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Guidance

Historic environment

Advises on enhancing and conserving the historic environment.

From:
Department for Levelling Up, Housing and Communities (/government/organisations/department-for-levelling-up-housing-and-communities) and Ministry of Housing, Communities & Local Government (/government/organisations/ministry-of-housing-communities-and-local-government)

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This guidance has been updated see previous version (https://webarchive.nationalarchives.gov.uk/20190607161354/https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment).

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (https://www.gov.uk/government/publications/national-planning-policy-framework--2), the policies in the previous version of the framework published in 2012 (https://webarchive.nationalarchives.gov.uk/ukgwa/20180608095821/https:/www.gov.uk/government/publications/national-planning-policy-framework--2) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup).

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 (http://www.legislation.gov.uk/ukpga/1990/8/contents):

- the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/contents) provides specific protection for buildings and areas of special architectural or historic interest
- the Ancient Monuments and Archaeological Areas Act 1979 (http://www.legislation.gov.uk/ukpga/1979/46/contents) provides specific protection for monuments of national interest
- the Protection of Wrecks Act 1973 (http://www.legislation.gov.uk/ukpga/1973/33/contents) provides specific protection for wreck sites of archaeological, historic or artistic interest
- the Historic Buildings and Ancient Monuments Act 1953 (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) 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 (https://whc.unesco.org/en/conventiontext/) (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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196))

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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) (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment), 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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para187) of the National Planning Policy Framework. Guidance can be found in the Plan-making (https://www.gov.uk/guidance/plan-making#045) section of the planning practice guidance.

Paragraph: 004 Reference ID: 18a-004-20190723

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How can heritage issues be addressed in neighbourhood plans?

Where it is relevant, neighbourhood plans (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) 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 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) 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 (https://www.gov.uk/guidance/neighbourhood-planning--2) of the planning practice guidance
- Heritage specific issues and neighbourhood planning (https://historicengland.org.uk/advice/hpg/historic-environment/neighbourhoodplanning/) is provided by Historic England.

Paragraph: 005 Reference ID: 18a-005-20190723

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) 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.

Paragraph: 006 Reference ID: 18a-006-20190723

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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?).

Paragraph: 007 Reference ID: 18a-007-20190723

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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.

See the Historic England website for further advice on assessing the significance of heritage assets (https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/).

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

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para189)). 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.

Paragraph: 009 Reference ID: 18a-009-20190723

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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.

Paragraph: 010 Reference ID: 18a-010-20190723

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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. See the Historic England website for details of how to access historic environment records (https://historicengland.org.uk/advice/technical-advice/information-management/hers/).

Paragraph: 011 Reference ID: 18a-011-20190723

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

A Design and Access Statement (https://www.gov.uk/guidance/making-an-application#design-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.

Paragraph: 012 Reference ID: 18a-012-20190723

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary).

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.

See further guidance on setting of heritage assets and wind turbine development (https://www.gov.uk/guidance/renewable-and-low-carbon-energy#heritage-be-taken-into-account).

Paragraph: 013 Reference ID: 18a-013-20190723

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para191)). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage.

Paragraph: 014 Reference ID: 18a-014-20190723

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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 to 196 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para193) 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) (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196) 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.

Paragraph: 016 Reference ID: 18a-016-20190723

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195). 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 .

Paragraph: 017 Reference ID: 18a-017-20190723

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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 (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) 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 to 196) (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194) 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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194)).

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

Revision date: 23 07 2019

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

Paragraph 201 of the National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para196) 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 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195). 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 (https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas).

Paragraph: 019 Reference ID: 18a-019-20190723

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What is meant by the term public benefits?

The National Planning Policy Framework (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para195) 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 (https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development)). 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 (http://www.legislation.gov.uk/uksi/2012/637/regulation/22/made)) 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 (http://www.legislation.gov.uk/uksi/2012/637/contents/made).

Further information on making these Orders can be found:

- in the Neighbourhood planning section of guidance (https://www.gov.uk/guidance/neighbourhood-planning--2)
- in the When is permission required? section of guidance (https://www.gov.uk/guidance/when-is-permission-required)
- in the Neighbourhood Development Orders and Heritage guidance (https://historicengland.org.uk/advice/hpg/consent/ndo/) on the Historic England website

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Designated heritage assets

How do heritage assets become designated?

The Department for 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. See the Department for Culture, Media and Sport website for further information on selection criteria and processes (https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments).

Paragraph: 022 Reference ID: 18a-022-20190723

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What are the different types of designated heritage assets?

