



ENGLISH HERITAGE

# Policies and Guidance

David Grech

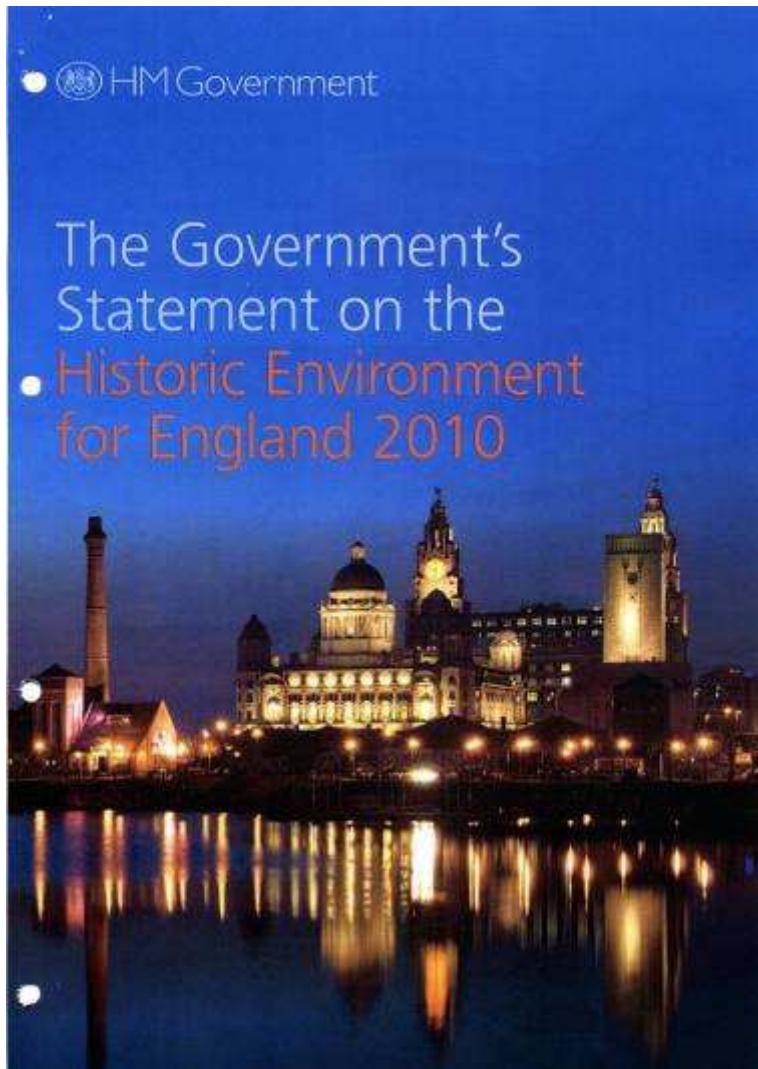
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# Government's Vision



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**The Vision:** That the value of the historic environment is recognised by all who have power to shape it; that Government gives it proper recognition and that it is managed intelligently and in a way that fully realises its contribution to the economic, social and cultural life of the nation.

# Government Policy



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Department of the Environment, Transport and the Regions PPG 15  
 Department of National Heritage September 1994

## PLANNING POLICY GUIDANCE: PLANNING AND THE HISTORIC ENVIRONMENT

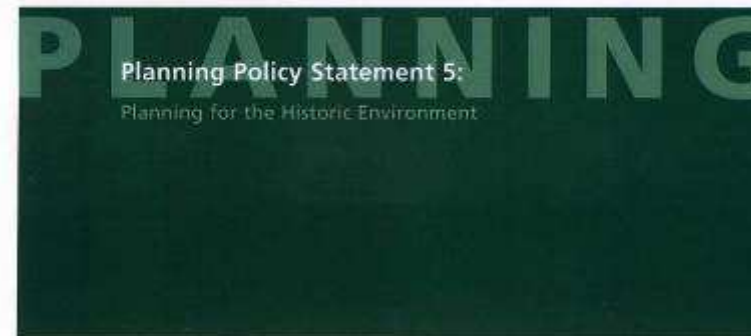
Planning policy guidance notes set out Government policy on planning issues and provide guidance to local authorities and others on the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

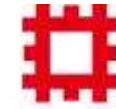
This PPG, which is issued jointly by the Secretary of State for the Environment and the Secretary of State for National Heritage, updates the advice in Department of the Environment Circular 80/7.

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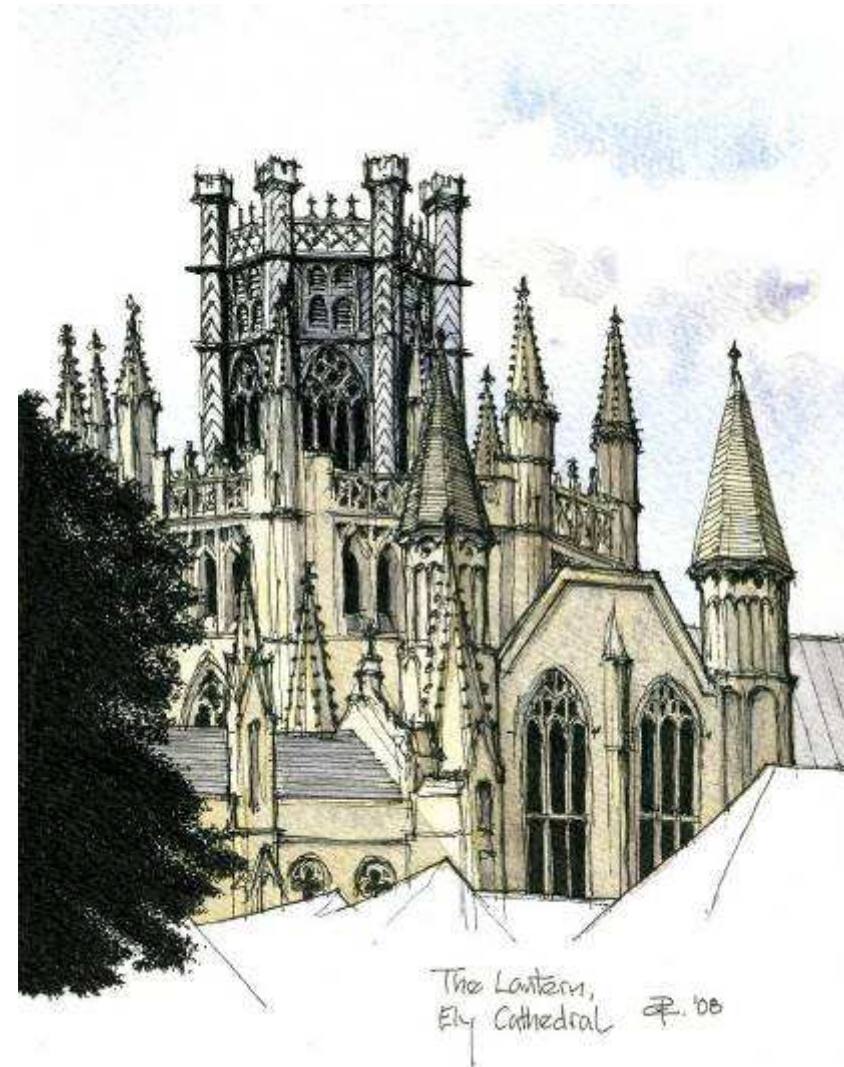
Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider social, environmental and economic objectives and for sustainable communities.





## Conservation

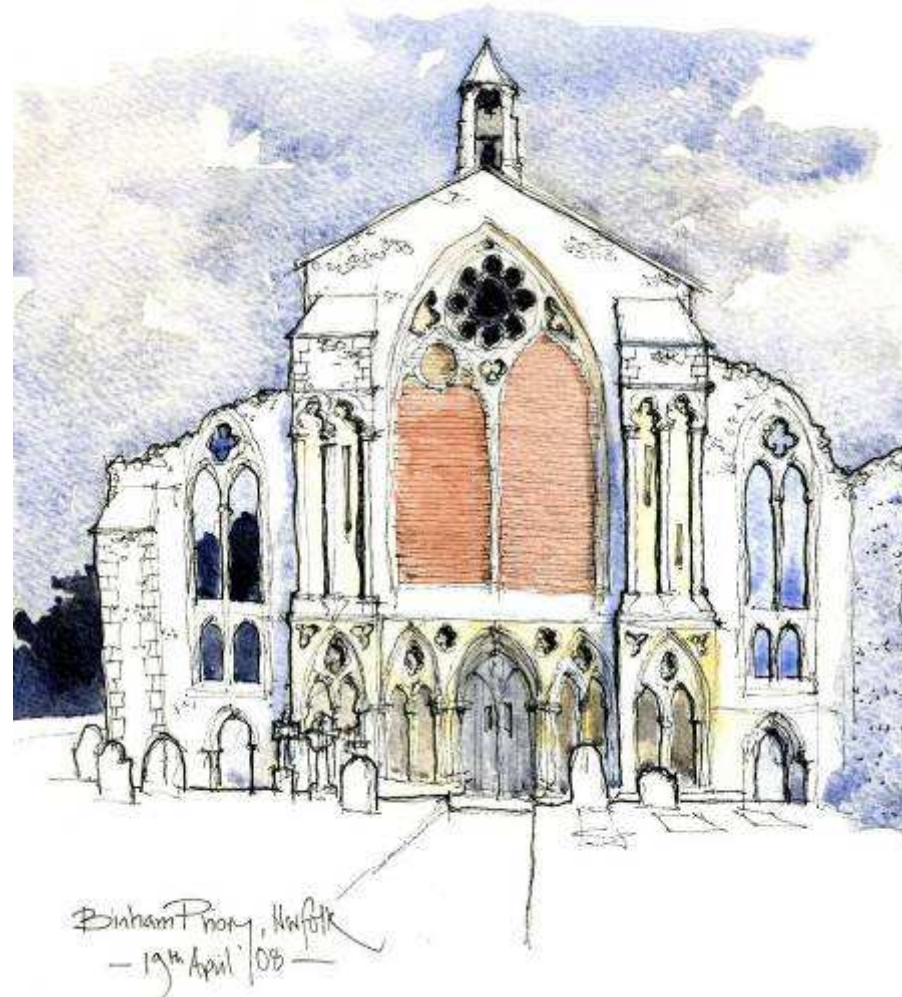
“The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.”



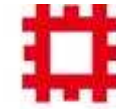


## Significance

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.”



# PPS 5 Policies



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|---------------------|--|
| <b>Policy HE1:</b>  | Heritage Assets and Climate Change   |
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| <b>Policy HE8:</b>  | Additional Policy Principle Guiding the Consideration of Applications for Consent Relating to Heritage Assets that are not Covered by Policy HE9 |
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| <b>Policy HE10:</b> | Additional Policy Principles Guiding Setting   |
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# PPS 5 Policy HE1



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Local planning authorities should identify opportunities to mitigate , and adapt to, the effects of climate change...by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions...

