by Argyll and Bute Council for use as local county buildings. Some internal alteration work was carried out around this time and the main courtroom is now used as a registry office but is understood to retain some of its courtroom fixtures and fittings.

The development of the court house as a building type in Scotland follows the history of the Scottish legal system and wider government reforms. The majority of purpose-built court houses were constructed in the 19<sup>th</sup> century as by this time there was an increase in the separation of civic, administrative and penal functions into separate civic and institutional buildings, and the resultant surge of public building was promoted by new institutional bodies. The introduction of the Sheriff Court Houses (Scotland) Act of 1860 gave a major impetus to the increase and improvement of court accommodation and this provision of central funding was followed by the most active period of sheriff court house construction in the history of the Scottish legal system and many new court houses were built or reworked after this date.

The courts were designed in a variety of architectural styles many relying heavily on Scots Baronial features to reference the fortified Scottish building tradition. Newly constructed court buildings in the second half of the 19<sup>th</sup> century dispensed with large public spaces such as county halls and instead provided bespoke office accommodation for the sheriff, judge and clerks, and accommodating the numerous types of court and holding cells. Courthouses constructed post 1860 generally had a solely legal purpose and did not incorporate a prison, other than temporary holding cells. Exceptions to this tended to be the more remote court houses such as Kirkwall, Stornoway, Tobermory, and Lerwick.

The former Tobermory Court House and Prison is a good example of a small burgh court house that was among the first phase of sheriff court buildings to be designed and built after the 1860 Act, a significant period of court house building in Scotland.

## **2.2 Architectural or Historic Interest**

### ***Interior***

The interior was not seen and has not been taken into account in this assessment. Photographs of the former courtroom on the Tobermory Isle of Mull Website indicate that the surviving fixtures and fittings are relatively plain in comparison to other court houses of a similar date, however, this is not uncommon for rural court houses.

### ***Plan form***

The plan form of the court house is typical for its date with the main courtroom located on the 1<sup>st</sup> floor. A comparison between 1<sup>st</sup> Edition Ordnance Survey Map and modern maps indicates that the footprint has not been altered.

### ***Technological excellence or innovation, material or design quality***

The former Tobermory Court House and Prison is a good example of its building type using a simplified form of the Scots Baronial style. The principal entrance elevation is unusual because of the lack of ground floor windows. This together with the curved corner and crowstepped gables are reminiscent of the fortified or defensive quality of earlier Scottish tower houses and are very appropriate for a building associated with law and justice. The Scots Baronial style was used by Peddie and Kinnear in their design for Aberdeen Town House (1861-2) and at Greenock (1867-69) and other court houses would also follow suit, including Selkirk (by David Rhind, 1869-70) and Kirkcaldy (by James Gillespie, 1893).

The partnership of Edinburgh architects of John Dick Peddie and Charles George Hood Kinnear existed between 1856 and 1878. Kinnear's earlier association with William Burn and David Bryce was a significant influence on the practice. The partnership was successful from the beginning with numerous commissions for high status public and commercial buildings, schools and churches across Scotland. Aberdeen Town House is considered to be one Peddie and Kinnear's best buildings.

### ***Setting***

The building is on an elevated site overlooking Tobermory Harbour. On the 1<sup>st</sup> Edition Ordnance Survey Map the court house is relatively isolated but since this time Tobermory has expanded and houses have been constructed to the south and west of the building. The immediate setting of the building has changed from that shown on this map by the construction of a single storey building to the west but the building remains physically and visually detached from its neighbours by a boundary wall.

### ***Regional variations***

There are no known regional variations.

## **2.3 Close Historical Associations**

There are no known associations with a person or event of national importance at present (2016).

## **3. Working with the Principles of Listing** (HES Policy Statement, 2016) Annex 2, pp. 53

---

In choosing buildings within the above broad headings particular attention is paid to:

- a. special value within building types*
- b. contribution to an architecturally or historically interesting group*
- c. the impact of a grouping of buildings*
- d. authenticity*

When working with the principles of listing the former Tobermory Court House and Prison has particular interest under a.

a. It is a good example of a mid 19<sup>th</sup> century small burgh court house making effective early use of the developing Scots Baronial style and designed by a renowned architectural practice.

#### **4. Summary of Assessment Against the Listing Criteria\*\***

---

The former Tobermory Court House and Prison is a good example of a small burgh court house by the renowned Scottish architectural practice of Peddie and Kinnear. The design is a simplified form of the Scots Baronial style, with curved corners and crowstepped gables, and is reminiscent of the fortified and defensive quality of earlier Scottish tower houses. The principal entrance elevation is unusual for the lack of windows at the ground floor.

In our current state of knowledge it continues to meet the criteria for listing.

#### **5. Category of Listing**

---

Categories of listing are non-statutory and buildings are assigned a category (A, B or C) according to their relative importance following the assessment against the criteria for listing.

Category definitions are found at: <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/what-is-listing/>

Category C is for buildings of local importance; lesser examples of any period, style or building type, as originally constructed or moderately altered; and simple, traditional buildings that group well with other listed buildings. In comparison with other court houses of a similar date, including those by Peddie and Kinnear such as Greenock and Aberdeen, the Former Tobermory Court House and Prison is a modest example of a former court house built after the 1860 Act. Category C is therefore considered to be the more appropriate category of listing than its present category B.

#### **6. Other Information**

---

N/A

#### **7. References**

---

Canmore: <http://canmore.org.uk/> CANMORE ID 157762

#### **Maps**

Ordnance Survey (surveyed 1877, published 1881) Argyll and Bute Sheet XXXVIII.16 (Kilninian). 25 inches to the mile. 1<sup>st</sup> Edition. Southampton: Ordnance Survey

## Printed Sources

Walker F.A. Sinclair F. (2002) *Buildings of Scotland: Argyll And Bute*. Newhaven and London: Yale University Press. p.81.

## Online Sources

Dictionary of Scottish Architects. *Tobermory Sheriff Court and Prison* at [http://www.scottisharchitects.org.uk/building\\_full.php?id=215090](http://www.scottisharchitects.org.uk/building_full.php?id=215090) (accessed 02/09/2016).

Tobermory Isle of Mull. *Tobermory Registry Office* at <http://www.tobermory.co.uk/information/weddings/weddings-on-mull/> (accessed 02/09/2016).

---

\* This assessment is based on our current state of knowledge and has been prepared for the purpose of consultation or to provide a view on the special interest of a building. This assessment is a consultation document and will form the basis of any new or updated listed building record should the structure be listed. The content of this assessment may change to take into account further information received as a result of the consultation process.

\*\* A building may be found to meet the listing criteria but in some circumstances may not be added to the list. See 'When might Historic Environment Scotland list a building' at <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/what-is-listing/>