Listed building (https://www.legislation.gov.uk/ukpga/1990/9/contents) – 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 (http://www.legislation.gov.uk/ukpga/1979/46/contents) – a monument which has been designated because of its national importance.

Protected wreck site (https://www.legislation.gov.uk/ukpga/1973/33/contents) – 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 (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) – a designed landscape which has been designated because of its special historic interest.

Registered battlefield (https://www.legislation.gov.uk/ukpga/Eliz2/1-2/49/contents) – 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 (https://www.legislation.gov.uk/ukpga/1990/9/part/II) – 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.

See the Historic England website for further advice on conservation area designation, appraisal and management (https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/).

Paragraph: 024 Reference ID: 18a-024-20190723

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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 (http://www.legislation.gov.uk/ukpga/1990/9/section/69)).

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.

Paragraph: 025 Reference ID: 18a-025-20190723

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How are World Heritage Sites protected and managed in England?

England protects its World Heritage Sites and their settings, including any buffer zones or equivalent, through the statutory designation process and through the planning system.

The Outstanding Universal Value of a World Heritage Site, set out in a Statement of Outstanding Universal Value, indicates its importance as a heritage asset of the highest significance to be taken into account by:

- the relevant authorities in plan-making, determining planning and related consent applications (including listed building consent, scheduled monument consent, development consent orders and Transport and Works Act Orders)
- and, where relevant, by the Secretary of State in determining such cases on appeal or following call in

Effective management of World Heritage Sites involves the identification and promotion of positive change that will conserve and enhance their Outstanding Universal Value, authenticity, integrity and with the modification or mitigation of changes which have a negative impact on those values.

Paragraph: 026 Reference ID: 18a-026-20190723

Revision date: 23 07 2019

How is the importance of World Heritage Sites reflected in the National Planning Policy Framework?

World Heritage Sites are defined as designated heritage assets (https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary) in the National Planning Policy Framework. The National Planning Policy Framework sets out detailed policies for the conservation and enhancement of the historic environment, including World Heritage Sites, through both plan-making and decision-making.

See further guidance on World Heritage Sites.

Paragraph: 027 Reference ID: 18a-027-20190723

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Further guidance on World Heritage Sites

Why are World Heritage Sites important?

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee inscribes World Heritage Properties onto its World Heritage List for their Outstanding Universal Value – cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. World Heritage Properties are referred to in the National Planning Policy Framework and in this guidance as ‘World Heritage Sites’ and are defined as designated heritage assets in the National Planning Policy Framework.

The government is a State Party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (known as the World Heritage Convention) and it was ratified by the UK in 1984.

Paragraph: 028 Reference ID: 18a-028-20190723

Revision date: 23 07 2019

How is the importance of each Site recognised internationally?

A Statement of Outstanding Universal Value is agreed and adopted by the World Heritage Committee for each Site on inscription. The Statement sets out what the World Heritage Committee considers to be of Outstanding Universal Value about the Site in relation to the World Heritage Convention and includes statements of integrity and, in relation to cultural sites or the cultural aspects of 'mixed' Sites, authenticity, and the requirements for protection and management.

Statements of Outstanding Universal Value are key reference documents for the protection and management of each Site and can only be amended or altered by the World Heritage Committee.

Paragraph: 029 Reference ID: 18a-029-20190723

Revision date: 23 07 2019

How many World Heritage Sites are there and where are they?

There are currently 19 cultural World Heritage Sites wholly or partly in England and one natural World Heritage Site. Details of each can be found on the National Heritage List for England (https://historicengland.org.uk/listing/the-list/).

Paragraph: 030 Reference ID: 18a-030-20190723

Revision date: 23 07 2019

How does the terminology used by UNESCO relate to the policies of the National Planning Policy Framework?

The international policies concerning World Heritage Sites use different terminology to that in the National Planning Policy Framework. World Heritage Sites are inscribed for their 'Outstanding Universal Value' and each World Heritage Site has defined its 'attributes and components': the tangible remains, visual and cultural links that embody that value. The cultural heritage within the description of the Outstanding Universal Value will be part of the World Heritage Site's heritage significance and National Planning Policy Framework policies will apply to the Outstanding Universal Value as they do to any other heritage significance they hold. As the National Planning Policy Framework makes clear, the significance of the designated heritage asset derives not only from its physical presence, but also from its setting.

Paragraph: 031 Reference ID: 18a-031-20190723

Revision date: 23 07 2019

What principles need to be considered in developing a positive strategy for the conservation and enjoyment of World Heritage Sites?