Where proposal ...have a potentially negative effect on heritage assets, the lpa should help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm...

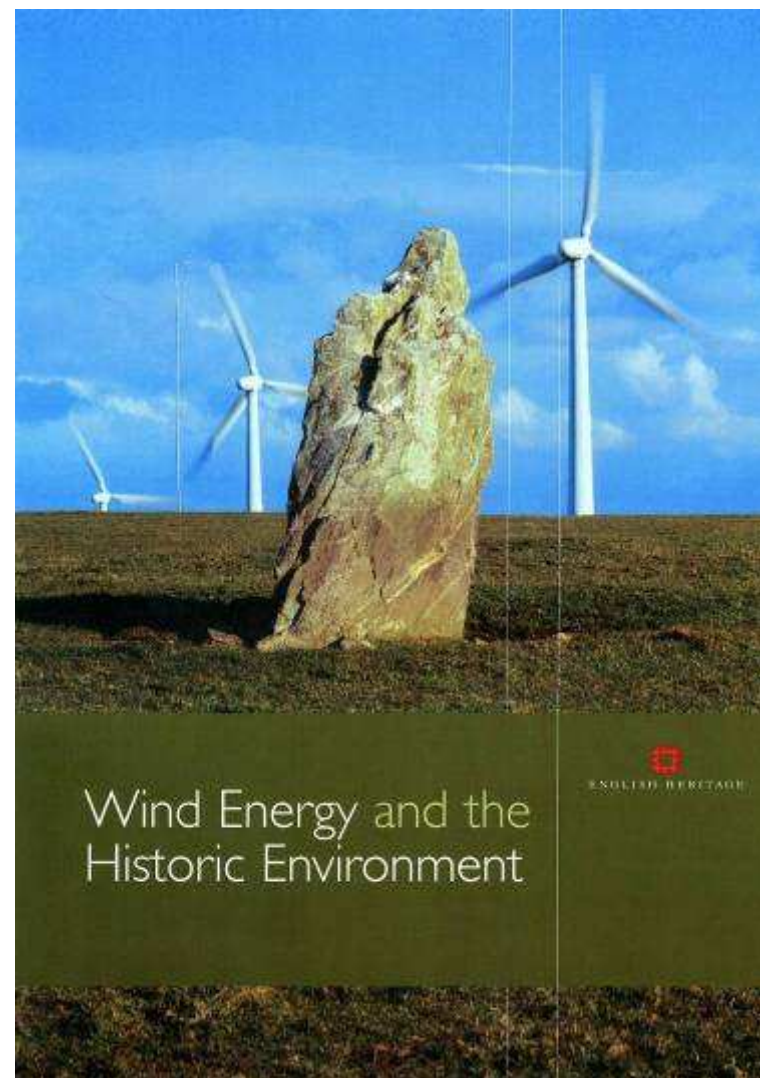
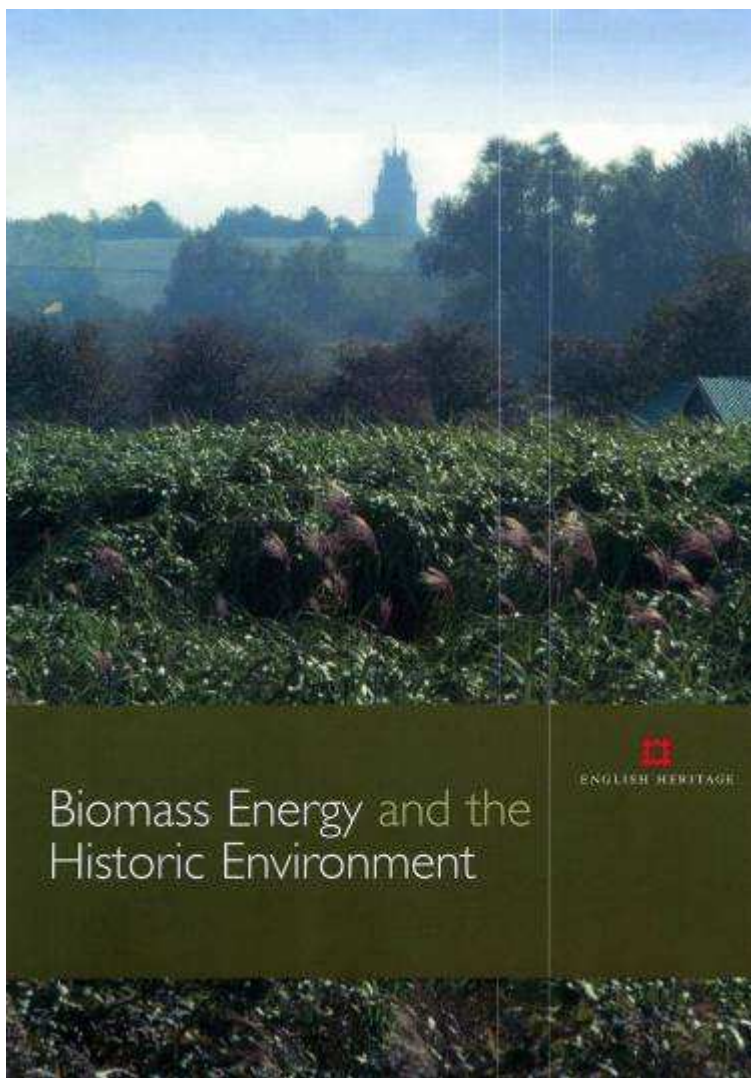
Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against the harm....



# EH Guidance on Climate Change



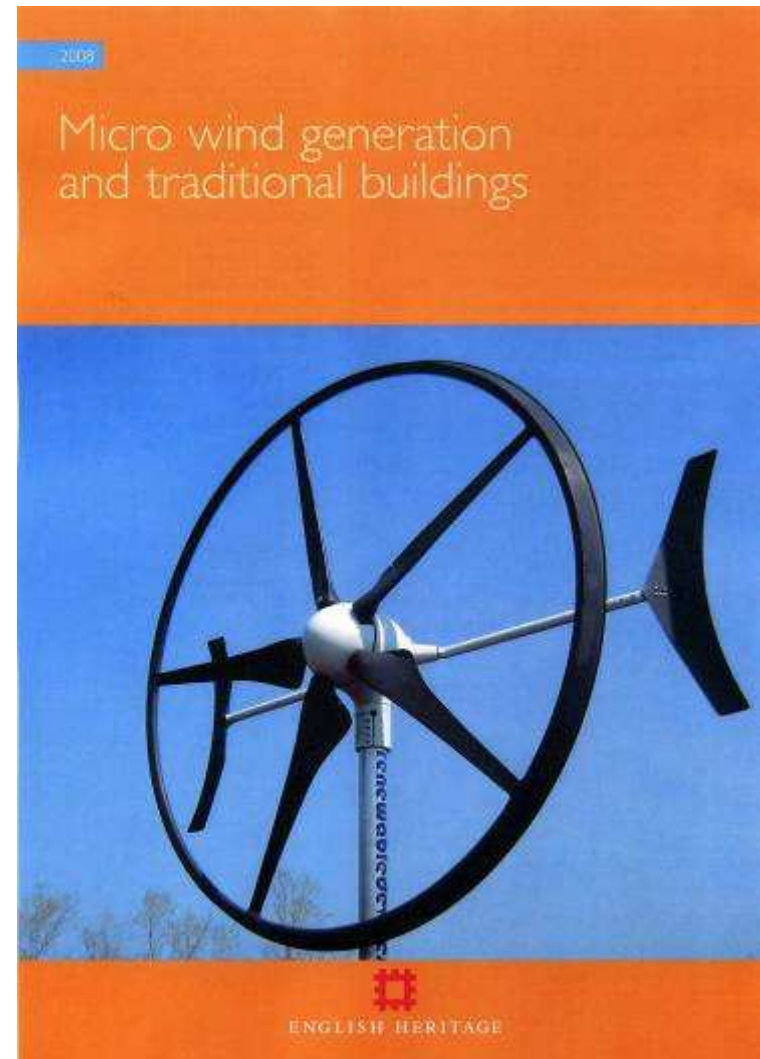
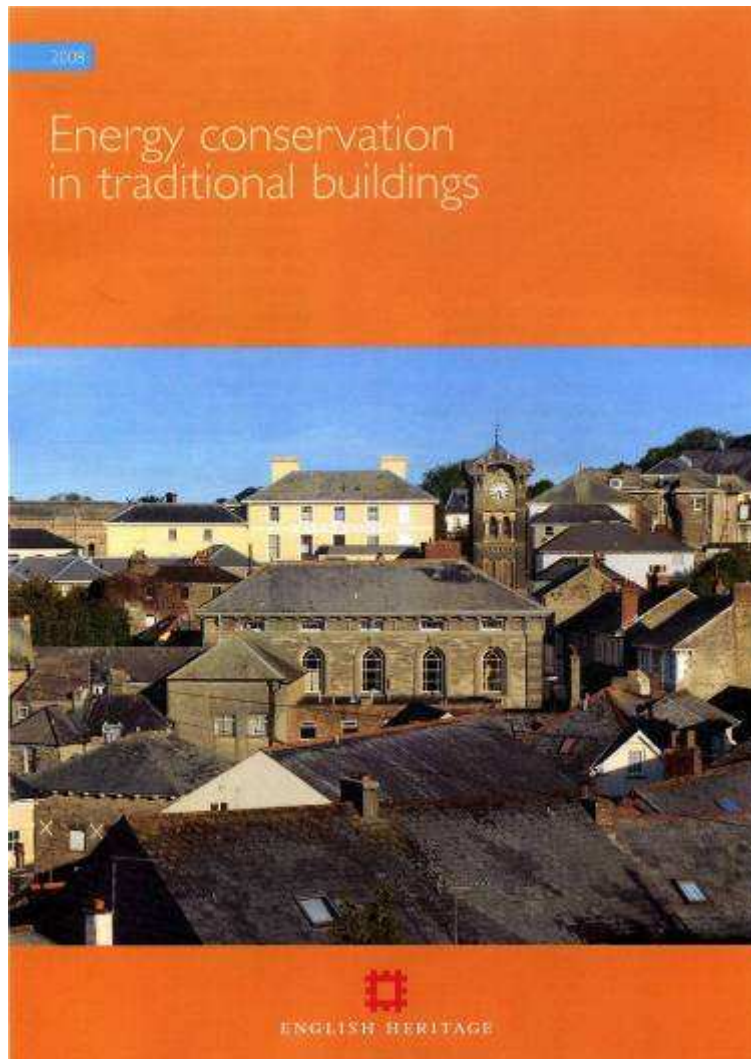
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# EH Guidance on Climate Change



