

# Heritage Planning Training

Haughley Park Barn

## Heritage is important

- Valued for its own sake;
- Defining local identity;
- A significant community focus;
- Creating distinctive, enjoyable & successful places;
- Contributor to health & well-being
- An impetus for economic growth;
- Attraction for inward investment;
- Stimulates tourism;
- Focus for successful regeneration;
- Helps to mitigate climate change

## Suffolk's Heritage Resources

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| <ul style="list-style-type: none"> <li>• 13,328 Listed buildings</li> <li>• 1,257 Scheduled Ancient Monuments</li> <li>• 23 Registered Parks &amp; Gardens</li> <li>• 23,442 archaeological sites</li> <li>• 540+ buildings of special local interest</li> <li>• 118 other parks &amp; 63 other gardens</li> <li>• 29,000 Historic Environment Records</li> </ul> | <p>Conservation Areas</p> <ul style="list-style-type: none"> <li>• Babergh 28</li> <li>• Forest Heath 13</li> <li>• Ipswich 15</li> <li>• Mid Suffolk 31</li> <li>• St Edmundsbury 35</li> <li>• Suffolk Coastal 34</li> <li>• Waveney 16</li> </ul> |
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## Some principles & concepts

“Ancient buildings are not ours. They belong to those who made them and partly to all generations of mankind who are to follow us.” ... **John Ruskin 1849**

“For all those buildings of all times and all styles, we plead, and call upon all those who have to deal with them to put Protection in the place of Restoration, to stave off repair by daily care...” ...**William Morris, in founding the Society for the Protection of Ancient Buildings [SPAB] 1877**

“Conservation is not preservation ~ it is the considered management of change...” ... **Lord Esher 1977**

It is important to distinguish **Renovation versus preservation** – *Renovation* is the need to repair that which has decayed or failed and adapting buildings to meet current needs without a change of character. *Restoration* is the attempt to return the building to an earlier state e.g. by removing later work than can be conjectural and is often contentious.

If we are guardians of what we inherit

- No building can withstand decay ~ so *repair but don't restore*;
- Stave off repair by daily care ~ *regular maintenance is the most practical form of preservation*;
- A repair today should not preclude works tomorrow ~ *use responsible methods*;
- New work should express modern needs in a modern language ~ *compliment not parody*;
- Only do what is essential ~ *avoid the dictates of fashion (& TV programmes)*;
- New materials used for repairs should be fitted to the old, *not the old adapted to fit the new*;
- Bulging, bowing, sagging and leaning are typical signs of a venerable old age ~ *they deserve respect*.

## Battling the jargon

The law says there must be special regard to the desirability of preserving a listed building or its setting or any of its features of special architectural or historic interest;

In conservation areas special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

## Heritage Planning Training

But government guidance says... what is important is significance ~ (how much and where), and harm. Substantial harm to or loss of Grade 2 and 2\* listed buildings, should be wholly exceptional.

Substantial harm to or loss of a Grade 2 listed building, park or garden should be exceptional. Where development will lead to less than substantial harm this should be weighed against the public benefits.

Heritage assets. Historic England defines these as: A building, monument, site, place, area, battlefield, park, garden, cemetery, archaeological site, wreck identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and non designated heritage assets (i.e. e.g. locally listed buildings).

Setting is defined as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as it and its surroundings evolve". Setting isn't a designation but every heritage asset will have one, and its importance and the degree of protection offered in planning decisions, depends entirely on the contribution it makes to the significance. [The jargon seems unavoidable!]

### How protection has evolved

Until the 1990s many buildings added to the list were perfunctorily described. Interiors were rarely inspected. The relative significance of various parts of buildings was not considered. So of little help to owners, occupiers, agents, local planning authorities and consultees.

Overall over 500,000 individual buildings and structures in England are now protected and about 2,000 new Listings added each year; while about 180 buildings are removed: e.g. from total demolition or miss-description.

**Grade 1** - of outstanding national or international importance 9,100 [2.6% of the total]

**Grade 2\*** - of special importance. So substantial harm to or loss should be wholly exceptional 20,800 [5.6% of the total]

**Grade 2** - constitute the vast majority of protected buildings 340,700 [91.8% of the total]

The law requires "*that every effort should be made to preserve them*" and the guidance says that substantial harm or loss should be exceptional.

The whole of a building is Listed including the interior (and any structure fixed to it at time of listing & any ancillary curtilage building existing before 1948).

Selection is broadly by date: All buildings before **1700** in anything like their original condition; Most buildings **1700-1840** but requiring some selection; From **1840-1914** only of definite quality and character, including the best examples of particular building types; after **1914** only those of stylistic importance (now about 4,000 in total). Now buildings **10 to 30 years old** can be considered but only of outstanding quality and under threat. Buildings completed in **1988** are now theoretically eligible to be protected.

Government legislates & sets national policy;

Historic England is the government's advisor recommending which heritage assets should be protected; providing national high level advice and must be consulted on works to Grade 1 and Grade 2\* listed buildings.

Local planning authorities (LPAs) implement legislation & national policy and set out specific local planning and heritage objectives in Local Plans and supplementary documents on how they will manage applications for consent. They should have the necessary specialist expertise to advise on the appropriateness of proposals for repairs and alterations.