In line with the National Planning Policy Framework, plans, at all levels should conserve the Outstanding Universal Value, integrity and authenticity (where relevant for cultural or 'mixed' sites) of each World Heritage Site and its setting, including any buffer zone or equivalent. World Heritage Sites are designated heritage assets of the highest significance. Appropriate policies for the protection and sustainable use of World Heritage Sites, including enhancement where appropriate, need to be considered in relevant plans. These policies will need to take account of international and national requirements as well as specific local circumstances.

When developing plan policies to protect and enhance World Heritage Sites and their Outstanding Universal Value, plan-making bodies should aim to satisfy the following principles:

- protecting the World Heritage Site and its setting, including any buffer zone, from inappropriate development
- striking a balance between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the World Heritage Site in its setting, including any buffer zone
- protecting a World Heritage Site and its setting from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect
- enhancing the World Heritage Site and its setting where appropriate and possible through positive management
- protecting the World Heritage Site and its setting from climate change but ensuring that mitigation and adaptation is not at the expense of integrity or authenticity

Local planning authorities whose area covers either the World Heritage Site itself or all or part of its setting need to take these principles and the resultant policies into account when making decisions on applications

Paragraph: 032 Reference ID: 18a-032-20190723

Revision date: 23 07 2019

How is the setting of a World Heritage Site protected?

The UNESCO Operational Guidelines seek protection of "the immediate setting" of each World Heritage Site, of "important views and other areas or attributes that are functionally important as a support to the Property" and suggest designation of a buffer zone wherever this may be necessary. A buffer zone is defined as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the

World Heritage Site. The buffer zone forms part of the setting of the World Heritage Site.

It may be appropriate to protect the setting of World Heritage Sites in other ways, for example by the protection of specific views and viewpoints, both from and to the site. Other landscape designations may also prove effective in protecting the setting of a World Heritage Site. However it is intended to protect the setting, it will be essential to explain how this is to be done in the relevant development plan policies.

Decisions on buffer zones are made on a case by case basis at the time of nomination and reviewed subsequently through the World Heritage Site Management Plan review process. Proposals to add or amend buffer zones following inscription are submitted by government for approval by the World Heritage Committee who will consider and adopt the proposals as appropriate.

Paragraph: 033 Reference ID: 18a-033-20190723

Revision date: 23 07 2019

What are World Heritage Site management plans?

Each World Heritage Site has a management plan which contains both long term and day to day actions to protect, conserve and present the Site. Steering Groups, including key representatives from a range of national and local bodies, are responsible for the formulation and implementation of the plan, and public consultation at key stages of its development. The relevant local planning authority will often lead the Steering Group.

Management plans need to be developed in a participatory way, fully involving all interested parties and in particular those responsible for managing, owning or administering the Site. Each plan will need to be attuned to the particular characteristics and needs of the site and incorporate sustainable development principles. Each plan will:

- contain the location and Site boundary details
- specify how the Outstanding Universal Value, authenticity and integrity of each site is to be maintained
- identify attributes
- examine issues affecting its conservation and enjoyment

Management plans will usually cover topics such as its boundaries, development, tourism, interpretation, education and transport.

Given their importance in helping to sustain and enhance the significance of the World Heritage Site, relevant policies in management plans need to be taken into account in preparing development plans for the historic or natural environment (as appropriate) and in determining relevant planning applications.

Paragraph: 034 Reference ID: 18a-034-20190723

Revision date: 23 07 2019

What approach can be taken to assessing the impact of development on World Heritage Sites?

Applicants proposing change that might affect the Outstanding Universal Value, integrity and, where applicable, authenticity of a World Heritage Site through development within the Site or affecting its setting (including any buffer zone or equivalent) need to submit sufficient information with their applications to enable assessment of the potential impact on Outstanding Universal Value. This may include visual impact assessments, archaeological data and/or historical information. In many cases this will form part of an Environment Statement. Applicants may find it helpful to use the approach set out in the International Council on Monuments and Sites Heritage Impact Assessment guidelines (https://www.icomos.org/en/home-wh/108301-new-guidance-set-to-help-reduce-impacts-from-development-on-world-heritage-sites) and Historic England's guidance on setting and views (https://historicengland.org.uk/advice/planning/setting-and-views/).