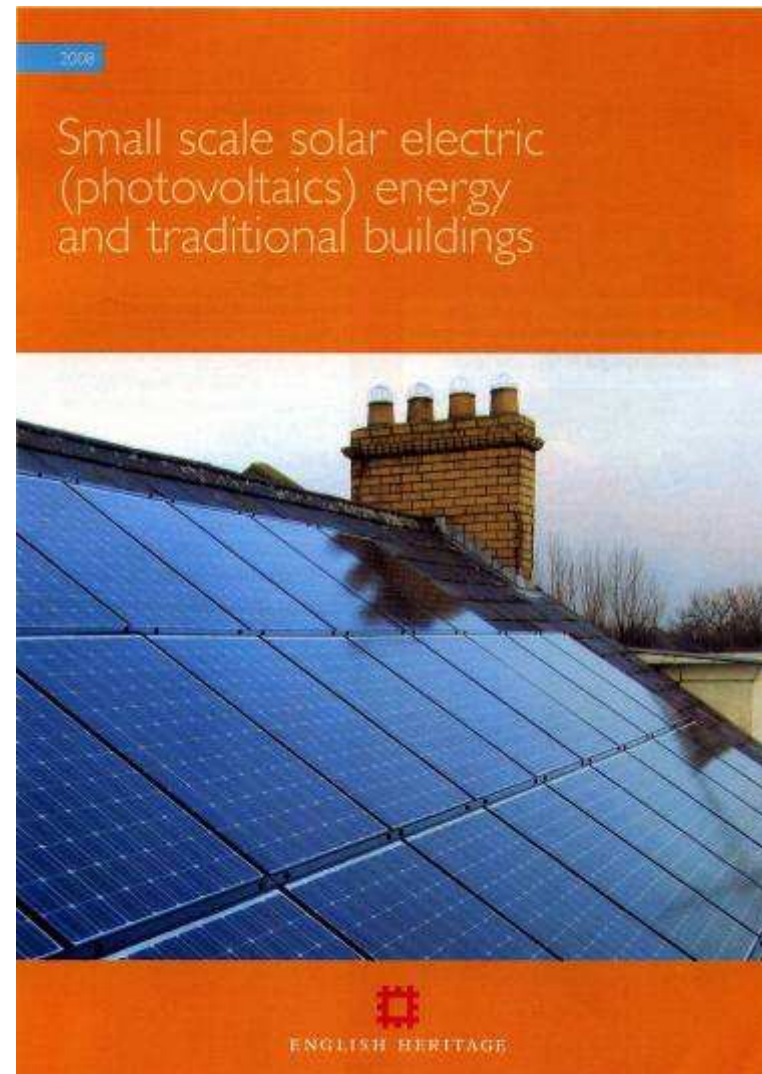
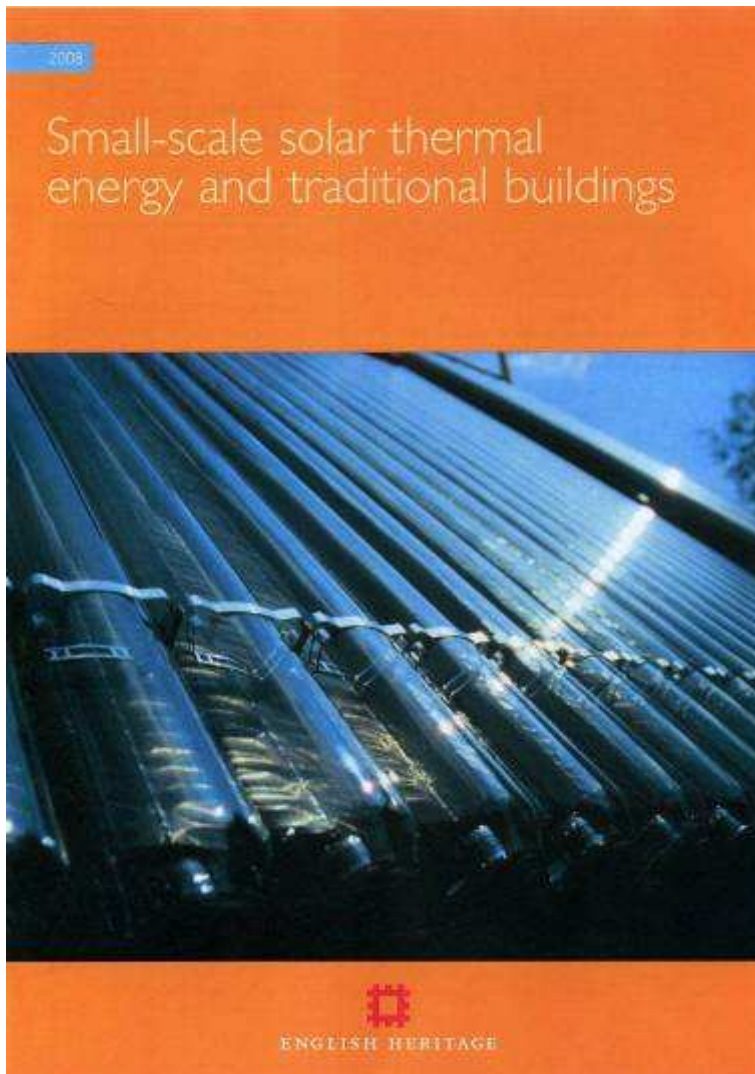
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# EH Guidance on Climate Change



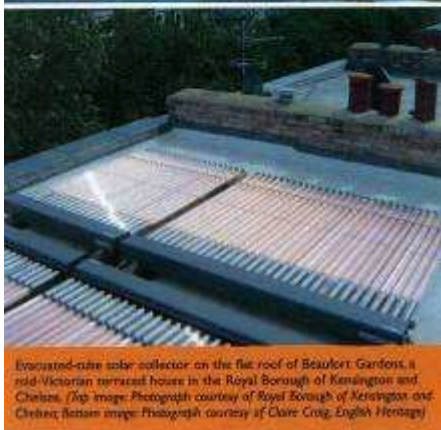
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# EH guidance on location of panels



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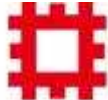


Evacuated-tube solar collector on the flat roof of Beaufort Gardens, a mid-Victorian terrace house in the Royal Borough of Kensington and Chelsea. (Top image: Photograph courtesy of Royal Borough of Kensington and Chelsea; Bottom image: Photograph courtesy of Claire Craig, English Heritage)

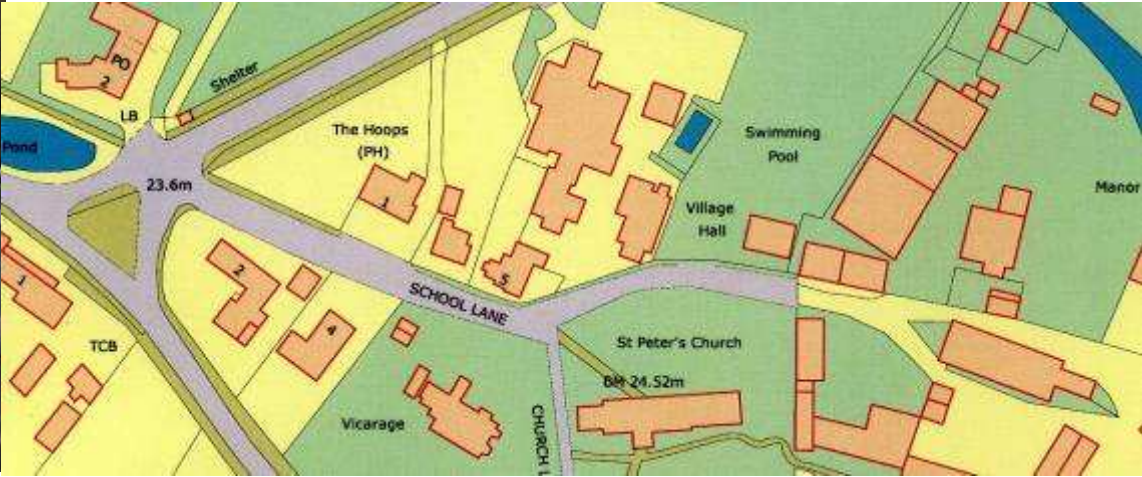
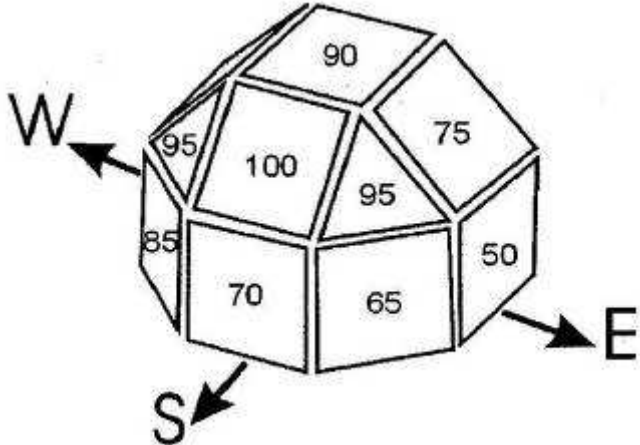


Ground-mounted solar collector at the Keeper's Cottage, Woolbeding, West Sussex, a timber-framed cottage dating back to the early 17th century, now owned by The National Trust. (Photographs courtesy of Robert Williams)

