

1. SUMMARY

1.1 The historic environment - buildings, townscapes, villages, landscapes, monuments and related archaeology - underpins the character and diversity of the countryside.

1.2 The National Planning Policy Framework (NPPF) leaves recently reviewed policies on the historic environment largely unchanged. There is a specific section in the NPPF on the historic environment but the wide ranging nature of the topic means that related elements of policy are covered in other sections, notably design, climate change and plan-making. There is strong support in the NPPF for achieving improvements in the quality of design of new developments.

2. TOP TIPS

- The historic environment is an irreplaceable resource. Press for a positive approach to the historic environment in local plans.
- Landscape and built environment character assessments, including historic and cultural influences, should form part of the evidence base for local plans. Press your local planning authority (LPA) to prepare such assessments.
- The design of new development should take account of local distinctiveness, character and history. Neighbourhood plans provide scope for recognising and promoting the importance of local townscapes and villages. Responding to development proposals provides an opportunity to reinforce this.

PLANNING CAMPAIGN BRIEFING SERIES:

1. Development Plans
2. Green Belts
3. Housing
4. Energy Infrastructure
5. Transport
6. Heritage and Design
7. Light Pollution
8. Rural Economy
9. Economic Development and Town Centres
10. Wider Countryside and Protected Areas
11. Tranquillity

We welcome case studies and feedback to inform future versions of these briefings.

(E mail to info@cpre.org.uk)

3. LAW AND POLICY CHANGES AT A GLANCE

PRE REFORM (PPS5)	LOCALISM ACT / NPPF
Design - quality of development (PPS1; PPS3, PPS7)	Strong design policy (Section 7 para.56-68). Among other considerations, developments also now need to consider local character, history and the identity of local surroundings and materials (NPPF para.58)
n/a - new policy	The designation of new conservation areas, while not disallowed, is strongly discouraged, ostensibly to ensure the 'concept of conservation is not devalued' (NPPF para.127)
Where an asset may have a special significance to a particular community, not identified through usual consultation processes, steps should be taken to address this (PPS5 Policy HE7.3)	The original policy ensured that the significance of an asset was understood from all viewpoints and recognised some groups' views are not adequately represented. There is no equivalent policy in the NPPF.
Defined presumption in favour of the conservation of designated heritage assets (PPS 5 Policy HE9.1)	There is no specific presumption in favour of heritage in the NPPF. Rather, a 'presumption in favour of sustainable development' applies to the NPPF as a whole, including the historic environment.

4. BACKGROUND

4.1 The purpose of this briefing is to assist understanding of the reforms to the town and country planning system introduced by the Localism Act 2011 and the NPPF (March 2012). It outlines the main changes and the issues to be aware of (Analysis) and advises on specific campaign topics (Campaign Advice).

4.2 The new emphasis on localism is likely to lead to a much wider variety of local planning policies and decisions. These decisions will determine the impact of the planning reforms. CPRE is keen to ensure that our precious countryside continues to be protected and valued, and to highlight significant threats to it where they arise. We will collect evidence of outcomes (good and bad), in the form of cases that illustrate the issues we highlight. We welcome public assistance with this, as well as feedback on the briefing.

5. WHAT ISSUES ARE YOU LIKELY TO FACE?

Heritage

5.1 The NPPF (para.126) refers to both the historic environment and heritage assets. The historic environment is an all encompassing term that covers ‘all aspects of the environment resulting from interaction between people and places...’ Heritage assets comprise buildings, monuments, sites, places, areas or landscapes identified as having a degree of ‘significance’. These represent aspects of the historic environment. In this context ‘significance’ should be considered a technical rather than a general description.

5.2 It is the effect on the ‘significance’ of an asset that comes under consideration when a heritage asset may be impacted by a proposed development. The ‘significance’ of an asset represents the assets’ heritage interest, which can be archaeological, architectural, artistic or historic; it also encompasses the setting of the asset. The onus of describing the ‘significance’ of a heritage asset affected by a development proposal remains with the applicant, but the implication is that a local planning authority should always be able to specify and define what it is about a heritage asset that is special or distinctive and could suffer harm.

5.3 The setting of a heritage asset is an important contributory factor to the ‘significance’ of the asset. The setting is unfixed as it represents the surroundings in which the asset is experienced. Immediate surroundings may provide the context in which an asset is understood. It could also include, for example, key sight lines and views to and from the asset if these are integral to the understanding of the asset. Most importantly for CPRE, however, is that significant aspects of setting can include tranquillity. Developers have sought to argue in some planning inquiries (see for example the Stratford on Avon case in Further Information) that a site cannot be considered tranquil if it is heavily visited. English Heritage guidance on setting (see Further Information) makes clear that a judgement on whether tranquillity forms part of the significance of an asset should not be affected by whether a site attracts large numbers of visitors. More detail on tranquillity is set out in Campaign Advice in this section and Campaign Briefing 11 in this series.

5.4 Determining the ‘significance’ of an asset will be critical in decision making regarding heritage assets. The NPPF provides guidance that both the level of information provided with applications and the conservation of assets should be proportionate to their ‘significance’. Paragraph 138 advises that development proposals affecting Conservation Areas or World Heritage Sites will be judged on the extent to which they affect elements of significance to the designation of the area or site in question. A distinction is also made between Grade II listed buildings, where substantial harm or loss should be ‘exceptional’ and Grade II*, Grade I, scheduled monuments, battlefields, World Heritage Sites and Grade I and II* registered parks and gardens, where it should be ‘wholly exceptional’.

5.5 In identifying the significance of an asset, local Historic Environment Records (HERs - previously known as Sites and Monuments Records or SMRs) are an important information resource. HERs have information on the local historic environment, including monuments, local building surveys, local archaeological excavations, and archives. Information about locally listed heritage assets is also recorded. HERs tend to be kept by county councils, although some councils have joint HERs. Section 7(ii) of this briefing provides a web link to access HERs.

5.6 The weight given to heritage concerns in the NPPF is sometimes ambiguous. 'Conserving and enhancing the historic environment' is the title of a distinct section in the NPPF. This recognises the historic environment as an irreplaceable resource and a contributor to sustainable development. The onus is on applicants to justify any harm or loss, and in particular to demonstrate that, if a development proposal involves substantial harm or total loss, that the benefits outweigh the harm. The PPG, however, advises that 'Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases.' The NPPF is also more neutral where there is 'less than substantial harm' to an asset, or harm to an undesignated heritage asset. Demonstrating that retaining a heritage asset outweighs economic, social and environmental benefits of a major development proposal may therefore prove challenging in many cases.

5.7 Conserving and re-using heritage buildings can, by its very nature, be considered sustainable as it makes use of existing assets and all the embodied resources this entails. Conserving and enhancing the historic environment can therefore make an important contribution to sustainable development.

5.8 There are some 400 000 listed buildings in England. As previously, alterations and repairs remain subject to listed building consent. Alterations to listed buildings, where listed building consent has not been applied for before 21 March 2012, are subject to 20% VAT. These changes were set out in the Finance Act, which attained Royal Assent on 17 July 2012. Repairs to listed buildings were already charged at this rate.

5.9 Local listings are recognised as heritage assets in the NPPF (Annex 2 Heritage Asset definition) which means that they will be a material consideration when considering planning permissions, as with other heritage assets. Local listing is a way of getting formal recognition for heritage assets that have local significance but are not considered suitable for listed building status, which identifies national significance. They can therefore be a significant contributory factor to the local character and distinctiveness of an area.

5.10 While the NPPF does not encourage the creation of new Conservation Areas (para.127) this is not to say that new areas cannot be designated, as long as the special interest of the area can be demonstrated. While Conservation Area designation identifies the value of an area, the powers of the local planning authority over householder permitted development rights are limited. However, Article 4 Directions provide a process that imposes greater restrictions on permitted development rights. Such discretions can be used to ensure the special interest of the area is maintained, for example, limiting the right to replace wooden window frames with uPVC versions.

5.11 The issue of full or partial demolition - for example keeping the front façade but losing the integrity and historic fabric of the building - of unlisted buildings in Conservation Areas remains, as with previous policy, unclear. Clarity relates in part to what aspects of the heritage asset are considered of significance. It is likely that further clarity on demolition will come through future planning decisions and case-law. If you have any case studies on such situations, please send them to info@cpre.org.uk.

5.12 The 2013 Enterprise and Regulatory Reform Act brought conservation area consent, previously a separate consent, within the planning permission consent process, to reduce duplication. A link to the Act is provided in Section 7(iii).

Design

5.14 The NPPF is strong on the importance of good design (NPPF Section 7). It states that local plans should have policies on the quality of development expected in the area. The importance of reflecting the local character and history of an area and promoting local distinctiveness is particularly noted and this can provide a strong endorsement of the value of the historic environment. Evidence on this can be used in local plans to help identify what is important in terms of design standards in ensuring new development is appropriate to the local area.

5.15 This is significant given the heritage of an area is often the foundation of local distinctiveness and sense of place. The NPPF provides guidance that new development should reflect character, history and local identity. This is reinforced by outlining how design should take into account the scale, density, massing, height, landscape, layout and materials of the local area in order to enhance local distinctiveness. In setting this out it is not intended that new design is stifled, but rather that new development should respect and complement what already exists.

5.16 The focus on good design also means that new development should be more intelligent in terms of creating positive environments that are good to be in and experience. This should help to address poor design of developments in recent years which have eroded the local distinctiveness of areas.

5.17 While good design is clearly important and should be considered when evaluating development proposals, it may be difficult to argue for given the emphasis on viability throughout the NPPF. Viability and quality should not, however, be considered mutually exclusive. High quality design is likely to result in a more desirable and therefore more long lasting and sustainable development than poorly designed developments.

5.18 Good design provides a way of reconciling high density development with the need to fit with the character of existing areas. Well designed, high density development can be attractive as well as contributing to sustainable development by making efficient use of land. For more information on high density design see Planning Campaign Briefing 3: Housing.

5.19 Another aspect of design to consider is whether the proposed development will cause light pollution. Light pollution can affect both the character and sense of place and have a direct impact on the setting of heritage assets. More information about light pollution is set out in Planning Campaign Briefing 7.

6. CAMPAIGN ADVICE

6.1 Local planning authorities should have a positive strategy for the conservation and enjoyment of the historic environment. Paragraph 169 of the NPPF also calls for up to date evidence to assess the significance of heritage assets, and for the maintenance of or access to a historic environment record. Pressing for the following as evidence, and as a basis for policy in local plans and neighbourhood plans, would promote CPRE aims and help secure a positive future for the historic environment:

- Historic landscape character assessment
- Design policies that are based on Historic Area Assessments (HAAs) and acknowledge local distinctiveness
- Designating areas of tranquillity
- Use of conservation area and local listing approaches
- Heritage-led regeneration
- Active promotion of local distinctiveness

These issues are addressed in more detail below.

6.2 If your LPA is preparing a Landscape Character Assessment make sure this is integrated with historic landscape and townscape or village character assessment. Historic landscape character assessments look at the human activity that has shaped the landscape. Understanding the cultural factors that have shaped the landscape can help inform future management and change. Historic landscape character assessments reinforce the view that the historic environment is more than just buildings, and that many historic elements contribute to local distinctiveness and sense of place. More information about landscapes is set out in Briefing 10: Wider Countryside and Protected Areas.

6.3 Historic Area Assessments (HAAs) focus more on the built historic environment. They can be used to identify and explain the character of a place and what defines it. HAAs can therefore be a useful tool to help plan the management of the historic environment. You can press your local planning authority to undertake an assessment but they are not obliged to do so. If your LPA does not undertake an assessment, consider if there are any stakeholders you can work with instead. English Heritage has more information on HAAs. A link to this is provided in section 7(iii), below.

6.4 In 2007, the European Landscape Convention (ELC), to which the UK signed up, became binding. The ELC is designed to encourage sustainable management of landscapes. The definition of landscape in the Convention as ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’ encompasses the historic environment as it recognises the influence of human activity on landscapes. More information about the historic environment obligations of the ELC can be found here: <http://www.helm.org.uk/guidance-library/european-landscape-convention-english-heritage-action-plan-for-implementation/>. The ELC is also covered in more detail in Briefing 10 of this series: Wider Countryside and Protected Areas.

6.5 You can find out whether a tranquil setting contributes towards the significance of a heritage asset, especially a registered (i.e. listed) park or garden. In cases where it does, this could provide powerful evidence for designating ‘an area of tranquillity’ in and around the asset, in a local or neighbourhood plan as encouraged by the NPPF. For more details see the English

Heritage guidance on setting (see Further Information) and Briefing 11 (Tranquillity) in this series.

6.6 Find out if your LPA has a Local Heritage List. If yes, when was it last reviewed? If not, push for Local Heritage List to be developed in conjunction with the local community. This may be particularly important as there is no legal requirement to have a proper record of locally listed buildings, and so such a list might not exist in all areas. English Heritage has produced a useful guide on the local listing process - see Section 7(ii) for a link to this.

6.7 When considering a development proposal that affects heritage assets, consider not just the immediate surrounds of the asset but also its wider setting. Is a key sight line that is important to the understanding of the asset interrupted; is the sense of place important for the asset and is this being significantly altered? Does the asset have a tranquil setting which a proposed development would seriously damage? Is the change positive or negative - it may be that a development in the vicinity of an asset improves, rather than detracts from the setting.

6.8 Consider if the design of a proposed development takes account of the character of the locality. It is not intended that new developments are a pastiche of older buildings or that innovative design is stifled, but that new development should respect and complement what is already in place. Consider if the scale, density, materials, massing, height, layout and landscaping are appropriate in relation to the neighbouring buildings and local area. If not, set out how the proposals are inappropriate in the consultation response.

6.9 There are new opportunities to include detailed policies on heritage features and local character and distinctiveness in statutory neighbourhood plans. Characterisation of local distinctiveness not only provides greater evidence as to the 'significance' of heritage assets but it also contributes to good design, by identifying what it is about local assets that contribute to local character. It is therefore important to ensure that neighbourhood plans include adequately detailed heritage policies. More information on the neighbourhood planning process is set out in Planning Campaign Briefing 1: Development Plans and at www.planninghelp.org.uk.

6.10 Heritage-led regeneration has been shown to be a highly effective way of revitalising areas. Historic places are generally seen as more attractive places to live in, for businesses to invest in and for companies to locate to, as well as being more attractive to visitors. The sense of place created by historic buildings can contribute to community cohesion and there is often great pride in local historic features. Further, the reuse of historic buildings minimises the use of additional resources as buildings are already in place and focuses on land that has previously been developed. This combination of factors makes heritage-led regeneration a prime example of sustainable development which the NPPF (para.14) has a presumption in favour of. A good example of this can be seen in the regeneration of the Lace Market conservation area of Nottingham, which found new uses for historic buildings, improved the public areas and revitalised a significant area of the city centre. A range of other examples, both rural and urban, can be found in the English Heritage publication Valuing Places: Good Practice in Conservation Areas (link in section 7iii of this Briefing). If there is an area that you think would benefit from heritage-led regeneration try to promote this through the plan making processes taking place in your area. Planning Campaign Briefing 1: Development Plans provides more information on how to do this.

