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RESPONSE TO

DRAFT PLANNING POLICY STATEMENT 15: PLANNING FOR THE HISTORIC ENVIRONMENT AND HISTORIC ENVIRONMENT PRACTICE GUIDE

The Historic Houses Association represents the interests of Britain's historic houses, castles and gardens in private ownership. The HHA has 1,500 member properties throughout the UK of which about 500 are regularly open to the public. The only criterion for membership of the HHA is that the member property is listed.

The HHA estimates that approximately two-thirds of the built heritage is privately owned and maintained. Between them HHA members represent, collectively, one of the greatest ownerships of listed buildings in Britain: both I and II* properties as well as of Grade II properties, many being ancillary buildings on large estates.

The costs of maintaining Britain's private houses, castles and gardens are significant and expenditure by private owners in looking after England's historic environment is substantial. In 2003/04 the private sector spent £3.4 billion on historic buildings (*Valuing our Heritage 2007: National Trust, English Heritage, Heritage Link, Historic Houses Association, Heritage Lottery Fund*). Only 10% of the costs of major repairs to privately owned historic houses are funded by public grant.

Key Issues

- **Recognition of the key role of economic viability in underpinning conservation**
- **The structure of the PPS must enable sufficient consistency and flexibility**
- **The PPS should streamline the process and reduce complexity**
- **Proportionality must be taken into account**

General

1. Although the HHA regrets that the Heritage Protection Bill does not appear in the current legislative programme, it welcomes the development of a new Planning Policy Statement.
2. The PPS is intended to bring the historic environment into the mainstream planning system, which is a positive development, as is the aspiration to reduce complexity and delay.
3. The critically inadequate level of conservation expertise needs to be addressed. Resources for conservation are grossly inadequate in most local authorities. Significant extra support is needed to develop skills, train staff and to support new ways of working.

Format and Structure

4. The HHA understands that the new PPS will still have specific, quantifiable legal status even without the Heritage Protection Bill, though naturally, the guidance will not. Nevertheless, the guidance needs to have sufficient substance to support the PPS effectively. If the PPS lacks specific, legally enforceable detail, local authorities are likely to feel less obliged to comply, especially if the necessary detail resides only in the guidance.
5. This increases the importance of the balance of content between the PPS itself and the guidance notes. The HHA understands that DCLG's intention has been to make the new PPS unambiguous and clear and that we should 'expect compliance' from local authorities. However, this makes sufficient detail, backed by the force of law, essential to consistent implementation of the new PPS across the country and affects what it is essential to include in the PPS and what may be referred to as guidance.
6. While there are, no doubt, benefits conferred by succinctness in the drafting of the new PPS, producing a shorter document 'focusing on the essentials', this appears to have presented challenges when trying to incorporate both an 'overarching' approach and enforceable detail.
7. As a consequence of the reduced length of the PPS, it is especially important that its phrasing and terminology are unambiguous and that the flexibility provided by the PPS is actively designed into it, rather than emerging as a consequence of ambiguity.

Economic Viability

8. The best way of saving a historic building is to find an economic use for it, strengthening financial viability and enhancing a historic building's public as well as private value. This needs to be more explicit in the final draft of the PPS.

9. Where the current system works satisfactorily under PPG 15 and 16, it would seem sensible to transfer and incorporate this within the new PPS. While a more concise PPS is desirable and Annex C need not be incorporated in its entirety, the loss of key phrases in the current draft is unfortunate. For example, Annex C2 of the existing PPG 15 contains guidance to take economic viability into account, emphasising 'the importance of keeping listed buildings in viable economic use whenever possible'
10. Economic viability makes a crucial difference to contribution and it would be worth incorporating English Heritage's Conservation Principles on the subject: 'It is the potential of significant places to be used and enjoyed that generates value in the market or to a community, and so tends to motivate and enable their owners to exercise positive, informed stewardship. Very few significant places can be maintained at either public or private expense unless they are capable of some beneficial use; nor would it be desirable, even if it were practical, for most places that people value to become solely memorials of the past.'
11. It is imperative that the principle of economic viability is fully articulated within the new PPS and its guidance notes and the current references to 'viability' are neither frequent nor strong enough to ensure local authority compliance.