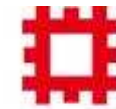
# Location of Panels



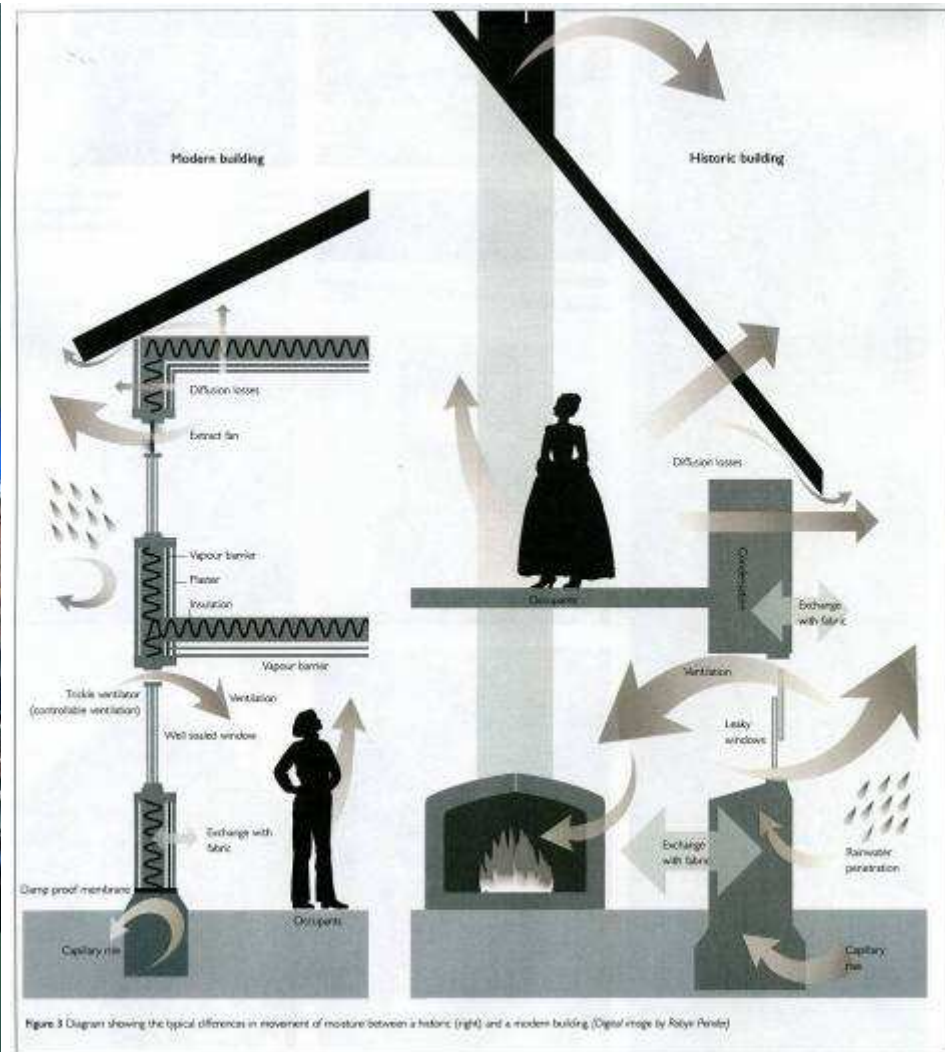
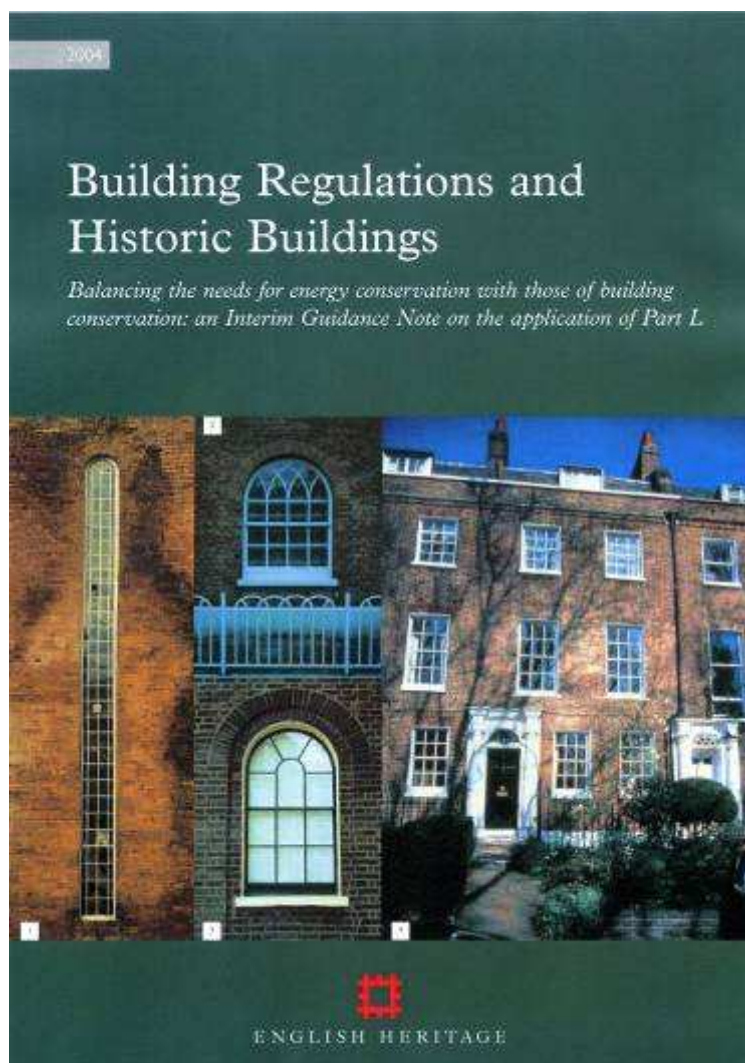
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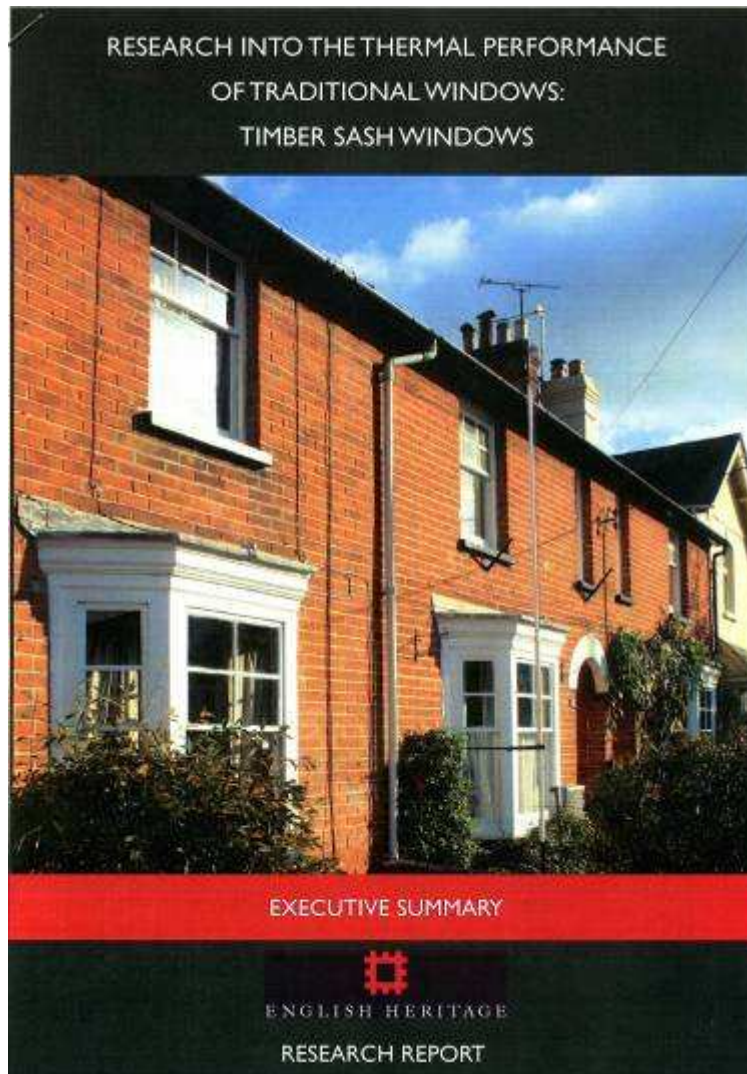
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# EH Guidance on Climate Change



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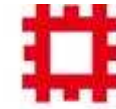


**TABLE 1: CONDUCTION HEAT LOSSES THROUGH THE GLASS AND WINDOW**

DETAILS OF THE TEST ASSEMBLY	For glass only: Directly measured		Temperature of innermost surface (°C)	For glass & frame: Using FRAME model		COMMENTS
	U-value of glass (W/m <sup>2</sup> K)	Reduction in heat loss through glazing only		U-value of whole window (W/m <sup>2</sup> K)	Reduction in heat loss through whole window	
Window as found	5.3	—	12 (glass)	4.3	—	
Joinery repaired	5.3	—	12 (glass)	4.3	—	This also reduced air infiltration by 34%
Heavy curtains	3.3	39%	21 (curtain)	2.5	41%	
Well-fitting shutters	2.0	64%	17 (shutter)	1.7	58%	
Plain roller blind	3.4	37%	18 (blind)	2.7	38%	When the blind was tightly fitted, the U-values fell by about 0.3
Reflective roller blind	1.8	66%	19 (blind)	1.9	57%	Reflective side facing towards the outside
Honeycomb blind	2.1	60%	20 (blind)	2.1	51%	Insulating blind
Low-emissivity secondary glazing	2.0	63%	19 (glass)	1.8	58%	Aluminium frame secondary system with spring balances
Low-emissivity secondary glazing and shutters	1.4	73%	20 (shutter)	1.6	62%	With both the glazing and the shutters closed

*NB: the experimental error in the tests is equivalent to an uncertainty of ± 0.3 in the U-values above<sup>4</sup>*

# Replacement Windows



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## PPS 5 Policy HE2



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Regional and local planning authorities should ensure that they have evidence about the historic environment and heritage assets in their area and that this is publicly documented...

Local planning authorities should either maintain or have access to a historic environment record.