Town and parish councils have the same powers but the extent to which these are used varies depending largely on size and engagement. Crucially are statutory consultees notified on the planning applications affecting the local area and are able to make informed comment.

### Conservation Resourcing Crisis

Nationally there has been a **36%** fall in conservation officers since 2006. The most senior have been the first to go. Now often relatively junior, relatively inexperienced staffs are left and are under severe time and workload constraints. All the local authorities in Suffolk have Conservation Officers but the levels of expertise and length of experience vary. There is

## Heritage Planning Training

also a marked disparity in the number of Listed buildings in a district and the number of specialists employed. Nationally a ratio of one specialist per 700 listed buildings might provide a thorough rounded service.

Failure to give due weight to specialist expert opinion within the council can result in a finding of maladministration by the Ombudsman (e.g. Northampton BC) and/or be the subject of Judicial Review (e.g. Stratford-on-Avon BC) as well as the risk of reputational damage to the council.

### Approvals needed to work on Listed Buildings & in Conservation Areas – the process

#### Managing Change

Consent needed for **all works** *both external and internal* that would affect a listed building's special interest whether or not the particular feature is specifically mentioned in the statutory list description. Works of repair on a like-for-like basis don't normally require consent.

In assessing the impact of proposals on conservation areas is much easier if the local authority has produced a Conservation Area Character Appraisal and Management Plan to a national good practice standard. Appraisals should be tailored to specific local circumstances and identify what is special and if there any are the opportunities for change and enhancement. Development proposals can then be weighed against these.

Few Conservation Area Character Appraisals and Management Plans meet the national good practice standard. Many conservation areas still have no appraisal up **40** years after they were adopted, or have not been reviewed periodically in the light of changing circumstances. A review every **5** years is considered good practice. Unfortunately appraisals remain a low workload priority and are under-resourced.

#### Handling of applications

Applicants are required to justify their proposals but this needs to be proportionate. e.g. simple justification for minor works of low significance on Grade 2 buildings and in conservation areas.; more detailed justification for major works and/or affecting areas of high significance especially to Grade 2\* and Grade 1 buildings, but remembering the special regard to the desirability of preservation - of features of special features and setting of buildings; and special attention to be paid to the desirability of preserving or enhancing the character and appearance - of areas. Special regard to heritage considerations takes precedence over (ordinary) "regard" to planning considerations.

Applicants will normally be expected to justify their proposals by submitting a heritage statement (a.k.a. a heritage impact assessment). This is not proscribed ~ the quality, detail and appropriateness to the circumstances will vary greatly. Some authorities may consider any such submission to be sufficient and appear to adopt a tick-box mentality.

#### Registration...

Good authorities often involve planners and/or conservation officers in registering applications. This ensures adequate information is submitted at the outset. Inadequately documented heritage schemes should not be registered.

The intention of pre-application discussions is to guide applicants of large and complex schemes through the process by minimising later delays. They help the applicant & LPA to identify areas of concern & consider amendments but establishing the right balance of information can be an issue. One-off applicants for minor works & non-expert agents don't often use this procedure and may also be put off if the LPA levies a charge.

Unfortunately pressure on professional resources mean registration is often done by clerical staff. Poorly documented (and effectively incomplete) schemes may be sent out for public consultation negating meaningful comments.

The government expects local planning authorities to process applications expeditiously – within **8 weeks** (15 for major schemes) with sanctions for poor performance. As little as **2 weeks** of the 8 week timetable for a typical Listed Building applications is likely to be devoted to serious consideration of the conservation issues.

## In summary:

Skills, resources & practices vary widely

- A process governed by speed not judgment or discernment
- The status & influence of conservation specialist advice (where it exists) on outcomes can be low
- Specialist advice on applications will be driven by the individual authority's political/workload priorities
- Many applications are submitted without pre-application discussion
- Most Listed Building Consent applications accompany those for Planning Permission (*twin tracking*)
- Most are for relatively minor works – (*causing less than significant harm?*)
- Most schemes submitted by applicants or agents without any conservation experience or expertise
- Government encourages vast majority to be delegated to Planning Officers for approval
- About 87% of all listed building consents are approved (slightly lower than for planning permission)
- Of the refusals, the Planning Inspectorate upholds about 40% of those taken to appeal

For the system to be effective there must be compliance, quality assurance, and where necessary enforcement. Many listed building consents are approved with conditions that must be complied with in full. Permissions where the conditions are not fully complied with are actually invalid.

Of considerable importance is the role played by the amenity society movement in offering independent (sometimes professional) expertise coupled with local knowledge and expertise of which the Suffolk Preservation Society is the most obvious example.

Town & Parish Councils are particularly important consultees because they are closest to the local community, sensitive to local needs, closest to where the effects will be most keenly felt and best able to bring local knowledge and informed local opinion to bear.

To be effective consultees you will need to consider who will read your comments [on paper and on the council's website]

- The applicant?
- Planning Officers?
- Conservation Officers?
- District Councillors?
- Statutory consultees?
- Others who are making representations?

... so understand your audience.

**Points need to be targeted, relevant, effective, and reasonable.**

Understanding the technical language can sometimes help ~ but not always.

Clear arguments can sometimes be obscured by jargon but make clear you understand how the system works and what outcome you prefer. Bear in mind that approvals can often be made conditional and be aware that if negotiations with applicants continue they may conclude with a different (not necessarily better) proposal.