World Heritage Sites are 'sensitive areas' for the purposes of determining if an Environmental Impact Assessment (https://www.gov.uk/guidance/environmental-impact-assessment) is required for a particular development proposal. Lower development size thresholds apply to the requirement for Design and Access Statements (https://www.gov.uk/guidance/making-an-application#design-access-statement) within World Heritage Sites as compared with the norm.

Paragraph: 035 Reference ID: 18a-035-20190723

Revision date: 23 07 2019

What consultation is required in relation to proposals that affect a World Heritage Site?

The UNESCO Operational Guidelines for the Implementation of the World Heritage Convention ask governments to inform the World Heritage Committee at an early stage of proposals that may affect the Outstanding Universal Value of the Site and "before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value is fully preserved". Therefore, it would be very helpful if local planning authorities could consult Historic England (for cultural Sites) or Natural England (for natural Sites) and Department for Culture, Media and Sport at an early stage and preferably pre-application about any development proposals which may affect a World Heritage Site or its setting (including any buffer zone or its equivalent).

It would also be helpful if local planning authorities inform World Heritage Site Steering Groups of development proposals which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent and consult them during the application process.

Local planning authorities are required to consult the Secretary of State for Housing, Communities and Local Government before approving any planning application to which Historic England maintains an objection and which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent. The Secretary of State then has the discretion as to whether to call-in the application for his/her own determination. Further information on the Secretary of State's involvement in deciding an application can be found in Determining a planning application (https://www.gov.uk/guidance/determining-a-planning-application#consult-with-the-Secretary-of-State) section of guidance.

Paragraph: 036 Reference ID: 18a-036-20190723

Revision date: 23 07 2019

Are permitted development rights restricted in World Heritage Sites?

World Heritage Sites are defined as article 2(3) land (https://www.gov.uk/guidance/when-is-permission-required#article-2) in the Town and Country Planning (General Permitted Development) Order 2015. This means that certain permitted development rights are restricted within the Site. Local planning authorities can restrict further development by using article 4 (https://www.gov.uk/guidance/when-is-permission-required#article-4-direction) and article 5 (minerals operations) directions under the 2015 Order.

Paragraph: 037 Reference ID: 18a-037-20190723

Revision date: 23 07 2019

Where can I find further information about World Heritage Sites?

Further information on World Heritage Sites can be found on the Department for Culture, Media and Sport website (https://www.gov.uk/government/publications/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments/2010-to-2015-government-policy-conservation-of-historic-buildings-and-monuments#appendix-1-nominating-places-in-the-uk-for-world-heritage-site-status) and on the UNESCO website (http://whc.unesco.org/).

Paragraph: 038 Reference ID: 18a-038-20190723

Revision date: 23 07 2019

Non-designated heritage assets

What are non-designated heritage assets?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage

significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph: 039 Reference ID: 18a-039-20190723

Revision date: 23 07 2019

How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets 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.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (See the Historic England website for advice on local lists (https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/.)) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Paragraph: 040 Reference ID: 18a-040-20190723

Revision date: 23 07 2019

What are non-designated heritage assets of archaeological interest and how important are they?

The National Planning Policy Framework identifies two categories of non-designated heritage assets of archaeological interest:

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (National Planning Policy Framework footnote 63). They are of 3 types:

- those that have yet to be formally assessed for designation.
- those that have been assessed as being nationally important and therefore, capable of designation, but which the Secretary of State for Culture, Media and Sport has exercised his/her discretion not to designate.
- those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 because of their physical nature.

The reason why many nationally important monuments are not scheduled is set out in the document Scheduled Monuments, published by the Department for Culture, Media and Sport. Information on location and significance of such assets is found in the same way as for all heritage assets. Judging whether sites fall into this category may be assisted by reference to the criteria for scheduling monuments. Further information on scheduled monuments can be found on the Department for Culture, Media and Sport's website.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first.

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.

Paragraph: 041 Reference ID: 18a-041-20190723

Revision date: 23 07 2019

Heritage consent processes

Is listed building consent the same as planning permission?

Listed building consent and planning permission are 2 separate regimes. For some proposed works both planning permission and listed building consent will be needed, but in other cases only one, or neither, is required.

Paragraph: 042 Reference ID: 18a-042-20190723

Revision date: 23 07 2019

When is an application for planning permission required to carry out works to a listed building?

This will depend on the particular works involved, but in general terms:

- an application for planning permission is required if the works would usually require a planning application if the building was not listed
- an application for planning permission is not required if the works would normally be permitted development, there are no restrictions on the permitted development rights in respect of listed buildings and the permitted development rights have not been removed locally
- an application for planning permission is not required if the works would not constitute 'development' (https://www.gov.uk/guidance/when-is-permission-required#what-is-development) eg internal works to listed buildings

Paragraph: 043 Reference ID: 18a-043-20190723

Revision date: 23 07 2019

When is listed building consent required?

Any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest require listed building consent, irrespective of whether planning permission is also required. 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 also curtilage buildings or other structures.

Undertaking works, or causing works to be undertaken, to a listed building which would affect its character as a building of special historic or architectural interest, without first obtaining listed building consent is a criminal offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/9).

There is no fee for submitting an application for listed building consent.

Paragraph: 044 Reference ID: 18a-044-20190723

Revision date: 23 07 2019

What is a Listed Building Heritage Partnership Agreement?

A Listed Building Heritage Partnership Agreement is an Agreement between a local planning authority and the owner(s) of a listed building or group of listed buildings which grants listed building consent. It allows the local planning authority to grant listed building consent for the duration of the Agreement for specified works of alteration or extension (but not demolition) of those listed buildings covered by the Agreement (see sections 26A and 26B of the Planning (Listed Buildings and Conservation Areas) Act 1990) (https://www.legislation.gov.uk/ukpga/1990/9/contents).

Listed Building Heritage Partnership Agreements remove the need for the owner(s) concerned to submit repetitive applications for listed building consent for works covered by an Agreement.

When considering whether to grant listed building consent in a Listed Building Heritage Partnership Agreement local planning authorities are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest possessed by the listed building(s) to be included in the Agreement and will need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 045 Reference ID: 18a-045-20190723

Revision date: 23 07 2019

How long will a Listed Building Heritage Partnership Agreement last?

A Listed Building Heritage Partnership Agreement must make provision for its termination. The duration of a Listed Building Heritage Partnership agreement will be a matter for the local planning authority and the other parties to the Agreement to decide. Setting a time limit for a Listed Building Heritage Partnership Agreement is recommended to ensure that the Agreement continues to meet appropriate standards and principles for conservation, and continues to have regard to the special interest of the building.

Paragraph: 046 Reference ID: 18a-046-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow for a Listed Building Heritage Partnership Agreement?

The procedures, including those around consultation and publicity, which local planning authorities must follow for Listed Building Heritage Partnership Agreements, are set out in the Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/550/contents/made). See the Historic England website for advice on Listed Building Heritage Partnership Agreements (https://historicengland.org.uk/images-books/publications/setting-up-listed-building-hpa-advice-note-5/).

Paragraph: 047 Reference ID: 18a-047-20190723

Revision date: 23 07 2019

What is a Local Listed Building Consent Order?

Local Listed Building Consent Orders are made by local planning authorities and grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings in their area (see Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/section/26D)). This means that owners and developers do not need to submit repetitive applications for listed building consent for works covered by an Order.

When considering making a Local Listed Building Consent Order local planning authorities are required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will need to take account of the relevant policies in the National Planning Policy Framework.

Paragraph: 048 Reference ID: 18a-048-20190723

Revision date: 23 07 2019

How long will a Local Listed Building Consent Order last?

There is no time limit on the duration of Local Listed Building Consent Orders set out in the regulations. Local planning authorities may consider it expedient to set a time limit for the Order in each individual case.

Paragraph: 049 Reference ID: 18a-049-20190723

Revision date: 23 07 2019

What procedures does a local planning authority need to follow when making a Local Listed Building Consent Order?

The procedures, including those around consultation and publicity, which local planning authorities must follow when making a Local Listed Building Consent Order are set out in the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/551/contents/made) and the Historic England website has advice on Drawing up a Local Listed Building Consent Order (https://historicengland.org.uk/images-books/publications/drawing-up-local-listed-building-consent-order-advice-note-6/).

Paragraph: 050 Reference ID: 18a-050-20190723

Revision date: 23 07 2019

What is the difference between a Listed Building Heritage Partnership Agreement and a Local Listed Building Consent Order?

Listed Building Heritage Partnership Agreements are Agreements made between the local planning authority and the owner(s) of a listed building or group of listed buildings. There may be additional parties to the Agreement. As well as granting a general listed building consent for agreed works of alteration or extension to the listed building(s) to which the Agreement relates, they can cover other matters such as public access or management issues. They might be used, for example, to cover university campuses or large office buildings.

Local Listed Building Consent Orders are made by the local planning authority and grant a general listed building consent for specified works of alteration or extension to listed buildings of a specified description or in a specified part of the authority's area. They do not cover any other matters relating to the listed buildings. They are likely to be used for groups of similar or related listed buildings in multiple ownership, for example, estate villages or rows of terraced houses.