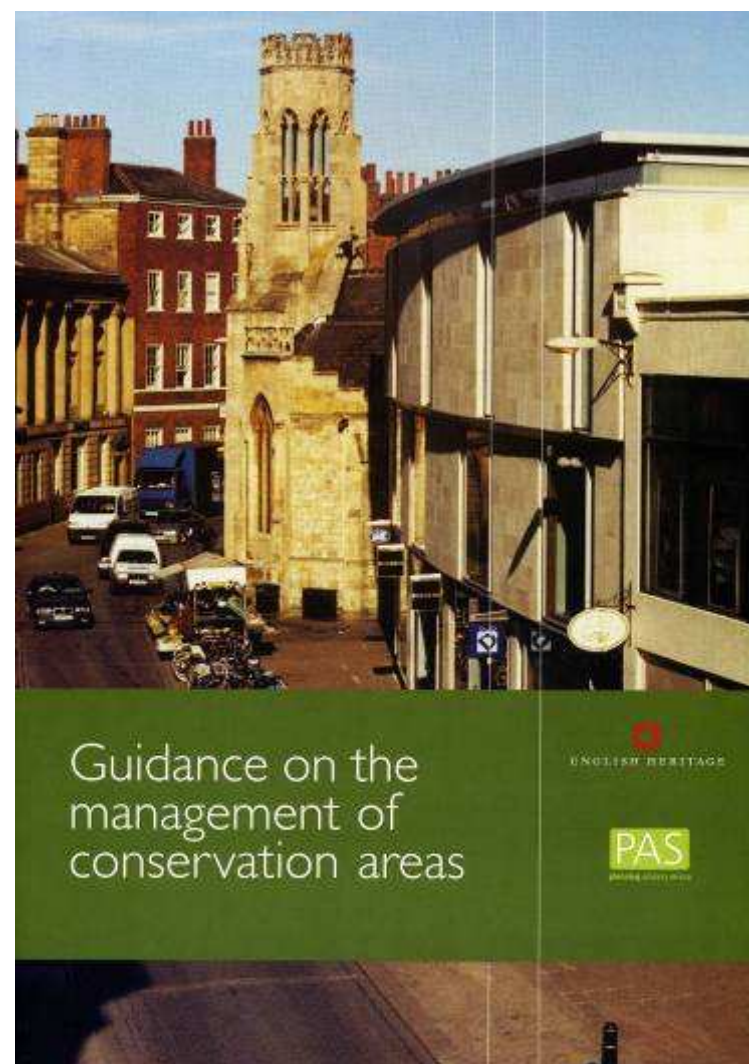
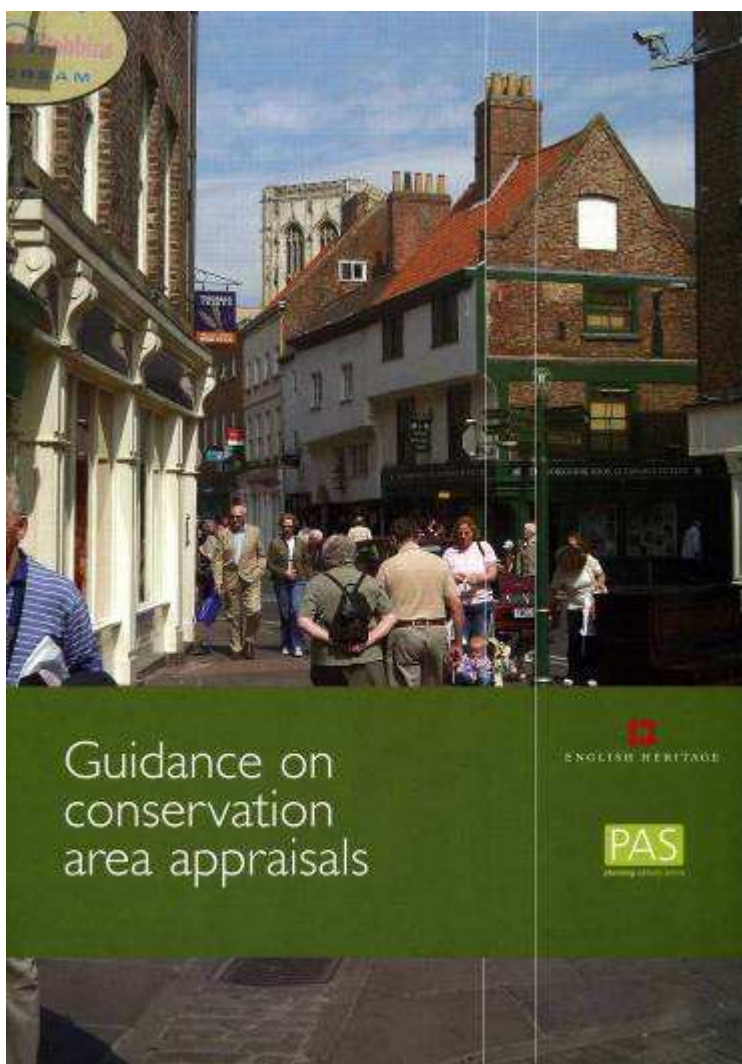
Local planning authorities should use the evidence to assess the type, numbers, distribution, significance and condition of heritage assets and the contribution that they may make to the environment now and in the future....



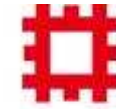
# English Heritage Guidance



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## PPS 5 Policy HE4



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Local planning authorities should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, local planning authorities should consider the use of an article 4 direction to ensure any development is given due consideration.



# EH Guidance on Article 4's



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## Guidance on making Article 4 Directions



The flowchart overview and the notes below are based on detailed guidance set out in paragraphs 5.13-5.22 of English Heritage's *Guidance on the management of conservation areas (2006)*<sup>1</sup> on Article 4 directions and how to make them.

Article 4(2) directions are the most commonly used type – they apply only to dwelling-houses in conservation areas to control changes to elevations fronting a highway, waterway or open space, but can be made by the local planning authority without the need for the Secretary of State's approval. Although care must be taken to ensure all the relevant formalities are completed, the process of making the direction is relatively straightforward.

Local authorities nevertheless sometimes have concerns about pursuing Article 4(2) directions because of the resource implications, uncertainties about their likely effectiveness and possible claims for compensation. Some of the most commonly raised concerns are therefore considered below (with references to the English Heritage guidance).

**Resource implications** – the making of an Article 4 direction will involve additional resources, but experience shows that a direction is worthwhile for its long-term benefits. The evidence to justify it (a real and specific threat to the character of the conservation area) may be available already from the conservation area character appraisal and the extent and scope of the direction ideally should already be identified as part of the management plan. The process of preparing the management plan provides an opportunity for consultation on the proposed direction (if thought appropriate).

**Identification of properties and controls** [paragraph 5.22] – the properties to which a direction applies, and the classes of development which are to be brought under control, should be considered carefully. Permitted development (PD) rights should only be withdrawn in exceptional circumstances, where there is a real and specific threat: best practice is to assess the need for a selective Article 4 direction as part of the preparation of management proposals for the conservation area. If there are properties within the area to which the direction need not apply (eg flats or commercial properties), these should be identified when the direction is drawn up and excluded.

from it. An Article 4(2) direction can be applied non-selectively or 'blanket fashion', to the whole of a conservation area, whether or not it applies to all the properties within it, but this does not constitute best practice.

**Effectiveness** – Article 4(2) directions can be extremely effective, particularly when:

- developed as part of a management plan for the conservation area;
- are selective in response to the evident threat of harm (ie withdraw the relevant classes of PD rights) and of the appropriate extent;
- are backed up by a dated photographic record;
- are supported by guidance on appropriate repair and alteration;
- have a level of public support and, most importantly
- are monitored by the local authority and prompt enforcement action taken if any breaches occur.

**Increase in planning applications** – recent research on the impact of Article 4 directions<sup>2</sup> identified that a local authority can expect to receive 1 or 2 additional planning applications per week (depending of course on the number and nature of its conservation areas). Clear, concise controls, backed up by appropriate guidance, tend to encourage like-for-like repair or replacement in matching materials, which do not require planning permission.

**Compensation** [paragraph 5.21] – compensation may be payable if permission is refused following an application made as a result of an Article 4 direction<sup>3</sup>. The calculation of the level of compensation would be based on the loss of value of the property as a result of the restriction of PD rights. Compensation claims are extremely rare. In a recent study, no evidence was found for any such payments having been made<sup>4</sup>.

**Although requiring an initial investment of some resources, making a direction is usually worthwhile for its long-term benefits.**

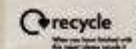
<sup>1</sup> Article 4 directions are made under article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008. See also Order 995 General Development Order (Conservation) 1995. The amendments made in 2008 to the 1995 GPDO to which the English Heritage guidance refers, affect the scope of Article 4(2) directions, but the purpose and process of making directions remain the same.

<sup>2</sup> See paragraphs 5.15-5.16 of *Guidance on the management of conservation areas*.  
<sup>3</sup> 975 Planning Research into the use of Article 4 directions on behalf of the English Historic Towns Forum (October 2009), paragraphs 1.18-1.19.  
<sup>4</sup> See Section 139 of the Town and Country Planning Act 1990, s. 98 of paragraphs 1.20-1.21.

## Making an Article 4 Direction



- This is usually best done as part of the preparation of a conservation area management plan.
- Because the buildings do not have PD rights or the works are not PD.
- The proposal to make an Article 4 direction should ideally be highlighted during the preparation of a conservation area management plan, giving context, occupies the context to the proposal.
- The direction must be drawn up accurately and restrictions must be appropriate.
- Notify land charge to local land charge section of Council.
- All the properties involved must be identified precisely in the notice, and shown on a map.
- Making a dated photographic record of each property involved on the day of service is essential in supporting any future enforcement action. The photographs also provide evidence of the real and specific threat to the area that justifies the Article 4 direction.
- Confirm land charge.



# PPS 5 Policy HE6



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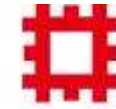
HE6.1 Local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance...

HE6.2 This information should be set out in the application....

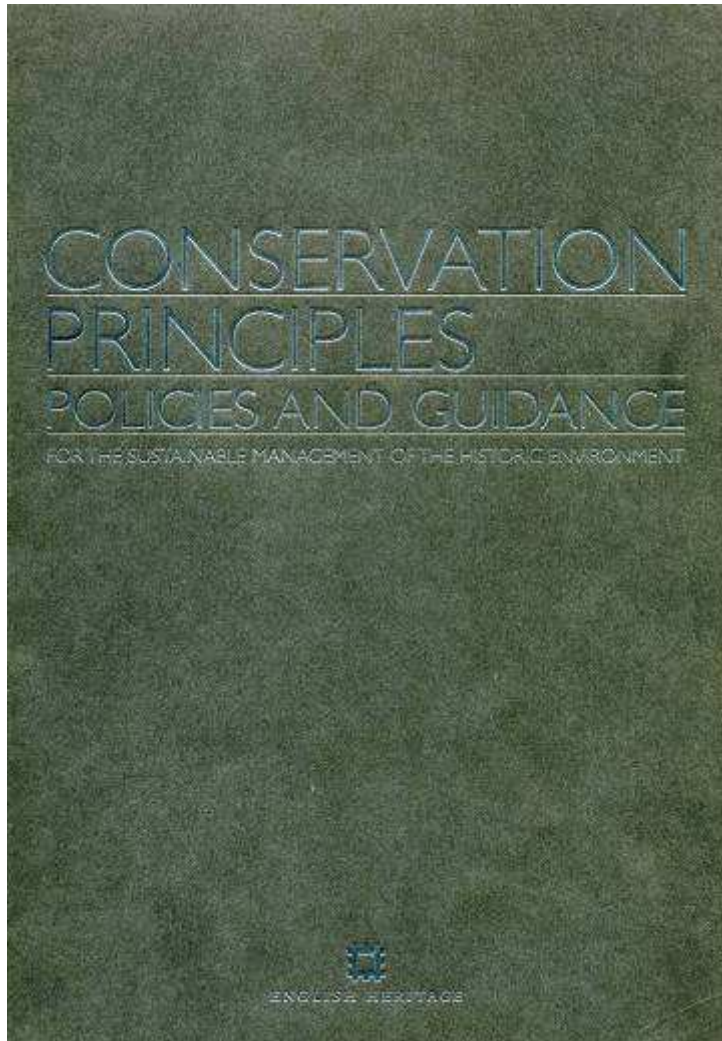
HE6.3 Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application....