Significance

12. The emphasis on the significance of an asset is one way of attempting to ensure that a historic building is valued for more than its fabric and as such has a valid role in informing the PPS and its guidance.
13. However, it is important to establish that significance of a historic asset need not only relate to its original function. Significance may exist in architecture, setting, location, materials, history and a series of practical purposes over the course of its existence. The PPS should not imply that the original use of a building is superior to a new use, which need not be the case.
14. Historic buildings tend to evolve over a long period of time and may well have acquired a series of significances, many of them contingent on the need to maintain the viability of the building. Indeed it may well be the changes in use of a building over time that creates the significance.
15. Again, the views embodied in English Heritage's own Conservation Principles are worth incorporating in the text, 'Keeping a significant place in use is likely to require continual adaptation and change; but, provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.'

16. The HHA does not believe that the phrase 'conserve the significance of the asset' adequately covers the principle of Constructive Conservation, which should be included in the PPS and the guidance. Constructive Conservation is at the heart of English Heritage's 2005-10 Strategic Plan and their 2006 statement on the subject is supported by the HHA: 'Historic places are there to be used and a part of what makes them so interesting is their robustness. The best way of saving a historic building is to find a new use for it so we help people enhance the significant part of a building and adapt other parts. The approach not only strengthens financial viability, but provides the opportunity to add a further layer of heritage for the future, enhancing a historic building's public as well as private value'. A crucial point is the fact that some parts of a historic building are significant whilst others are not. Thus the comparatively recent addition of a block wall to an old brick farm building to shore up one end should not confer significance on that wall and prevent its removal as part of a scheme to find an economic use for the building.
17. It is important that HE10 is unambiguous and does not give the impression that historic buildings listed Grade II may be regarded as equally significant to Grade I buildings, because this may encourage local planning authorities to deter applications on the grounds that major change may only take place in circumstances that are 'wholly exceptional'.

Terminology

18. One key test applied to applications, embodied in the new PPS, should be whether they conserve or maintain, rather than necessarily 'enhance where appropriate' the historic environment. Apart from the potentially contentious subjectivity of any test related to enhancement of the historic environment, it is questionable whether it is reasonable or fair to expect more than its conservation and maintenance and the message that this sends to local planning authorities may prove confusing.
19. The phrase 'loss of enhancement' in HE11, for example, is not only a debatable concept, but seems likely to indicate to local authorities that 'enhancement' including potential future 'enhancement' is an essential component of applications for consent. References to enhancement would be better removed or reduced.
20. A principal reason for care over this and other elements of terminology is the need to help ensure local authority compliance to essential requirements, within a new system that provides increased opportunity for local flexibility and may involve less well qualified staff taking decisions because of a lack of resources. In such situations it is easier for them to 'play safe' unless it is absolutely clear. (This point is of course related to the point at 5 and 7 above)
21. A significant concern exists in the approach which HE9 apparently takes to undesignated assets. If it is intended to extend the need for written justification to all buildings in

England which might be considered part of the historic environment, the consequences for the operation of the planning consent system could be serious.

22. As a consequence, clarification is required on the way in which heritage assets outside the existing listing system will be dealt with and precisely what, for example, the status of local listing is. There is a real danger that local enthusiasm may restrict the suitable evolution of a building in the misplaced belief that it is of national importance when in fact it may not be.
23. While it makes sense for community views to inform planning decisions under the new PPS, it is important to remember that community extends beyond the idea of the local community, to communities of interest, whose views should be given equal weight.
24. It would be helpful to articulate the fact that that internal works to a historic building do not, of themselves, constitute demolition and that this principle in no way re-opens the issues of the Shimizu case.
25. The emphasis that the PPS places on climate change is in stark contrast to the underrepresentation of key terms such as economic viability and proportionality. While climate change is an important issue, it is mentioned disproportionately often and a reduction in references to it is justified and would be beneficial.

