



Heritage at risk

What are the strengths and weaknesses of policy to protect heritage in the West Midlands?

CPRE West Midlands

April 2011



Campaign to Protect
Rural England
WEST MIDLANDS

Heritage at Risk

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Introduction

This report was commissioned from Katie Taylor by the West Midlands regional group of the Campaign to Protect Rural England as an independent assessment of heritage policies in existing local plans.

Heritage is of key importance to the English countryside. The landscape is determined by the houses, gardens, farmsteads and woodlands of previous generations. Historic market towns and villages define the character of our rural communities.

The report recommends robust local plan policies to ensure the protection of our heritage – not preserved in aspic but as part of the ongoing renewal of the countryside.

The way areas are planned is changing. The Coalition Government has removed regional strategies and is introducing neighbourhood planning. Local plans are being, or have been, replaced with Local Development Frameworks. CPRE believe it is timely for us to assess the state of the heritage protection policies we have in the West Midlands and ensure the best policies are carried forward in local and neighbourhood plans.

National Policy Guidance Statements, which provide guidance for local authority policy on a wide range of areas, are also in the process of being replaced with a National Policy Framework, due to be introduced in 2012. This needs to capture the very best of existing guidance.

But perhaps most importantly it is local politicians and their officials who need to champion the heritage that matters to people in their community, be vigilant in defending it and ensure new development compliments the legacy of past generations.

This report considers what we mean by heritage, what the current National Policy Guidance is and assesses the policies from a selection of existing local plans. It raises a number of practical points for discussion about how to achieve better heritage policies. In doing so we are mindful that the applications of those policies is what really matters and CPRE will continue to campaign to ensure plans are turned into reality on the ground. Though focused on the West Midlands, the points of discussion and lessons learned are equally applicable to other local authorities.

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What do we mean by 'heritage'?

"Heritage is not just about sticks and stones. It's about people's memories and it's about things making sense to people, part of the accumulated culture of their communities"

*John Yates, 2000, then English Heritage's
Inspector for historic buildings in the West
Midlands*

We cannot assess how well authorities manage to protect the heritage of their area without having a clear sense of what it is that is meant by the term 'heritage'. On researching this issue it seems that definitions of heritage are wide and varied and open to many interpretations. For example, the Concise Oxford Dictionary gives a number of definitions of the word 'heritage,' the most useful of which in terms of the planning system would probably be:

.... a nation's historic buildings, monuments, countryside, etc., esp. when regarded as worthy of preservation...

But this definition is enormously vague and begs the question, what do we regard as 'worthy of preservation'?

The matter is, of course, exceedingly subjective. In 2000, John Yates, then English Heritage's Inspector for historic buildings in the West Midlands, said:

"Heritage is not just about sticks and stones. It's about people's memories and it's about things making sense to people, part of the accumulated culture of their communities"

So heritage could include not only buildings, from the early high-rise block and local art deco cinema to traditional farm buildings and the local manor house, but also a post-war bus stop, the particular layout of a country road, a dry stone wall, an old iron gate – the obvious and the less obvious records of the history of our environment. In terms of assessing the policy positions of various councils, here we have our first challenge – reaching a definitive description of what is, or indeed isn't, 'heritage' and, therefore, a shared understanding of what is worth protecting.

In one sense, 'heritage' is in the eye of the beholder – one man's 'heritage' could be another man's eyesore, or, perhaps, potential development site. Furthermore, categorisation of heritage can have enormous cultural implications; to some, stately homes and park land may be a celebration of British history and artistic endeavour – to others they may be symbols of oppression and slavery that they would prefer not to engage with or even be reminded of. Some feel that field shapes or local paving materials or traditional lampposts are all vitally important to the 'heritage' of our surroundings to be saved at all costs – others may feel that resources should instead be targeted on the most important cultural sites or historic landscapes. Or even, perhaps, not targeted on heritage at all but at a more 'deserving' cause – a struggling school or decaying hospital. And then there is always the power struggle between conservation and development – and in cash-strapped times, the economics of conservation are harder to justify.

Point for discussion – does 'heritage' need a stronger definition? Is this something the National Policy Framework should codify or should it be defined in local plans so that it can reflect local distinctiveness/differences?