# EH Guidance: Conservation Principles



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**Principal 1:** The historic environment is a shared resource

**Principal 2:** Everyone should be able to participate in sustaining the historic environment

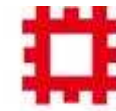
**Principal 3:** Understanding the significance of places is vital

**Principal 4:** Significant places should be managed to sustain their values

**Principal 5:** Decisions about change must be reasonable, transparent and consistent

**Principal 6:** Documenting and learning from decisions is essential

# EH Guidance: Conservation Principles



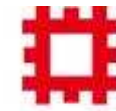
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## Assessing Heritage Significance

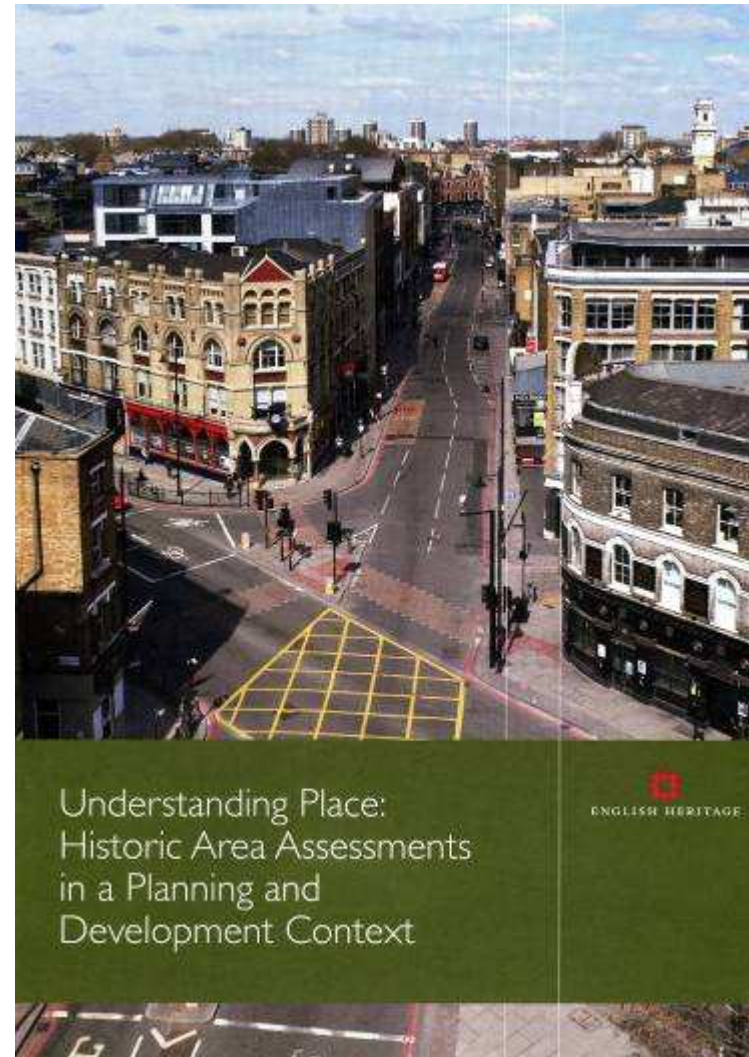
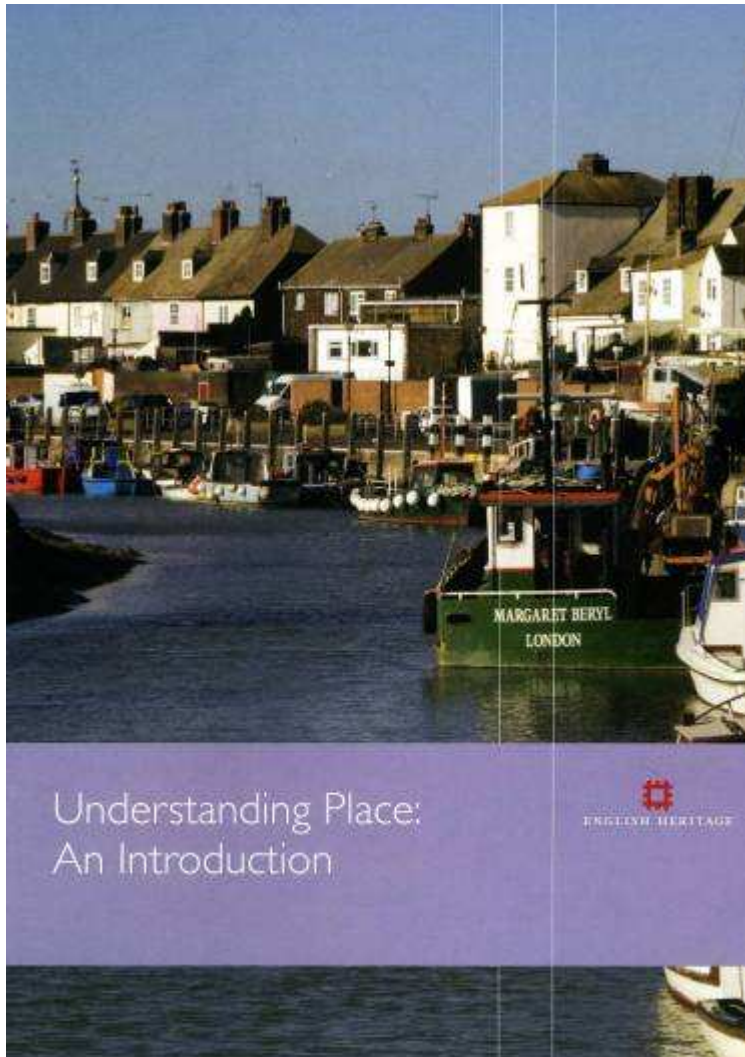
- Understand the fabric and evolution of the place
- Identify who values the place, and why they do so
- Relate identified heritage values to the fabric of the place
- Consider the relative importance of those identified values
- Consider the contribution of associated objects and collections
- Consider the contribution made by setting and context
- Compare the place with other places sharing similar values
- Articulate the significance of the place



# EH Guidance: Understanding Place



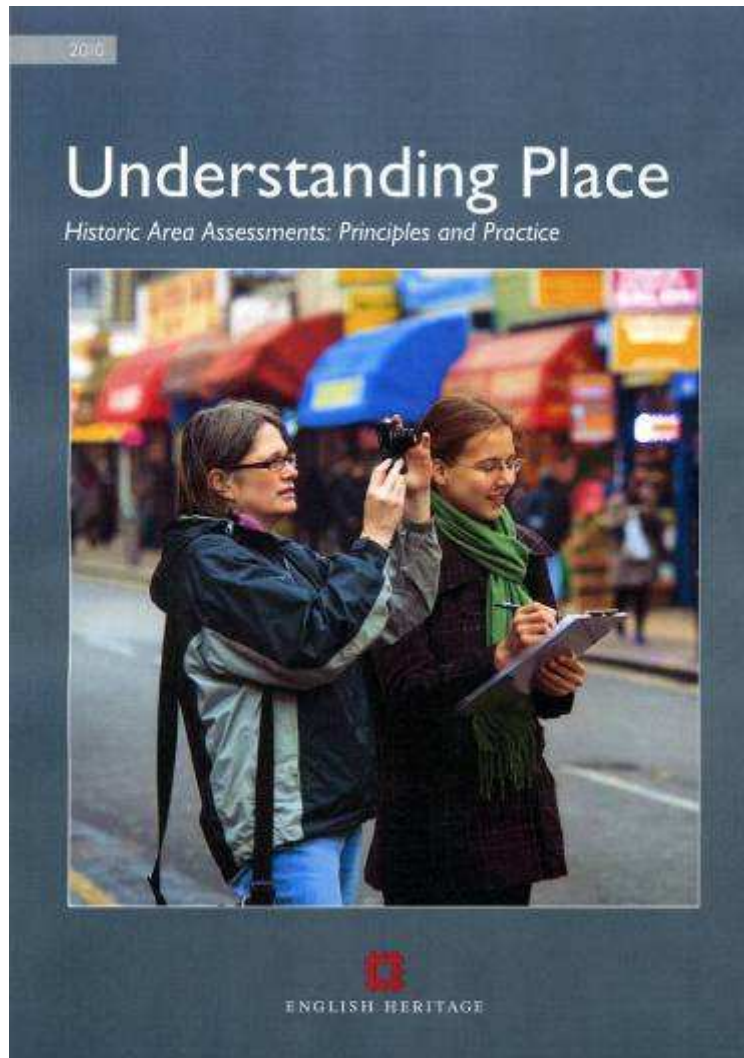
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# EH Guidance: Understanding Place



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## Case study: South Shoreditch

South Shoreditch lies at the heart of what is known in London development contexts as the 'City fringe', the future of which is a major public policy issue for Londoners. English Heritage, in partnership with the London Borough of Hackney and the Greater London Authority, has explored co-ordinated approaches to planning in South Shoreditch. To inform the debate English Heritage carried out a detailed assessment of the area, the dominant and distinctive character of which derives from its history as a major centre of the furniture trade from the mid-19th century to the

mid-20th century. The assessment traced the development of the area, identifying workshops, showrooms and other buildings of historic or architectural interest.

The assessment resulted in a small number of new designations and, importantly, the information helped to frame new conservation policies, which now underpin the South Shoreditch Supplementary Planning Document (SPD). The assessment identified a number of buildings of either local significance or townscape merit that contribute to the overall quality of the area. The South Shoreditch SPD provides detailed guidance for conservation and design issues affecting these buildings, and seeks to protect plot

patterns, historic street layout and local views. It includes criteria relating to the design quality of materials, scale and relationship to context – issues that had been identified in the assessment. The SPD aims to achieve a balance by encouraging high-quality, large-scale development on the edge of the City area, while also ensuring that development within conservation areas reflects the prevailing scale, character and form of the furniture trade's architectural legacy. As the resulting publication in English Heritage's Informed Conservation series put it, these policies aim to 'ensure that these areas retain the essential character that makes them such attractive places in which to live and work.'<sup>12</sup>





## PPS 5 Policy HE7



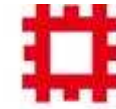
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HE7.4 Local planning authorities should take into account the desirability of sustaining and enhancing the significance of the heritage asset, and of utilising their positive role in place-shaping...

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment...



