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Guidance Conserving and enhancing the historic environment

Overview: historic environment

Paragraph: 001 Reference ID: 18a-001-20140306

What is the policy for the historic environment?

Protecting and enhancing the **historic environment** is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in **Paragraphs 6-10**). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' (**Paragraph 17 bullet 10**) that underpin the planning system. This is expanded upon principally in **Paragraphs 126-141** but policies giving effect

to this objective appear elsewhere in the National Planning Policy Framework.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Glossary](#)
- [Paragraph 6-10](#)
- [Paragraph 17 – bullet 10](#)
- [Paragraph 126-141](#)

Paragraph: 002 Reference ID: 18a-002-20140306

What is the main legislative framework for planning and the historic environment?

In addition to normal planning framework set out in the [Town and Country Planning Act 1990](#):

- the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) provides specific protection for buildings and areas of special architectural or historic interest
- the [Ancient Monuments and Archaeological Areas Act 1979](#) provides specific protection for scheduled monuments
- the [Protection of Wrecks Act 1973](#) provides specific protection for protected wreck sites

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Revision date: 06 03 2014

Paragraph: 003 Reference ID: 18a-003-20140306

What is meant by the conservation and enhancement of the historic environment?

The **conservation** of **heritage assets** in a manner appropriate to their **significance** is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Revision date: 06 03 2014

Plan making: historic environment

Paragraph: 004 Reference ID: 18a-004-20140306

What is a positive strategy for conservation and enjoyment of the historic environment?

In line with the National Planning Policy Framework, local authorities should set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Such a strategy should recognise that conservation is not a passive exercise. In developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Local planning authorities should consider the relationship and impact of other policies on the delivery of the strategy for conservation.

Revision date: 06 03 2014

Paragraph: 005 Reference ID: 18a-005-20140306

What about the evidence base for Local Plan-making?

Policy on this is set out in [paragraph 169 of the National Planning Policy Framework](#).

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 169](#)

Paragraph: 006 Reference ID: 18a-006-20140306

Should non-designated heritage assets be identified in the Local Plan?

While there is no requirement to do so, local planning authorities are encouraged to consider making clear and up to date information on their

identified non-designated heritage assets, both in terms of the criteria used to identify assets and information about the location of existing assets, accessible to the public.

In this context, the inclusion of information about non-designated assets in Local Plans can be helpful, as can the identification of areas of potential for the discovery of non-designated heritage assets with archaeological interest.

Further information on [Local Plans](#).

Revision date: 06 03 2014

Paragraph: 007 Reference ID: 18a-007-20140306

How should heritage issues be addressed in neighbourhood plans?

Where it is relevant, [neighbourhood plans](#) need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.

Where it is relevant, [designated heritage assets](#) within the plan area should be clearly identified at the start of the plan-making process so they can be appropriately taken into account. In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of [archaeological interest](#) to guide decisions.

The local planning authority heritage advisers should be able to advise on local heritage issues that should be considered when preparing a neighbourhood plan. The local [Historic environment record](#) and any local list will be important sources of information on non-designated heritage assets.

Revision date: 06 03 2014

Decision-taking: historic environment

Paragraph: 008 Reference ID: 18a-008-20140306

What is “significance”?

“**Significance**” in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of the identified heritage asset’s significance. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset.

Further commentary on the significance of [World Heritage Sites](#).

Revision date: 06 03 2014

[Related policy](#)

National Planning Policy Framework

- [Glossary](#)

Paragraph: 009 Reference ID: 18a-009-20140306

Why is ‘significance’ important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (see [How to assess if there is substantial harm](#)).

Revision date: 06 03 2014

Paragraph: 010 Reference ID: 18a-010-20140306

Where can local planning authorities get help to assess the significance of heritage assets?

In most cases the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice in addition to the information provided by the historic environment record, similar sources of information and inspection of the asset itself. Advice may be sought from appropriately qualified staff and experienced in-house experts or

professional consultants, complemented as appropriate by consultation with [National Amenity Societies and other statutory consultees](#).

Revision date: 06 03 2014

Paragraph: 011 Reference ID: 18a-011-20140306

What is a historic environment record?

[Historic environment records](#) are publicly-accessible and dynamic sources of information about the local historic environment. They provide core information for plan-making and designation decisions (such as information about designated and non-designated heritage assets, and information that helps predict the likelihood of current unrecorded assets being discovered during development) and will also assist in informing planning decisions by providing appropriate information about the historic environment to communities, owners and developers as set out in the National Planning Policy Framework. Details of how to access historic environment records can be found on [Historic England's website](#).

Revision date: 06 03 2014

[Related policy](#)

National Planning Policy Framework

- [Glossary](#)

Paragraph: 012 Reference ID: 18a-012-20140306

How do Design and Access Statement requirements relate to heritage assessments?

A [Design and Access Statement](#) is required to accompany certain applications for planning permission and applications for listed building consent.

Design and Access Statements provide a flexible framework for an applicant to explain and justify their proposal with reference to its context. In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposed design

has responded to the historic environment through including the necessary heritage assessment as part of the Design and Access Statement.

Revision date: 06 03 2014

Paragraph: 013 Reference ID: 18a-013-20140306

What is the setting of a heritage asset and how should it be taken into account?

The “**setting of a heritage asset**” is defined in the Glossary of the National Planning Policy Framework.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the

fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Further guidance on setting of heritage assets and wind turbine development

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Annex 2 – Glossary](#)

Paragraph: 014 Reference ID: 18a-014-20140306

Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset ([National Planning Policy Framework Paragraph 130](#)). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 130](#)

Paragraph: 015 Reference ID: 18a-015-20140306

What is a viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in [paragraphs 132 – 134 of the National Planning Policy Framework](#).

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 132](#)

Paragraph: 016 Reference ID: 18a-016-20140306

What evidence is needed to demonstrate that there is no viable use?

Appropriate marketing is required to demonstrate the redundancy of a heritage asset in the circumstances set out in [paragraph 133, bullet 2 of the National Planning Policy Framework](#). The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 133 – bullet 2](#)

Paragraph: 017 Reference ID: 18a-017-20140306

How to assess if there is substantial harm?

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, [significance](#) derives not only from a heritage asset's physical presence, but also from its setting.

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. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic

interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

Policy on substantial harm to designated heritage assets is set out in [paragraphs 132 and 133 to the National Planning Policy Framework](#).

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Annex 2 – Glossary](#)
- [Paragraph 132 – 133](#)

Paragraph: 018 Reference ID: 18a-018-20140306

What about harm in relation to conservation areas?

An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building ([paragraph 132 of the National Planning Policy Framework](#)). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in [paragraph 133 of the National Planning Policy Framework](#). However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

Guidance on how trees are protected in conservation areas can be found [here](#).

Revision date: 06 03 2014

Related policy

National Planning Policy Framework

- [Paragraph 132](#)
- [Paragraph 133](#)

Paragraph: 019 Reference ID: 18a-019-20140306

How can proposals avoid or minimise harm to the significance of a heritage asset?

A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way.

Revision date: 06 03 2014

Paragraph: 020 Reference ID: 18a-020-20140306

What is meant by the term public benefits?

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation