

Overview: historic environment

What is the main legislative framework for the historic environment?

In addition to the planning framework which is primarily 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 monuments of national interest
- the [Protection of Wrecks Act 1973](#) provides specific protection for wreck sites of archaeological, historic or artistic interest
- the [Historic Buildings and Ancient Monuments Act 1953](#) makes provision for the compilation of a register of gardens and other land (parks and gardens, and battlefields).

While not part of the legislative framework, the [UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972](#) (to which the UK is a signatory) makes provision for the World Heritage List, which is a list of cultural and/or natural heritage sites of outstanding universal value.

Any decisions where listed buildings and their settings and conservation areas are a factor 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 applying the relevant policies in the development plan and the National Planning Policy Framework.

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

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 and 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, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent 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. Heritage assets are either [designated](#) heritage assets or [non-designated](#) heritage assets.

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 (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), 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 ([National Planning Policy Framework paragraph 199](#))

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Plan-making: historic environment

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

In line with the [National Planning Policy Framework \(paragraph 185\)](#), plans should set out a positive strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

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. Plan-making bodies will need to consider the relationship and impact of other policies on the delivery of the strategy for conservation.

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What is an appropriate evidence base for plan-making?

Policy on this is set out in [paragraph 187](#) of the National Planning Policy Framework. Guidance can be found in the [Plan-making](#) section of the planning practice guidance.

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How can 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 into action at a neighbourhood scale.

It is beneficial for any [designated and non-designated heritage assets](#) within the plan area to be clearly identified at the start of the plan-making process so they can be appropriately taken into account.

The [historic environment record](#) is a useful source of information on the local historic environment. The local planning authority heritage advisers can advise on local heritage issues to be considered when preparing a neighbourhood plan.

Further information on:

- Neighbourhood planning generally can be found in the [neighbourhood planning section](#) of the planning practice guidance
- Heritage specific issues and neighbourhood planning is provided by [Historic England](#).

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Decision-making: historic environment

What is 'significance'?

[Significance](#)’ in terms of heritage-related planning policy is defined in the [Glossary of the National Planning Policy Framework](#) as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

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 what, in planning terms, is referred to as the identified heritage asset’s significance.

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

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Why is ‘significance’ important in decision-making?

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 can the possibility of harm to a heritage asset be assessed?](#)).

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

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their [relative importance](#).

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 appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Further advice on assessing the significance of heritage assets can be found on [Historic England’s website](#).

Paragraph: 008 Reference ID: 18a-008-20190723

What assessment of the impact of proposals on the significance of affected heritage assets should be included in an application?

Applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting ([National Planning Policy Framework paragraph 189](#)). In doing so, 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.

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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 applicant, 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](#) and other national and local organisations with relevant expertise.

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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 currently 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](#).

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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.

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

The setting of a heritage asset is defined in the [Glossary of the National Planning Policy Framework](#).

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell 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 of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application 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](#).

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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 in any decision (National Planning Policy Framework [paragraph 191](#)). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

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What is the optimum 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 for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

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. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in [paragraphs 193-196](#) of the National Planning Policy Framework.

Paragraph: 015 Reference ID: 18a-015-20190723

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When is securing a heritage asset's optimum viable use appropriate in planning terms?

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the [National Planning Policy Framework \(paragraph 196\)](#) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset.

Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development.

'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration.

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

Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in [paragraph 195b of the National Planning Policy Framework](#). The aim of such marketing is to reach potential buyers who may be willing to find a viable 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 it will not have been demonstrated that the heritage asset has no viable use .

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How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause 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.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the [National Planning Policy Framework \(paragraphs 194-196\)](#) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, 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 additions to historic buildings where those additions are inappropriate and harm the buildings' 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, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see [National Planning Policy Framework, paragraph 194](#)).

Paragraph: 018 Reference ID: 18a-018-20190723

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How can the possibility of harm to conservation areas be assessed?

[Paragraph 201 of the National Planning Policy Framework](#) is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in [paragraph 195 of the National Planning Policy Framework](#). Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole. The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces.

See [guidance on how trees are protected in conservation areas](#).

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What is meant by the term public benefits?

The [National Planning Policy Framework](#) requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). 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 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, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may 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

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How can Neighbourhood Development Orders and Community Right to Build Orders take account of heritage issues?

The policies in the National Planning Policy Framework, and the associated guidance, which relate to decision-making on planning applications which affect the historic environment, apply equally to the consideration of what planning permission may be granted through Neighbourhood Development Orders and Community Right to Build Orders.

Neighbourhood Development Orders and Community Right to Build Orders can only grant planning permission, not heritage consents (ie listed building consent or scheduled monument consent).

Historic England must be consulted on all Neighbourhood Development Orders and Community Right to Build Orders to allow it to assess the impacts on the heritage assets, and determine whether an archaeological statement (definition in [regulation 22\(2\) of the Neighbourhood Planning \(General\) Regulations 2012](#)) is required. This, and other consultation requirements relating to development affecting heritage assets, are set out in [regulation 21 of, and Schedule 1 to, the Neighbourhood Planning \(General\) Regulations 2012](#).

Further information on making these Orders can be found:

- in the [Neighbourhood planning section of guidance](#)
- in the [When is permission required? section of guidance](#)
- on [Historic England's website](#)

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Designated heritage assets

How do heritage assets become designated?

The Department for Digital, Culture, Media and Sport (advised by Historic England) is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites.

Historic England identifies and designates registered parks and gardens and registered battlefields.

World Heritage Sites are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

In most cases, conservation areas are designated by local planning authorities.

Historic England administers all the national designation regimes. Further information on selection criteria and processes can be found on [Department for Digital, Culture, Media and Sport's website](#).

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What are the different types of designated heritage assets?

Listed building - a building 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 the building
- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948

Scheduled monument - a monument which has been [designated](#) because of its national importance.

Protected wreck site - the site of a vessel lying wrecked on or in the sea bed, [designated](#) because of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it.

Registered park or garden - a designed landscape which has been [designated](#) because of its special historic interest.

Registered battlefield - a battlefield which has been [designated](#) because of its special historic interest.

World heritage site - a cultural and/or natural heritage site inscribed because of its outstanding universal value.

Conservation area - an area which has been [designated](#) because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

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What do local planning authorities need to consider before designating new conservation areas?

Local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area. Undertaking a conservation area appraisal may help a local planning authority to make this judgment.

Further advice on conservation area designation, appraisal and management can be found on [Historic England's website](#).

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Do local planning authorities need to review conservation areas?

Local planning authorities must review their conservation areas from time to time ([section 69\(2\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)).

A conservation area appraisal can be used to help local planning authorities develop a management plan and plan-making bodies to develop appropriate policies for local and neighbourhood plans. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area,

thereby identifying opportunities for beneficial change or the need for planning protection.

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