# Sustaining and Enhancing



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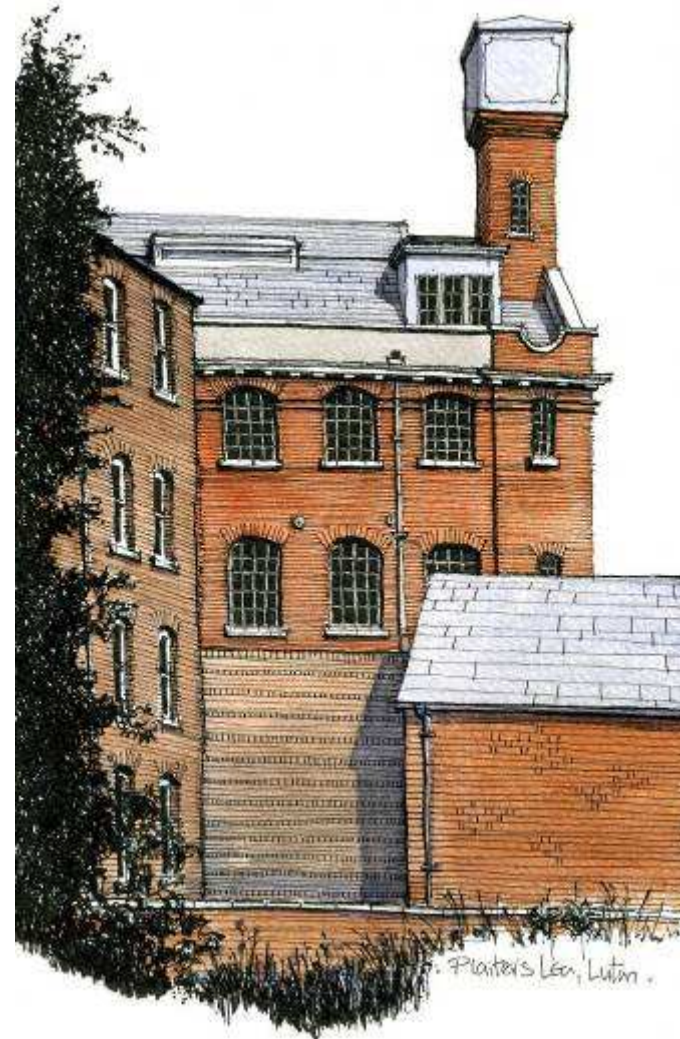


## PPS 5 Policy HE9

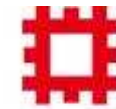


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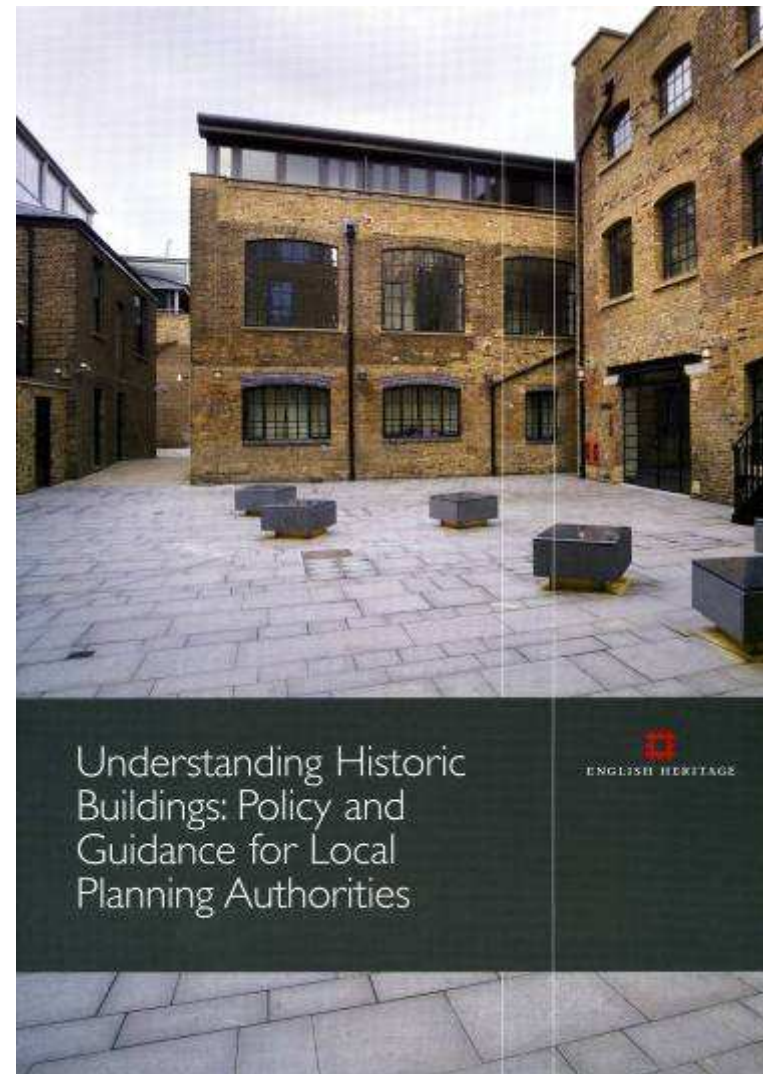
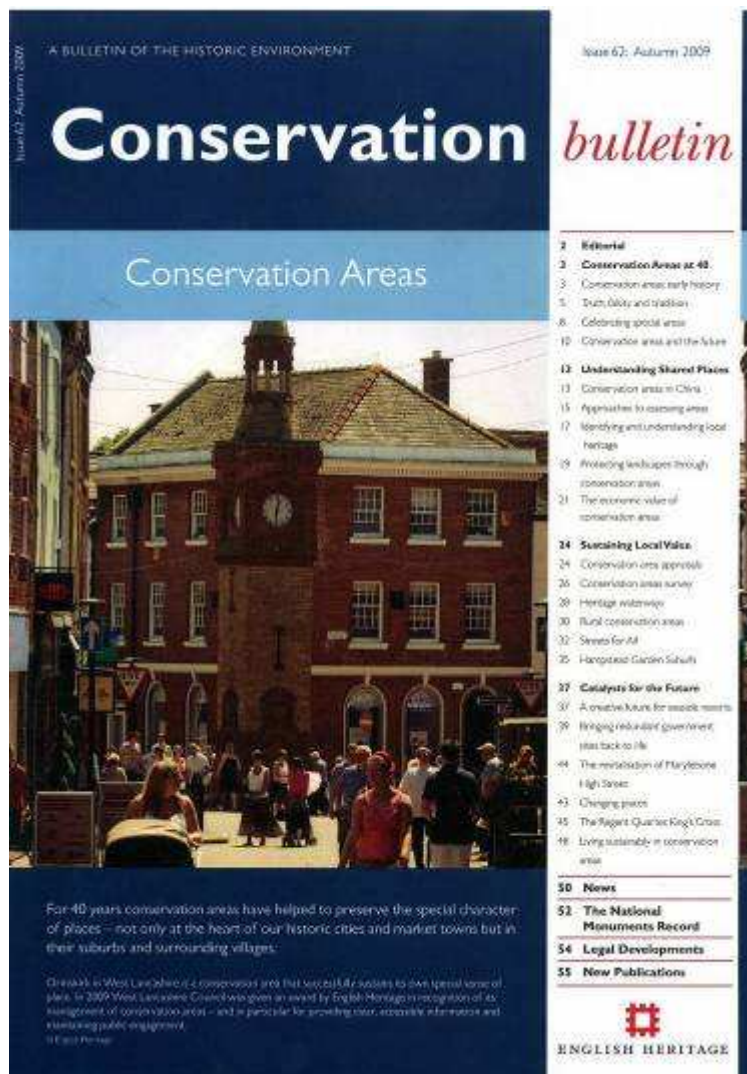
HE9.1 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the heritage asset, the greater the presumption in favour if its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting....



# Other EH Publications



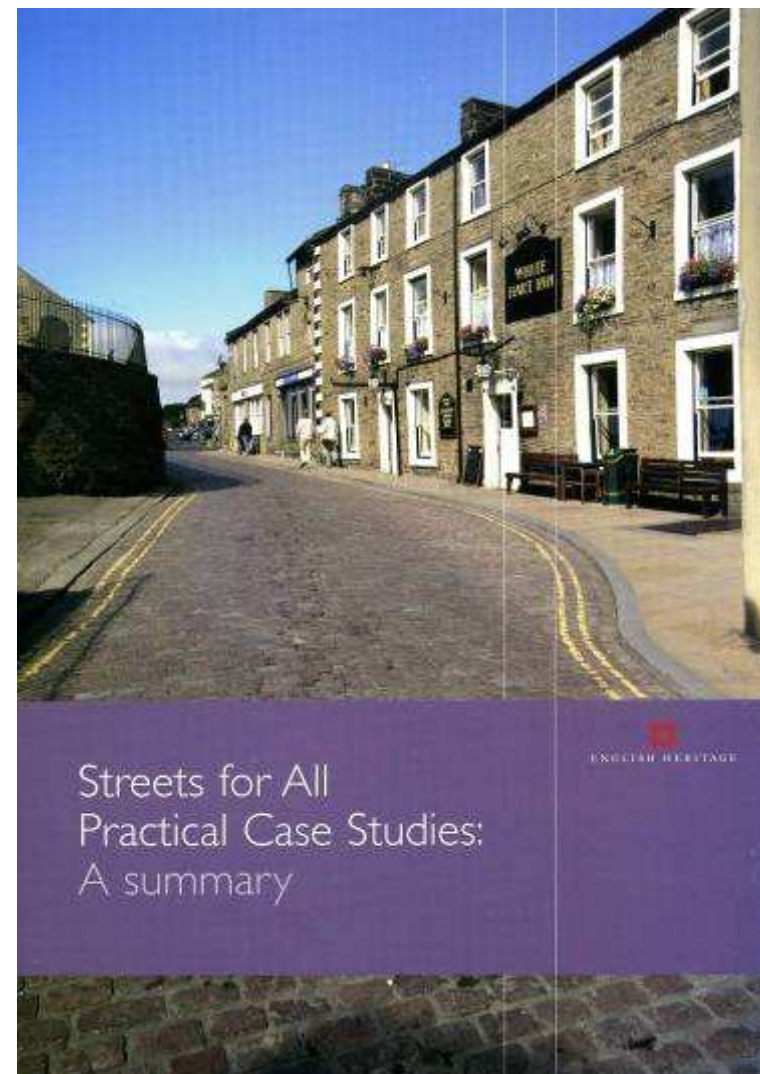
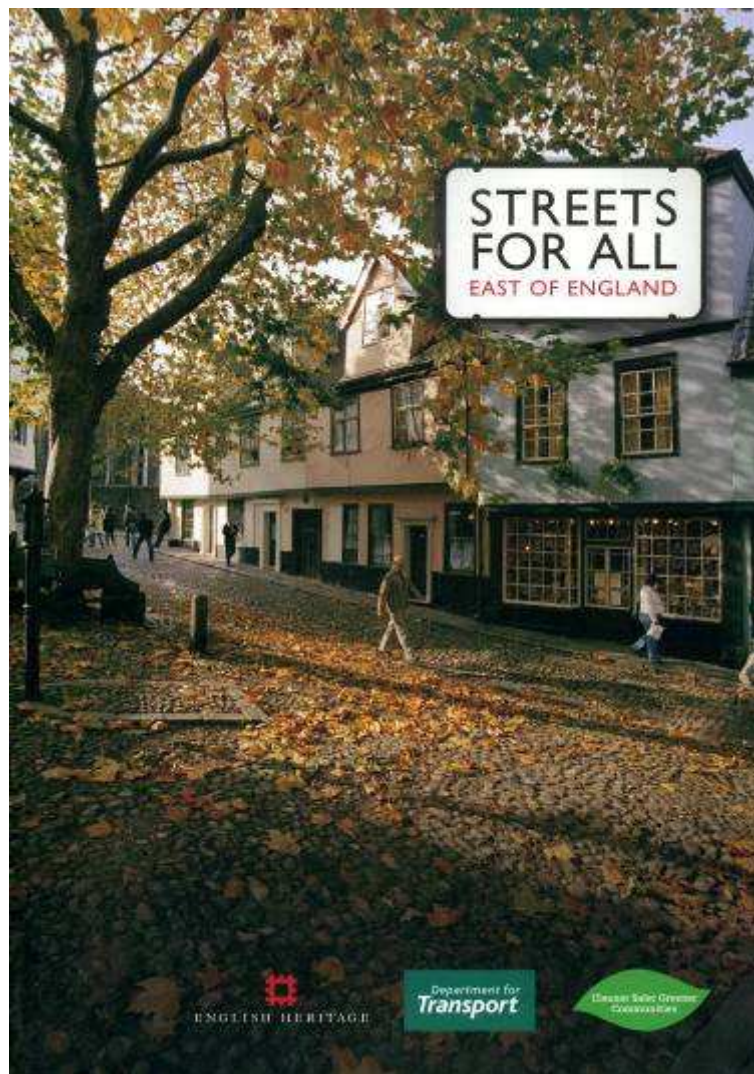
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# Other EH Publications



