

National Planning Practice Guidance: Historic Environment Update July 2019

Briefing Note

31/7/2019
Ref No : 312

On 23rd July 2019 the Government published changes to the Historic Environment section of the Planning Practice Guidance (PPG).

The key changes include:

- Emphasis on the importance of **understanding the significance of a heritage asset** from an early stage;
- Reinstatement of the four interests of heritage: **archeological, architectural, artistic and historic** previously set out within Planning Policy Statement 5 (2010) with refined definitions of each provided;
- Clarification that the **setting of a heritage asset** and the asset's **curtilage may not have the same extent**;
- **Stronger emphasis on the identification of non-designated heritage assets** and the criteria used to select those assets;
- **Clarification that the optimum viable use is that which is both economically viable and causing the least amount of harm** to the heritage significance;
- Assessment of **substantial harm** and **less than substantial harm** has been further articulated;
- **Works to a listed private dwelling** which secure its future as a designated heritage asset could be a **public benefit**.

Conservation and Enhancement of Heritage Assets

Plan-making bodies should encourage conservation and enhancement of heritage assets including its setting. This could now include local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

With regards to the deteriorated state of heritage assets, where there is evidence of deliberate damage or neglect of a heritage asset in the hope of making consent or permission easier to secure, the local planning authority should disregard the deteriorated state of the asset in any decision.

For all grades of listed building, unless the list entry indicates otherwise, **the listing status covers the entire**

building, internal and external, and may cover objects fixed to it, and curtilage buildings or other structures.

Significance

The NPPF definition of 'significance' has been added with clarification of the term '**heritage interest**' in the planning context by reintroducing reference to the four interests previously set out within PPS5(2010); archeological, architectural, artistic or historic.

Clarification is added with regards to legislation and designation criteria confirming that 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 what, in planning terms, is referred to as the identified heritage asset's significance.

The importance of early appraisals or investigation has been emphasised to help identify constraints and opportunities arising from the asset, with such appraisals or investigations being able to identify alternative development options that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Reference to the NPPF is added that applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

Setting

With reference to setting, the visual relationship between the asset and the proposed development and associated visual/physical considerations have been included as well as reference to the way in which it is experienced as an asset in its setting and influenced by other environmental factors such as noise, dust, smell and vibration and by our understanding of the historic relationship between places.

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Optimum Viable Use

Clarification is provided that if there is only one viable use, **that use is the optimum viable use**. If there is a range of alternative economically viable uses, the optimum viable 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 economically viable one. Nor need it be the original use. If, from a conservation point of view there is no real difference between alternative economically viable uses, the PPG clarifies that the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

With regards to evidence needed to demonstrate that there is no viable use, appropriate marketing is still required, but the wording has changed to *'demonstrate that a heritage asset has no viable use'* rather than *'demonstrate the redundancy of a heritage asset'*.

'Substantial Harm' and 'Less than Substantial Harm'

Further guidance on the issue of harm has been provided. Where potential harm is identified, it needs to be categorised either as less than substantial harm, or substantial harm (which includes total loss) in order to identify which policies in the NPPF (paragraphs 194-196) apply. Additional wording is added which states that *'Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated'*.

With regards to harm within Conservation Areas, if the building is important, or integral to the character or appearance of the Area then its proposed demolition is more likely to amount to substantial harm, engaging paragraph 195 of the NPPF. The following wording has been added *'Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196'*.

Public Benefits

In addition to reiterating the NPPF economic, social or environmental objectives and that public benefits should flow from the proposed development, an example is given

that works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of 'heritage benefits' include:

- 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.

Non-Designated Heritage Assets

The revisions clarify that heritage assets are either designated heritage assets or non-designated heritage assets. It is added that *'Only a minority have enough heritage significance to merit identification as non-designated heritage assets'*.

With regards to identifying non-designated heritage assets, plan-making bodies should make clear and up to date information accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

Reference is also made to the need to include enough information about local heritage within Neighbourhood Plans to guide decisions and how it is beneficial for any designated and non-designated heritage assets within the plans area to be clearly identified at the start of the plan-making process drawing on the historic environment record as a useful resource.

Conclusion

DLP Planning Ltd has wide-ranging experience in heritage related projects. Should you wish to discuss a particular project in detail please do not hesitate to get in touch with your local office or Laura Holland in our Sheffield office.