Proportionality and consent

26. Proportionality is an essential principle and should be asserted clearly. The HHA supports the statement within English Heritage's Conservation Principles that the greater the significance of [a heritage asset] to society, the greater the weight that should be attached to sustaining that significance. The implications are clear, but an explicit statement is needed to the effect that the less significant the asset, especially if a proposed change only affects part of that asset, the greater the flexibility that should be used and the lighter the regulatory touch.
27. The vast majority of applications related to historic buildings are for minor changes, so it is important that, if the system is to be efficient and provide value for money, that supporting information, such as heritage statements, must be proportionate and unnecessary material discouraged. HE8 and HE9 need to be adjusted to ensure that disproportionately large amounts of supporting material, which cause delays and increase costs, cannot be required from applicants by local authorities.
28. Controls need to be imposed over the amount of information required by local planning authorities to support applications and these should also be proportionate. As currently drafted, HE9 requires those making a planning application which might be considered to have historic interest to produce a Heritage Statement, costing significant sums to both applicants and local planning authorities.

29. HE8 states that local planning authorities should require applicants to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. While the application should contain the information the local authority reasonably needs to take a decision, the lack of comprehensive Historic Environment Records and the fact that their availability will not greatly improve in the short-term, at least, mean that the local planning authority will seldom have the information needed to assess significance and responsibility for this will fall on the applicant. Applicants should not, therefore, be required to provide further reports or surveys on heritage issues unless the local authority provides specific and site-specific reasons for requiring such information.
30. The English Heritage/IHBC Local Authority Conservation Provision Survey in 2003 and subsequent evidence, including our members' experience, show that resources for conservation are already very stretched in most local authorities and critically inadequate in some. Although training by English Heritage and the HELM project are valuable, a successful outcome cannot be achieved without additional resources going directly into local authorities in carefully-targeted ways over several years. At present, only 70% of Local Planning Authorities have a Conservation Officer and not all of these have the skills and experience that will be necessary, even before the hoped-for revival of the Heritage Protection Bill.
31. At present, most heritage decisions are taken not by conservation officers, or even planning officers, but by development control staff who often have little heritage knowledge and extensive workloads. This inhibits applications which require potentially difficult decisions on the historic environment. While it may not prove practical to make it a statutory requirement for local planning authorities to employ or retain a sufficient number of suitably experienced and qualified individuals as conservation officers, in order to implement the new PPS, the desirability of sufficient local provision should be clearly stated within the guidance.
32. HE7 recommends that local planning authorities and applicants should consider the benefits of early engagement in pre-application discussions. While this important service is clearly desirable, applicants cannot anticipate being able to engage in pre-application discussions with local authorities which lack sufficient numbers of adequately trained and skilled staff. The resource implications have not been adequately thought through and the PPS and guidance should stress the importance of building capacity within local authorities and enabling access for applicants to multi-disciplinary skills and advice within local authorities.
33. While the PPS attempts to provide flexibility, so that local planners can respond to local conditions, it needs to be made clear that this cannot be at the expense of fairness or broad consistency.
34. The guidance should facilitate the maintenance of historic buildings by making it clear that like-for-like replacements and repairs should not require planning permission from

local authorities. The procedures, it should be made clear, apply to alterations rather than repairs.

35. The burden placed on owners, in relation to minor changes to historic buildings, should be reduced. The PPS and its guidance should set out an approved list of minor items which would require positive action by the planning authority to refuse with justification, if they consider any such action inappropriate.
36. Schedules should be drawn up of the buildings which are listed within the curtilage of historic sites. These should facilitate, for example, alterations to structures within the curtilage, which are of no historic significance and have no beneficial effect on the listed buildings. This should be facilitated in partnership between local authorities, English Heritage and owners.
37. HE7 provides an opportunity, in certain circumstances, for local authorities to request full archaeological surveys of buildings and landscapes before building consent applications can be validated. The cost of these is likely to be sufficiently high to deter many applications. The principle of proportionality should, therefore, also be unambiguously asserted in the PPS in relation to archaeology.
38. The HHA is concerned about the way in which climate change mitigation is positioned in relation to the historic environment, in particular the viewpoint that they are in conflict. It should be made clear that heritage assets are not inherently in conflict with objectives for sustainable development and indeed have much to contribute in practical terms and in inspiring best practice elsewhere. The heritage sector has a long record in implementing sustainability best practice by advocating and using environmentally friendly traditional materials and construction techniques. Whilst HE4 goes some way to recognising that sustainable development is more complex than simply the reduction of energy use and harmful emissions, this is not reflected elsewhere.

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28th October 2009