Paragraph: 051 Reference ID: 18a-051-20190723

Revision date: 23 07 2019

What is a Listed Building Consent Order?

A Listed Building Consent Order is made by the Secretary of State for Housing, Communities and Local Government to grant listed building consent for works of any description for the alteration or extension (but not demolition) of listed buildings of any description in England (see sections 26C, 26F, 26G and 28A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/contents)).

When considering making a Listed Building Consent Order the Secretary of State is required to have special regard to the desirability of preserving the listed building(s) to which the Order applies, their setting or any features of special architectural or historic interest they possess and will need to take account of the relevant policies in the National Planning Policy Framework.

A pilot Listed Building Consent Order is currently being developed with the Canal & River Trust to help inform the approach to future Orders. See the Historic England website for further information on Listed Building Consent Orders (https://historicengland.org.uk/images-books/publications/notes-listed-building-consent-orders/).

Paragraph: 052 Reference ID: 18a-052-20190723

Revision date: 23 07 2019

What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works provides formal confirmation that proposed works of alteration or extension (but not demolition) of a listed building do not require listed building consent because they do not affect the character of the listed building as a building of special architectural or historic interest (see section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (https://www.legislation.gov.uk/ukpga/1990/9/section/26H)).

Certificates of Lawfulness of Proposed Works are only available in respect of works which have not yet been carried out – they cannot be obtained retrospectively.

Works for which a Certificate of Lawfulness of Proposed Works is issued must be undertaken within 10 years from the date of issue of the Certificate.

Any person wishing to obtain a Certificate must submit an application to their local planning authority. The procedures for applications, and appeals against refusal or non-determination of an application, are set out in the Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/552/contents/made).

Paragraph: 053 Reference ID: 18a-053-20190723

Revision date: 23 07 2019

Is it necessary to apply for a Certificate of Lawfulness of Proposed Works before carrying out minor works to a listed building?

There is no obligation on anyone to apply for a Certificate of Lawfulness of Proposed Works.

Where a person is satisfied that the works they want to carry out do not require listed building consent they can, if they wish, proceed with those works without obtaining any confirmation from the local planning authority.

In order to avoid unnecessary applications, if there is any doubt about whether listed building consent is required, we would encourage owners and developers to discuss the matter with the local planning authority before submitting any application.

Paragraph: 054 Reference ID: 18a-054-20190723

Revision date: 23 07 2019

Is an application for planning permission required to carry out works to an unlisted building in a conservation area?

Planning permission is required for the demolition of certain unlisted buildings in conservation areas (known as ‘relevant demolition’) – see ‘When is permission required?’ (https://www.gov.uk/guidance/when-is-permission-required#demolition-in-a-conservation-area) section of the guidance.

Generally the requirement for planning permission for other works to unlisted buildings in a conservation area is the same as it is for any building outside a conservation area, although some permitted development rights are more restricted in conservation areas. Further information in 'When is permission required?' (https://www.gov.uk/guidance/when-is-permission-required) section of guidance.

Demolishing an unlisted building in a conservation area, without first obtaining planning permission where it is needed, is an offence under section 196D of the Town and Country Planning Act 1990 (http://www.legislation.gov.uk/ukpga/2013/24/schedule/17).

There is no fee for submitting an application for planning permission for the 'relevant demolition' of certain unlisted buildings in conservation areas.

Paragraph: 055 Reference ID: 18a-055-20190723

Revision date: 23 07 2019

What permissions/consents are needed for works to scheduled monuments and protected wreck sites?

Planning permission may be required (https://www.gov.uk/guidance/when-is-permission-required) for works to these kinds of designated heritage assets depending on whether the works constitute 'development' and whether any permitted development rights apply.

Irrespective of any requirement to obtain planning permission, works to scheduled monuments may require scheduled monument consent and works relating to protected wreck sites may require licences. These consent/licence regimes are outside the planning system and are the responsibility of the Department for Culture, Media and Sport advised and administered by Historic England. To undertake works without first obtaining a consent/licence where it is needed is a criminal offence. It is recommended therefore, that those intending to carry out works to these types of heritage asset contact Historic England at an early stage to confirm whether a consent/licence is needed. See the Department for Culture, Media and Sport website for further information on these regimes, including any consultation arrangements (https://www.gov.uk/government/policies/conservation-of-historic-buildings-and-monuments).