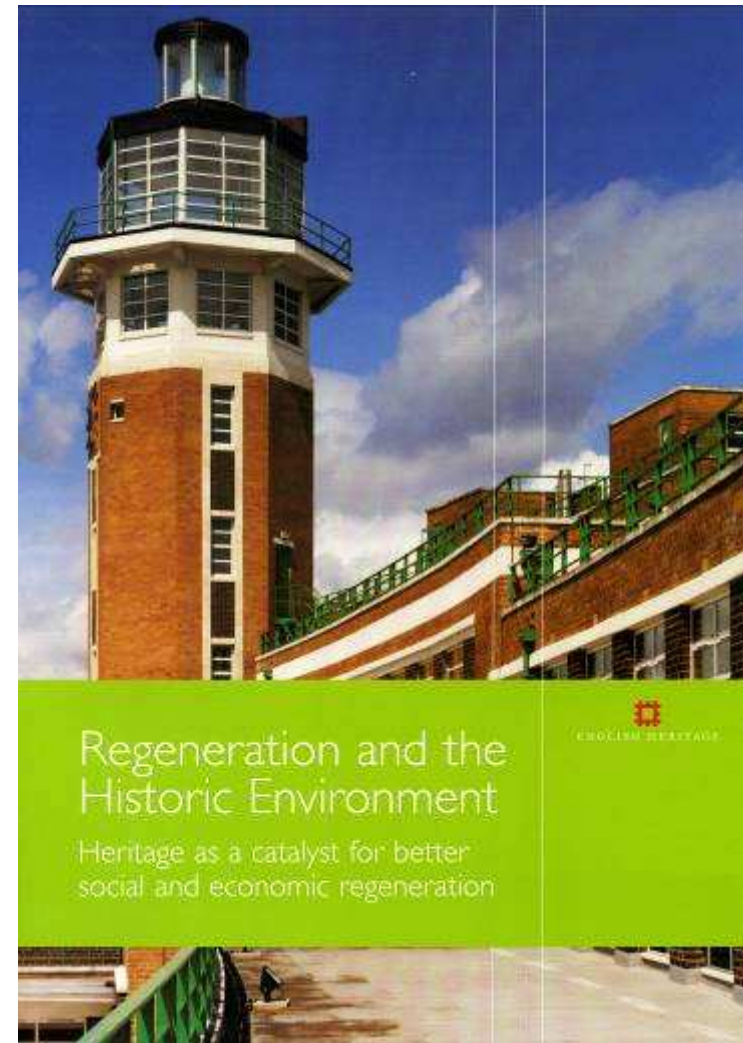
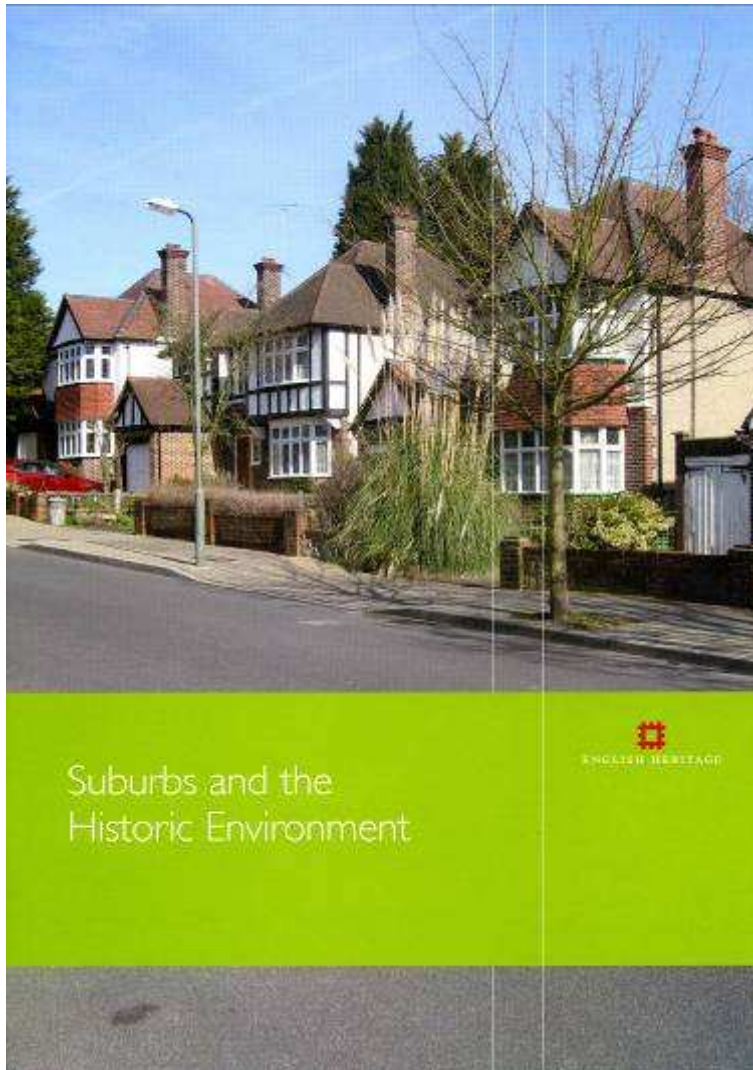
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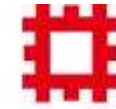
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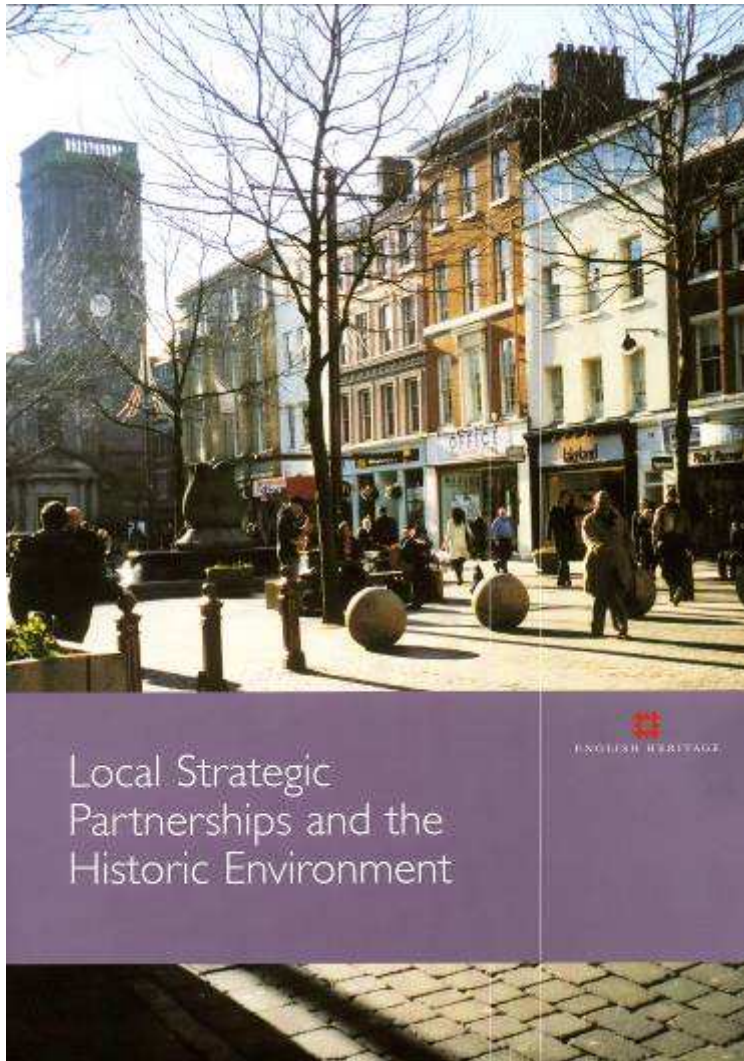
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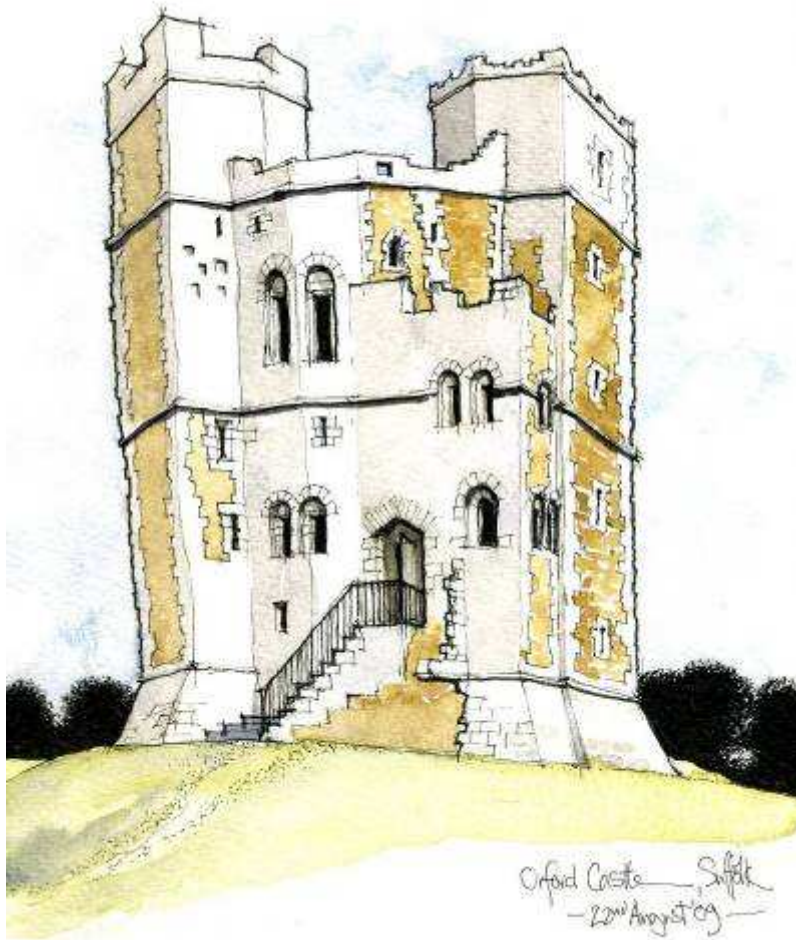
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# Questions



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