6.10 When seeking to protect the historic environment - whether buildings, townscapes or villages, landscapes, monuments or archaeology - supplying historical and cultural references such as an important historic event, or a literary or arts association can be an important campaigning tool. Building on this, community engagement about the asset and its associations, such as developing an informative guided walk leaflet or speaking to local schools and community groups, can build up an understanding and appreciation of the threatened asset and support for its retention. This type of attention and local community support can be important

in influencing decision making. If you have any examples of where the promotion of cultural associations with the historic environment has aided a campaign please send them to: info@cpre.org.uk

6.11 A range of resources to help you plan an effective campaign, communicate your message, and gather people to your cause can be found on Planning Help:

<http://www.planninghelp.org.uk/improve-where-you-live/campaign-tips>

7. FURTHER INFORMATION

CPRE Resources:

www.planninghelp.org.uk

Case Studies:

Three recent Government planning appeal decisions that provide a potentially useful commentary on historic environment issues are:

Pendle, decision dated 26 November 2013, appeal case reference 2195745.

Shropshire, decision dated 27 January 2014, appeal case reference 2204997.

Stratford on Avon, decision dated 24 October 2012, case reference 2163206.

These and other planning appeal decisions can be downloaded from www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp.

Further case studies relevant to the briefings and to future national campaigning will be stored on our website: www.cpre.org.uk/what-we-do/housing-and-planning/planning

Other Useful Information:

(i) Relevant CPRE research and guidance publications, available from www.cpre.org.uk

Recharging the Power of Place: Valuing local significance. CPRE, National Trust & Heritage Link, 2006: <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/download/1793>

(ii) Relevant information - local

Heritage Gateway provides contact details for many local Historic Environment Records (HERs): <http://www.heritagegateway.org.uk/gateway/chr/default.aspx>

Good Practice Guide for Local Heritage Listing: English Heritage. 2012.
<http://www.helm.org.uk/guidance-library/good-practice-local-heritage-listing/>

(iii) Relevant information on other websites

Enterprise and Regulatory Reform Bill: <http://services.parliament.uk/bills/2012-13/enterpriseandregulatoryreform.html>

Valuing Places: Good Practice in Conservation Areas. English Heritage. 2011.
<http://www.english-heritage.org.uk/content/publications/publicationsNew/guidelines-standards/valuing-places/valuing-places-good-practice-conservation-areas.pdf>

Understanding Place: Conservation Area Designation, Appraisal and Management. English Heritage. 2011. <http://www.english-heritage.org.uk/publications/understanding-place-conservation-area/>

Planning Practice Guidance: Article 4 direction:
http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph_036

HELM: Historic Environment Local Management - provides useful information on heritage in place making, regeneration and design: <http://www.helm.org.uk/place-and-placemaking/>

The National Heritage List for England - the English Heritage database of all nationally designated heritage assets: <http://list.english-heritage.org.uk/>

The Setting of Heritage Assets. English Heritage, 2011: <http://www.helm.org.uk/guidance-library/setting-heritage-assets/>. Pages 8 and 19 refer to assessing whether tranquillity contributes towards the significance of a heritage asset.

Seeing the History in the View. English Heritage. 2011. <http://www.english-heritage.org.uk/content/publications/publicationsNew/guidelines-standards/seeing-history-view/seeing-history-in-view.pdf>

Understanding Place: Historic Area Assessments: Principles and Practice: <http://www.english-heritage.org.uk/content/publications/publicationsNew/guidelines-standards/understanding-place-principles-practice/understanding-place-haa.pdf>

Research demonstrating the value people put on heritage as demonstrated by housing prices in Conservation Areas compared to areas outside conservation areas: <http://www.english-heritage.org.uk/about/news/value-englands-past/>

Please note: many of the English Heritage publications were written under PPS5. Each publication has a cover note explaining the currency of the guidance under the NPPF.