Paragraph: 056 Reference ID: 18a-056-20190723

Revision date: 23 07 2019

What permissions/consents are needed for registered parks and gardens, and registered battlefields?

Registered parks and gardens and registered battlefields are subject to the usual requirements to obtain planning permission. As they are designated heritage assets, the policies on designated heritage assets in the National Planning Policy

Framework apply both in relation to plan-making and decision-making. As paragraph 194 (https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment#para194) of the National Planning Policy Framework makes clear, substantial harm to or loss of:

- any designated heritage asset of the highest significance, which includes, registered battlefields and Grade I and II* registered parks and gardens, should be 'wholly exceptional'
- any Grade II registered park or garden should be 'exceptional'

Local planning authorities are required to consult Historic England and The Gardens Trust (formerly known as The Garden History Society) on certain applications for planning permission in respect of registered parks and gardens and registered battlefields.

Local planning authorities may also consult other organisations that they consider may have a particular interest in the proposed development. In this respect, local authorities may wish to consider consulting the Battlefields Trust in relation to applications affecting registered battlefields.

Paragraph: 057 Reference ID: 18a-057-20190723

Revision date: 23 07 2019

Consultation and notification requirements for heritage related applications

When must local planning authorities consult or notify other organisations about heritage related applications?

Local planning authorities are required to consult or notify Historic England, The Gardens Trust (formerly known as The Garden History Society) and the National Amenity Societies (ie Historic Buildings & Places (the working name of the Ancient Monuments Society), the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society) on certain applications. Further details of the requirements are set out in the following section.

Paragraph: 058 Reference ID: 18a-058-20190723

Revision date: 23 07 2019

When does Historic England need to be consulted or notified on applications for planning permission and listed building consent?

The requirements for consulting or notifying Historic England for different types of applications are set out at the following links:

- applications for planning permission

- applications for listed building consent

Paragraph: 059 Reference ID: 18a-059-20190723

Revision date: 23 07 2019

When do National Amenity Societies need to be notified of listed building consent applications?

National Amenity Societies need to be notified of certain listed building consent applications. The requirements are set out in Table 3.

Paragraph: 060 Reference ID: 18a-060-20190723

Revision date: 23 07 2019

When does The Gardens Trust (formerly known as The Garden History Society) need to be consulted on applications for planning permission?

The Gardens Trust needs to be consulted on certain planning applications. The requirements are set out in Table 4.

Paragraph: 061 Reference ID: 18a-061-20190723

Revision date: 23 07 2019

When must local planning authorities notify the Secretary of State for Housing, Communities and Local Government on heritage applications?

The current requirements for notifying the Secretary of State for Housing, Communities and Local Government are set out in Table 5.

Paragraph: 062 Reference ID: 18a-062-20190723

Revision date: 23 07 2019

Are applications where the applicant is Historic England or a local planning authority treated differently?

Some applications where the applicant is Historic England or a local planning authority are treated differently and are determined by the Secretary of State for Housing, Communities and Local Government rather than the local planning authority. Details are set out in Table 6.

Paragraph: 063 Reference ID: 18a-063-20190723

Revision date: 23 07 2019

Where should applications which need to be referred to Secretary of State for Housing, Communities and Local Government be sent?

They should be sent to:

PCU@levellingup.gov.uk

Enquiry number: 0303 444 8050

Paragraph: 064 Reference ID: 18a-064-20190723

Revision date: 23 07 2019

Table 1: Applications for planning permission: requirements to consult or notify Historic England

Broad requirements	Detailed requirements
For development that would affect the setting of a Grade I or Grade II* listed building	Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (http://www.legislation.gov.uk/uksi/2015/809/contents/made)
For development involving the demolition, in whole or part, or the material alteration of Grade I or II* listed buildings	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/contents/made)
For development that would affect the character and appearance of a conservation area where the development involves the erection of a new building or the extension of an existing building, and the area of land in respect of which the application is made is more than 1,000 square metres	Regulation 5A(3) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (http://www.legislation.gov.uk/uksi/2015/809/contents/made)

Broad requirements	Detailed requirements
For development likely to affect the site of a scheduled monument	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/contents/made)
For development likely to affect a registered battlefield or a Grade I or II* park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/contents/made)
For development likely to affect certain strategically important views in London	Secretary of State for Housing, Communities and Local Government Directions relating to Protected Vistas (https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance-and-spgs/london-view-management)
All applications by local planning authorities for demolition of an unlisted building in a conservation area	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended) (http://www.legislation.gov.uk/uksi/2015/807/contents/made)

