



Case information

Case ID	300008866
File Reference	HGH/B/HE/10
Name of Site	Former Court House, High Street, Nairn

Local Authority	Highland Council		
National Grid Reference	NH 88383 56526		
Designation No. (if any)	LB38427		
Designation Type	Listed Building	Current Category of Listing	B
Case Type	Amendment		

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

1. Decision

In our current state of knowledge, the former court house in Nairn continues to meet the criteria for listing. The statutory listing address and the listed building record have been amended. The category of listing remains at B.

Previous Statutory Address	High Street, Courthouse (Town and County Buildings)
Amended Statutory Address	Former Court House including prison and boundary walls to rear, High Street, Nairn

2. Designation Background and Development Proposals

2.1 Designation Background

This building was listed at category B on 12/03/1981. The listed building record was revised in 1985.

2.2 Development Proposals

There are no known development proposals.

3. Assessment

3.1 Assessment information

The former court house in Nairn was considered for amendment as part of the Scottish Court Houses Listing Review 2014-2016.

The building was visited on 03/03/2015 and the exterior and interior were seen at this visit.

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/>

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ANNEX A – Assessment Against the Listing Criteria*

Former Court House including prison and boundary walls to rear, High Street, Nairn

1. Description

The building dates to 1818, with a prison to the rear designed by Thomas Brown II in 1842-1844, and additions and alterations by A and W Reid in 1868-70. It is a 2-storey, 5-bay, L-plan former court house with a central square entrance tower rising three stages and flanked by shallow and recessed bays with a parapet and hipped roofs. It is built in coursed and stugged rubble, with polished ashlar dressings and rusticated quoins.

The entrance door of the tower has a segmental panel above set in a moulded architrave. There is a bipartite window at the first floor with round-headed lights and a hoodmould with a string course above. There is a round-headed central niche in the second stage of the tower with flanking narrow windows. The tower has a corbelled and crenellated parapet with gargoyles at each corner and is surmounted by an ornate 2 stage pyramidal leaded spire (dating to 1868-70) with clock faces mounted on all four sides and a small glazed arcade above and a cast iron weathervane. The belfry has a bell cast by Thomas Mears in 1843.

There is a 2-storey, 9-bay rectangular range to the rear that comprise the former prison cells at the ground floor with high set windows and offices at the first floor. There is an external exercise yard to the southwest that is enclosed by a tall coped boundary wall.

The interior was seen in 2015. The main courtroom on the first floor has a coved ceiling with a dentilled cornice and some decorative plasterwork. A stair in the first floor hallway provides access to a vaulted store room and to the tower above. The former prison range and cells are largely intact. The ceilings to the prison corridor and cells are vaulted, and there are flagstones floors and studded cell doors which retain their door furniture.

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]

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

This former court house in Nairn occupies the site of a former tolbooth. It is situated on the northwest side of the High Street and slightly set back from the road. It first appears on the 1st Edition Ordnance Survey map, surveyed in 1868.

The building was constructed in three significant phases. The first phase dates to 1818 with the construction of the main L-plan block. The mason-contractor was John Wilson, under the instruction of Mr Smith, architect. When the building was constructed in 1818-19 there was provision for two cells. In 1842 Thomas Brown II, architect to the Prison Board of Scotland, designed the 2-storey prison wing to the rear and it was complete by 1844. The boundary walls also date to this period. There were some other alterations in around 1868-70. The parapet and spire of the tower dates to the remodeling of 1868-70, and replaced a simple crenellated parapet that enclosed an octagonal belfry and spire. The belfry bell in the present tower replaced two smaller bells dated 1699 and 1769 (RCAHMS, p152). After 1868 the prison wing was extended further to the northwest to plans by Inverness architects A and W Reid and the work was completed by 1870. The court house was converted to offices for the local authority in the 1980s.

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 19th century, however, prior to this time burgh judicial functions were commonly housed in a single building such as a tolbooth or town house.

By the 19th century 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 Burgh Police (Scotland) Act of 1833 significantly altered local government in Scotland and marked the beginning of democratically-elected councils and led to stricter financial control of Scottish burghs. Acts of Parliament in 1819 and 1839 laid down directions for the financing of court houses, however it was the introduction of the Sheriff Court Houses (Scotland) Act of 1860 which gave a major impetus to the increase and improvement of accommodation provided for the dispensation of civil and criminal justice. 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 Burgh Police (Scotland) Act of 1833 significantly altered local government in Scotland and marked the beginnings of democratically-elected councils. The period following this Act brought forward stricter financial control of Scottish burghs and few new or major alterations to court houses were carried out until the Sheriff Court Houses (Scotland) Act of 1860. The main exception in this period was the remodelling of prisons or cell accommodation, which following The Prisons Act of 1835 were subject to annual inspection. An 1839 Act transferred the supervision, management and cost of prisons to County Boards. The few court houses that were constructed between 1835 and 1860 typically had a small cell block range, such as Dingwall and Peebles. Cell blocks were also added to the court houses of Nairn, Inverness, Cromarty and Stonehaven (cell block has been demolished). Following

the 1860 Act court houses generally had a solely legal purpose and did not incorporate a prison, other than temporary holding cells.

Nairn Court House is a good survivor of this early phase in Scottish court house development. The survival of the earlier prison by Thomas Brown to the rear of the building and the later phase of alterations are also of significant interest as they represent the significant period of judicial and penal change in Scotland.

2.2 Architectural or Historic Interest

Interior

Many of the fixtures and fittings in the former courtroom have been removed. This is not unusual for a court house no longer in use as such and their removal is likely to have occurred in the 1980s when the building was converted to local authority offices. The interior decoration, such as the decorative plasterwork to the former courtroom, is understood to date to the 1868-70 alterations. The prison cells survive largely intact and this is of particular interest.

Plan form

The plan form of the court house is not unusual, the main courtroom located on the first floor. There has been some modification to the surrounding offices, including some later room divisions and changes to room functions, which is not unusual in a building of this type in continuous use. The survival of the former prison block and enclosed courtyard to the rear is also of interest as cell blocks were added to a relatively small number of court houses

Technological excellence or innovation, material or design quality

As prime civic buildings, courts usually had a significant amount of decorative work on the exterior and Nairn has a proportionate amount of good stonework detailing for a small burgh court house. The central tower with its prominent belfry adds interest to its design.

Thomas Brown II (1806-circa 1872) began his architectural career in his father's firm. He probably worked in the office of William Burn prior to being appointed as architect to the Prison Board of Scotland in 1837 and setting up his own independent office in Edinburgh. James Maitland Wardrop (1823-1882) was articled to Thomas Brown, becoming a partner in the practice in 1849. As architect to the Prison Board of Scotland, Brown had extensive experience in designing county court houses and prisons, the design work of which Wardrop gradually took over, which included the court houses of Wigtown (1862), Alloa (1863), Forfar (1869), Angus (1869) and Stirling (designed 1866, built 1874). The practice were also highly successful at remodelling and designing country houses.

Setting

The court house in Nairn is a significant building on the High Street and its importance as the premier public building in the town is emphasised by its central steeple and from being set back from the building line of the rest of the street, creating a small square in front of the building. The scale and distinctive tower of the

court house makes a good contribution to its setting as a prominent landmark within a Highland town high street and conservation area.

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 Court House in Nairn has particular interest under a and d.

a. The former court house in Nairn is a good example of an early 19th century court house with alterations and additions that reflect mid 19th century judicial and penal changes.

d. Externally the building is little altered since the tower was altered after 1868.

4. Summary of Assessment Against the Listing Criteria**

The former court house at Nairn is a distinctive early 19th century civic building with alterations and additions that reflect important mid 19th century judicial and penal changes in Scotland. This includes the survival of the 1842-1844 cell block range with largely intact cells, and an enclosed courtyard to the rear. The building has a significant streetscape presence in Nairn town centre with its prominent central clock tower forming a focal point on the High Street.

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 B is for buildings of regional or more than local importance; or major examples of some particular period, style or building type, which may have been altered. The former court house in Nairn is a good example of an early phase in Scottish court house development, with a later prison range. The building has been altered internally, and when compared with court houses of a similar date, category B is considered the most appropriate category of listing.

6. Other Information

N/A

7. References

Canmore: <http://canmore.org.uk/> CANMORE ID 110160

Maps

Ordnance Survey. (surveyed 1868, published 1871) Nairn Sheet I.16. 25 inches to the mile. 1st Edition. Southampton: Ordnance Survey.

Printed Sources

Gifford, J. (1992) *Buildings of Scotland: Highland and Islands*. London: Penguin Books. pp.279-281.

Inverness Advertiser (4 February and 14 July 1868) *Advertisement for tenders*.

Inverness Journal (8 August 1819) *Advertisement for tenders*.

Royal Commission on the Ancient and Historical Monuments of Scotland (1996) *Tollbooths and Townhouses: Civic Architecture in Scotland to 1833*. Edinburgh: The Stationary Office. pp.152-153.

Online Sources

Dictionary of Scottish Architects, *Brown and Wardrop* at http://www.scottisharchitects.org.uk/architect_full.php?id=200149 [accessed 03/09/2016].

Historic Scotland (2014) *Scottish Courts Preliminary Report* at <https://www.historicenvironment.scot/media/3337/scottish-courts-preliminary-report.pdf> [accessed 03/09/2016].

Other Information

Further information provided by Scottish Court Service (2014).

* 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/>