Existing National Policy

Planning Policy Statement 5 – Planning for the Historic Environment published in March 2010 provides us with national policy on heritage protection – it is shorter than the Planning Policy Guidance notes 15 and 16 that it replaced and is designed to be easier to understand and implement. It also contributes to the issue of the definition of heritage – but it refers not to heritage but to ‘heritage assets’, the definition of which is given as

‘A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).’

Annex 2 of PPS 5.

English Heritage considers that the new PPS:

‘brings in a new, integrated approach to the historic environment and ‘heritage assets’, removing the distinction between buildings, archaeological remains and landscapes’

This may be so, but again the definition of heritage or heritage assets is open to interpretation – how do we decide on whether something has ‘significance’ for example? And if the heritage assets are only those that have been ‘positively identified’, are we content that all the things we consider ‘valued components’ will be included? With this enormously wide and flexible definition of heritage assets, at a local level this must mean that the protection of heritage in a specific area will still be dependant on the interpretation of the local planning officers, and may be affected by resources, ideology or staff expertise. It must also be dependent upon the strength, or otherwise, of the voices of those that seek to protect the local historic assets, however they are defined.

Point for discussion – should local authorities ensure that all appropriate ‘heritage assets’ are recorded?

Point for discussion –is there anything more local authorities should do to help protect more intangible aspects of heritage – character, views, and local materials?

However, English Heritage considers that the PPS 5 is a major breakthrough in the development of heritage protection in the UK:

‘The publication of PPS5 is a very important and positive milestone in the modernization and simplification of the management of the historic environment. It represents a genuine leap forward for England’s programme of Heritage Protection Reform. We strongly support the principles contained in the PPS. It is a modernisation that brings heritage planning guidance in line with wider changes to the planning system and English Heritage’s best-practice advice.’

PPS 5 must now be taken into account by planning authorities creating local development documents and policies in this PPS are *‘a material consideration which must be taken into account in development management decisions, where relevant’*. So even though the local development plans are currently the basis upon which planning decisions are made on an individual basis, in practice the PPS 5 is a material consideration, to be taken account of. In the future, heritage policy in local plans is to be in line with the national policy but reflect the special requirements of the local environment. However, for the time being the local development plan is key to the determination of planning issues, so we need to look directly at local policy to assess its effectiveness.

The Picture in the West Midlands

When investigating the different approaches that councils in the West Midlands take to the protection of heritage then, there are critical questions to address. Firstly, what is the nature and scope of the 'heritage' that each council states that it seeks to protect. Secondly, what is the importance given to heritage in the light of other planning pressures. Thirdly, how effective are the policies put in place to protect this heritage, and are there improvements that can be made.

In order to try to answer these questions I have looked at the planning policy of a number of local, district and unitary councils, selecting one or two from each of the counties of the West Midlands. Much of the local plans for these authorities are quite dated, as is the case across the country. The reason for this is that local authorities have, for many years, been in the process of producing policies for the newer Local Development Framework, the most recent spatial planning strategy introduced in England and Wales by the Planning and Compulsory Purchase Act 2004. This Local Development Framework (LDF) comprises a collection of local planning documents containing a range of policies. The LDF is designed to be more flexible and easier to update than the previous system of county structure plans and district level local plans and unitary development Plans for unitary Authorities that it replaces. As part of the 2004 Act, local plan policies were protected for a period of three years from commencement of the Act. The three year period expired on 27th September 2007 and in order to extend or 'save' policies beyond this period, local planning authorities were required to obtain a Direction from the Secretary of State. Those policies not saved have been deleted because they are considered to be no longer relevant or covered by other policies in the local plan or by national or county planning policy.

Furthermore, following the revocation of Regional Strategy in July 2010, guidance given from The Chief Planning Officer to Local Planning Authorities in England states that:

In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

*Adopted DPDs;
Saved policies; and
Any old style plans that have not lapsed.*

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.

In determining planning issues then, local authorities must first look to their Local Plan to see if issues involved are covered by current policies, and if not then look at the relevant county Structure Plan or national planning policy, whichever is the most recent.

I have decided to concentrate on a number of policy areas when scrutinising the local plans – listed buildings, conservation areas, re-use of redundant rural buildings and heritage tourism. The policy documents I have looked at are below:

Herefordshire	Hereford UDP- adopted March 2007 – Saved policies
Worcestershire	Bromsgrove District Local Plan – adopted January 2004 Malvern Hills District Local Plan – Valid 1996 – 2011
Shropshire	South Shropshire Local Plan 2004 – 2011 (saved policies)
Staffordshire	South Staffordshire Local Plan 1996 -2011

Herefordshire

Herefordshire UDP - adopted March 2007 – Saved policies

Overview of local area

As described in written statement accompanying the UDP:

'Herefordshire has a unique character. Its natural beauty is second to none, with nationally acclaimed landscapes and a rich wildlife heritage. History and architecture abound. Its market towns and villages each have their own special sense of place – in terms of how they look, how they work, how they relate to each other. With the cathedral city of Hereford at the centre, they offer many vital services to the surrounding rural areas...'

Attitude towards heritage protection

Opening statement of chapter concerning Natural and Historic heritage is very bold:

'This chapter deals with those parts of the physical elements that make up the natural and physical heritage of the County. Their protection and enhancement is afforded a high priority.'

What is immediately striking here is that the protection and enhancement of heritage in Hereford's UDP is not set against all the other goals that the council must have, such as economic development, housing or transport, but simply 'afforded a high priority...' This is in direct contrast to some other councils such as Bromsgrove, which we will look at later.

However, it is clear that the role that conservation can play in the local economy is not ignored - under the heading 'Historic buildings and areas' it later states that:

'Conservation of the built environment is now recognised as an important ingredient for economic and neighbourhood renewal. As such policies in the Unitary Development Plan should encourage private sector investment that utilises existing architectural and historic assets and resources.'

This is in line with current national policy, the following being an extract from PPS 5

'HE3.1 Regional spatial strategies⁷ (RSS) and local development frameworks (LDF) should set out a positive, proactive strategy for the conservation and enjoyment of the historic environment in their area, taking into account the variations in type and distribution of heritage asset, as well as the contribution made by the historic environment by virtue of:

- (i) its influence on the character of the environment and an area's sense of place*
- (ii) its potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development*
- (iii) the stimulus it can provide to inspire new development of imaginative and high quality design*
- (iv) the re-use of existing fabric, minimising waste; and*
- (v) its mixed and flexible patterns of land use that are likely to be, and remain sustainable.'*

The council states that it sees the UDP as an important document to balance development and conservation:

'The UDP has a key role to play in achieving a successful integration between conservation and development. This is essential if a sense of local distinctiveness is to be maintained whilst contributing to the wider context of sustainable development and global responsibilities'.

Interestingly it is clear that the protection of heritage is judged to be important in its own right but also specifically important in terms of local distinctiveness, sustainability and, most unusually, in terms of global responsibility. This may be due to the national and perhaps international importance of the most historic parts of Hereford and the landscape of the surrounding countryside (a similar approach is seen in Worcester City.)

The text of the plan sets out aims of the relevant chapter of the UDP addressing Natural and Historic Heritage as below:

'9.2 Aims

9.2.1 In overall terms, the policies in this chapter aim to:

- conserve and enhance the natural and historic heritage of the County, whilst promoting change that contributes positively to people's quality of life*
- avoid, wherever possible, adverse environmental impact of development in respect of landscape character, sites and species of national and international nature conservation importance, biodiversity and features of geological interest, historic buildings and areas, and archaeology*
- minimise any unavoidable adverse impacts on these features by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement of features, provision of replacement features and future management.'*

This is also in line with national policy, although the phrase *'avoid, wherever possible, adverse environmental impact of development'* is open to interpretation.

Definitions of 'heritage'

In terms of the scope of the definition of heritage that Hereford has chosen to take up, it is reassuringly wide, for example:

'Part I policy

S7 Natural and historic heritage

The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:

- 1. Areas of Outstanding Natural Beauty;*
- 2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;*

3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and

4. landscape features that contribute positively to local distinctiveness and quality of the local environment.

Guiding principles P5, P6, P7 and P10 ‘

Note the generalist approach to heritage conservation here – it doesn’t make a special case for heritage in Conservation areas for example but includes ‘areas of historic or architectural importance’ and mentions ‘landscape features that contribute positively to local distinctiveness’ presumably including some hedges, fencing, gates, lamp posts – all of which can also be described as ‘heritage’. This goes much further than national policy where protection is given to ‘heritage assets’ which have been ‘positively identified’. The wider interpretation is useful, as heritage features occur in all areas and this wording gives the flexibility to the council to protect what it wishes and deems important. However, presumably this flexibility means that it can also overlook what it wishes as well. Nevertheless, we should be reassured by the overall tone of the approach to heritage as seen in the introduction to the UDP – it appears on paper that Hereford UDP appreciates the significance of its heritage, in the broadest sense, both in the city and the countryside, whether afforded special protection or not, and in general terms seeks to enhance and protect this heritage.