Paragraph: 065 Reference ID: 18a-065-20190723

Revision date: 23 07 2019

Table 2: Applications for listed building consent: requirements to notify Historic England

Broad requirements	Detailed requirements
To give notice of applications and decisions for works in respect of	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)

Broad requirements	Detailed requirements
a Grade I or II* listed building	
To give notice of applications and decisions for certain works to Grade II (unstarred) listed buildings. To notify where an application is made to a London borough, and the authority has not determined to refuse it	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021) and Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/14)

Paragraph: 066 Reference ID: 18a-066-20190723

Revision date: 23 07 2019

Table 3: Applications for listed building consent: requirements to notify the National Amenity Societies

Broad requirements	Detailed requirements
To give notice of applications and decisions for works which comprise or include the demolition of the whole or any part of a listed building	Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangements-for-handling-heritage-applications-direction-2021)

Paragraph: 067 Reference ID: 18a-067-20190723

Revision date: 23 07 2019

Table 4: Applications for planning permission: requirements to consult The Gardens Trust (formerly known as The Garden History Society)

Broad requirements	Detailed requirements
For development likely to affect any park or garden on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England	Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015 (http://www.legislation.gov.uk/uksi/2015/595/contents/made)

Paragraph: 068 Reference ID: 18a-068-20190723

Revision date: 23 07 2019

Table 5: Applications for planning permission and listed building consent: requirements to notify the Secretary of State for for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for planning permission	Where the local planning authority intends to grant consent for proposals to which Historic England objects because it would have an adverse impact on a World Heritage Site	The Town and Country Planning (Consultation) (England) Direction 2021 (https://www.gov.uk/government/publications/the-town-and country-planning-consultation-england-direction-2021)
Application for listed building consent	Outside Greater London only, or in Greater London where the	Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/13) ar Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England)

Type of application	Broad requirements	Detailed requirements
	application is made by Historic England, where the local planning authority intend to grant consent for works to any Grade I or II* listed building or certain works to Grade II (unstarred) listed buildings where Historic England or any of the National Amenity Societies are notified and object	Direction 2021 (https://www.gov.uk/government/publications/arrangement for-handling-heritage-applications-direction-2021)
Application for listed building consent	In Greater London only, where Historic England intend to direct the authority to grant consent or authorise it to determine the application as it sees fit, in relation to Grade I and II* listed buildings and certain works	Section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (http://www.legislation.gov.uk/ukpga/1990/9/section/14) ar Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangement for-handling-heritage-applications-direction-2021)

Type of application	Broad requirements	Detailed requirements
	to Grade II (unstarred) listed buildings	

Paragraph: 069 Reference ID: 18a-069-20190723

Revision date: 23 07 2019

Table 6: Applications for listed building consent and planning permission for demolition of an unlisted building in a conservation area from Historic England and local planning authorities: requirement to refer to the Secretary of State for Housing, Communities and Local Government

Type of application	Broad requirements	Detailed requirements
Application for listed building consent by Historic England where Historic England or a national amenity society are notified and object to the work	To refer applications for Secretary of State's determination	Arrangements for handling heritage applications – notification to Historic England and National Amenit Societies and the Secretary of State (England) Direction 2021 (https://www.gov.uk/government/publications/arrangemer for-handling-heritage-applications-direction-2021)
Application for listed building consent by local planning authorities, where Historic England or a	To refer applications for Secretary of State's determination	Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amende (http://www.legislation.gov.uk/uksi/2015/809/contents/ma

Type of application	Broad requirements	Detailed requirements
national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application		
Application for planning permission for demolition of unlisted building in a conservation area by local planning authorities where Historic England objects to the proposed works, and the local authority do not propose to refuse the application	To refer applications for Secretary of State's determination	Regulation 4A of the Town and Country Planning General Regulations 1992 (as amended) (http://www.legislation.gov.uk/uksi/2015/807/contents/ma

Paragraph: 070 Reference ID: 18a-070-20190723

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Further information on heritage and planning issues

Where can I find further information on heritage planning issues?

- Listed building consent enforcement (https://www.gov.uk/guidance/ensuring-effective-enforcement#Listed-Building-enforcement)
- Listed building consent appeals (https://www.gov.uk/guidance/appeals#appeals-against-other-planning-decisions)
- Compulsory purchase in section 10 of the department's Guidance on compulsory purchase process and the Crichel Down Rules (https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance)

Paragraph: 071 Reference ID: 18a-071-20190723

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