



Planning and the Protection of Your Historic Buildings Seminar

BRIEFING REPORT

M Bowe 9th March 2020

Legislative Framework

- Historic Buildings & Ancient Monuments act 1953
- Ancient Monuments & Archaeological Areas Act 1979
- **Town & Country Planning Act 1990 (as amended)**
- **Town & Country Planning & Listed Buildings & Conservation Areas) Act 1990 (as amended)**

Policy Framework

Heritage Asset (definition)

“A building, monument, site, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listings)” Annex 2, NPPF (National Policy Planning Framework)

National Planning Policy Framework (2019).

Development Plans including Core Strategy and Local Plans, Neighbourhood Plans Supplementary Planning Documents/Design Guides and Conservation Areas all form part of the Policy Framework (Alcester Conservation Area Map attached)

The Historic Environment Record (HER)

Is a free public information service that provides access to comprehensive & dynamic resources relating to the historic environment of a defined geographic area www.warwickshire.gov.uk/her

Designated Heritage Assets

Listed Buildings, Conservation Areas, Scheduled Monuments, Registered Parks & Gardens, Registered Battlefields and World Heritage Sites

A Listed Building (500,000 approximately in England) is one which has been designated because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:

- ***Any object or structure fixed to a building***
- ***Any object or structure within the curtilage (an area of land attached to a building and forming one enclosure with it) of a building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948***

These are important matters when considering planning applications

Historic England

Is a "Public Body that helps people care for, enjoy and celebrate England's spectacular historic environment"

They are responsible for the process of listing and delisting buildings and are the custodians of "the list". They are also the best source of information www.historicengland.org.uk

Non-Designated Heritage Assets

These can be inside or outside the Conservation Area and are 'a matter of opinion of the Conservation Officer' and are:

Buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets

Only a minority of buildings are likely to fall into this category, but it's worth bearing in mind that if its old and has historical merit it's likely to be a non-designated heritage asset!

Assessing the Impact on Heritage Assets

- "Great weight" is given to the asset's conservation (NPPF Paragraph 193) and any harm to, or the loss of, the significance of a designated heritage asset requires "clear and convincing justification" (NPPF Paragraph 194)
- NPPF annex and Historic England explain and give guidance on the 'Effect on the setting of an asset'

There are 3 levels of assessment when considering impact on assets.

- 1. Substantial Harm**
- 2. Less than substantial harm**
- 3. No harm**
 1. Substantial Harm - Applications should be refused – unless "substantial public benefits" outweigh harm ('substantial public benefits' is almost impossible to prove)
 2. Less than substantial harm - Harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. (once again it is difficult to prove 'public benefit' for instance in the case of an extension to a building)
 3. No Harm – Approve the application
 4. See NPPF paragraphs 195-196 more information

Harm V Public Benefits

- Understand the nature of the asset and most importantly, understand the aspect of the asset
- Identify any potential harm caused and if the harm could be mitigated or reduced by amendments
- Are there public benefits of the scheme? (this can be difficult when it's a private listed house)
- Pro's and Con's should be balanced to determine if the public benefits outweigh the harm
- Development can be enabled when improvements benefit the asset (for instance, if the asset is in a rundown state)

Application/Consent Process

- There are no permitted development rights on listed buildings
- Permitted development rights in conservation areas are restricted
- Listed Building Consent is required for work to listed buildings
- Town Council is a consultee on applications
- Evaluate a Statement for Significance accompanying the application
- Large scale drawings are essential to fully appreciate the detail of the application
- Is there harm? **Note: change does not automatically mean harm**

Physical works to listed building

- Will there be a loss of historic features, subdivision, openings, **design**, scale, mass etc.?

Works within the setting of a listed building/conservation area

- What is the visual relationship between the asset and the development, is there a loss of views or vistas, is there an historical context, consider the experience of the asset in it's setting and the contribution the setting makes to the heritage asset?