Listed buildings

The section covering policies concerning listed buildings and conservation areas begins with the following statement:

‘Conservation of the built environment is now recognised as an important ingredient for economic and neighbourhood renewal. As such policies in the Unitary Development Plan should encourage private sector investment that utilises existing architectural and historic assets and resources...’

Extension and alteration of listed buildings are dealt with in the policy below;

HBA1 ALTERATIONS and extensions to listed buildings

Development proposals to alter or extend a listed building will only be permitted when:

- 1. the components which make up the special interest of the building, its features and setting are preserved;*
- 2. all new work is in keeping with the age, style, materials, detailing and character of the building;*
- 3. extensions are subservient in scale and design and relate well to the existing building; and*
- 4. the structural limitations of the building are respected and preserved.*

With respect to change in use, the approach is very pragmatic, and in line with current national policy;

‘To secure the upkeep of historic buildings they need to be kept in active use. The best use for a listed building will very often be the use for which the building was originally designed. However, this is not always practicable. Control over changes of

use will be exercised sympathetically in order to find the best viable use which is compatible with the fabric of a listed building and its setting.'

Demolition of listed buildings is only permitted in exceptional circumstances:

HBA2 Demolition of listed buildings

Development proposals which involve the demolition of all or substantially all of a listed building will only be permitted in exceptional circumstances, where all of the following have been demonstrated:

- 1. all possible efforts have been made to repair the building, and/or incorporate it sensitively into new development;*
- 2. the condition of the building and the cost of repairs sufficiently outweigh its intrinsic importance and the value derived from its continued use;*
- 3. there is no interest by prospective occupiers or purchasers following the property being offered on the open market; and*
- 4. existing uses are no longer sustainable, and all possible efforts to find compatible alternative uses have failed.*

On closer examination, though, how can 'all possible efforts' have been made to repair a building? What does this mean in practice – since no buildings are 'impossible' to repair does in fact mean that no demolition is allowed?

Conservation areas:

There is an interesting statement regarding development in conservation areas:

'Conservation areas should not be seen as static 'museum' environments. Change must take place to accommodate the needs of residents, businesses and visitors. The Council will be flexible in its approach to conservation areas, for example by allowing further housing for local people or providing for economic growth. However, this must be balanced against the particular intrinsic qualities of each conservation area so that changes do not damage their special character but preferably enhance it.'

Again, this sentiment is in line with current national policy and the policy in the UDP that accompanies the text is as follows:

'HBA6 New development within conservation areas

Development within conservation areas will not be permitted unless it preserves or enhances its character or appearance. In assessing the suitability of a development proposal, a comprehensive design approach will be expected, in particular addressing the following criteria:

- 1. the type and scale of uses proposed should complement those which presently exist and help to preserve and enhance the character and vitality of the area;*
- 2. the proposed development shall respect the scale, massing and height in relation to adjoining buildings, and the general pattern of heights;*

3. where the building line, plan form or density are important characteristics, proposals should integrate successfully into this structure;

4. the quality and type of design, details and materials should reflect those contributing to the area's character and appearance;

5. any hard landscape features, including street furniture, surfaces and boundary treatments, should maintain consistency with, and be appropriate to the use of the area;

6. open spaces, topographical features, trees and other landscape features should contribute to the character or appearance of the area and where such features of importance already exist and make a contribution they should be retained;

7. the creation of unnecessary additional access points and the loss of important ancillary features within visually prominent frontages should be avoided;

8. where the setting of and views into and out of the conservation area, including vistas and landmarks, are important to the character and appearance of the area they should be safeguarded; and

9. ancient and historic thoroughfares should be retained.'

Hereford's policy appears to incorporate good mixture of respect for the historic environment and pragmatism, and specifically mentions intangible aspects of the historic environment such as associated views, historic thoroughfares, 'other landscape features', a reassuringly wide approach.

Point for discussion – should all local plans have a similarly wide approach to the features to be protected in conservation areas? Should all future plans contain similar policy wording?

Re-use of rural buildings

Hereford UDP takes a similar approach to many other local authorities in that re-use and conversion of rural building is seen to have '*an important role to play in meeting the needs of rural areas for commercial, agricultural diversification and industrial development as well as for tourism, sport and recreation*' - the associated policy is below

'HBA12 Re-use of rural buildings

Proposals for the re-use and adaptation of rural buildings will be permitted where:

1. *the building is of permanent and substantial construction capable of conversion without major or complete reconstruction;*

2. *the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting;*

3. *the proposal does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; and*

4. *the proposal is compatible with neighbouring uses, particularly agricultural operations and does not itself cause undue environmental impacts.*

Where appropriate, a planning condition will be imposed removing the permitted development rights to future alterations, extensions and outbuildings.

HBA13 Re-use of rural buildings for residential purposes

The re-use of rural buildings within main villages for residential purposes will be permitted when proposals accord with policy HBA12. Proposals outside of main villages will only be permitted when it has been clearly demonstrated that every reasonable attempt has been made to secure an alternative business, recreational or community use and that such development uses are not acceptable or practical.

Within open countryside and beyond reasonable access of urban areas, main villages and smaller settlements, residential proposals will only be supported where:

- 1. there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building; or*
- 2. the accommodation to be provided is of a type to satisfy a demonstrated local housing need; or*
- 3. it is a necessary accompaniment to a new business or the growth of an existing and established rural enterprise; or*
- 4. it is a subordinate part of a wider scheme for a business use. ‘*

Generally there seems to be little to criticise in terms of the general thrust of Hereford's approach to conservation – it appears to be given the utmost weight in terms of planning consideration. The interpretation may not be so watertight however (presumably an oversight rather than a deliberate attempt to create some ‘flexibility’) – for example, with respect to the first aims of the UDP with respect to heritage set out above, what is ‘change that contributes positively to people's quality of life’ that it seeks to ‘promote’? A shopping centre? A bowling alley – what are they driving at and how could this be interpreted in practice? And how is the phrase ‘*avoid, wherever possible, adverse environmental impact of development*’ interpreted in practice?

Herefordshire UDP – overview of policy:

- Wider definition of ‘heritage’ enables flexibility on what is deserving of protection, but requires sensitive interpretation. Heritage includes *landscape features that contribute positively to local distinctiveness and quality of the local environment*
- Protection of heritage ‘afforded a high priority’ in its own right, rather than an ideal to be balanced against other demands.
- ‘Heritage’ protection seen as important in terms of local distinctiveness, sustainability and interestingly, in terms of global responsibility, perhaps due to the national and international importance of the local environment.
- Demolition of listed buildings only allowed in exceptional circumstances.

- Sensitive but pragmatic approach to extension/redevelopment of listed buildings, new development in conservation areas and re-use of redundant rural buildings in line with national policy.

Worcestershire

Bromsgrove District Local Plan – adopted 2004

Overview of local area

As described in the introduction to the local plan:

'Bromsgrove District is one of three local authorities in the north of Worcestershire. The District abuts the West Midlands conurbation and this location has meant continued pressure from the development industry for new sites to satisfy housing, employment and associated land demands....'

Although close to the centre of Birmingham the District remains predominantly rural protected in large measure by extensive Green Belt designation. Approximately 90% of the District lies in the Green Belt. This forms part of the wider West Midlands Green Belt which has existed for some 50 years. An attractive environment makes it a popular location in which to live and there is a high level of commuting to a variety of work locations.'

Attitude towards heritage protection

The background to this plan is that local de-designation of greenbelt land is inevitable, due to the demands of the Structure Plan, as discussed in the introduction:

'4.2 The Structure Plan identifies the general scale of new housing and employment land required for the Local Plan period and this level of growth is not a matter to be reappraised in terms of environmental consequences. Nevertheless such growth has had to be reconciled with the conservation, protection and improvement of the physical environment. The balance between these objectives is reflected by the range of policies introduced in this Plan.'

4.3 Since the vast majority of the District is designated Green Belt, it has been necessary to identify some areas for release from the Green Belt in order to accommodate the main land use requirements of the County Structure Plan. Wherever possible new development has been directed to areas not in the Green Belt or of the highest agricultural land quality but inevitably some provision has been made for new development in the Green Belt where in strategic and environmental terms, harm is not considered significant.'

The tone of this opening statement is quite strident and, for those concerned for the protection of the environment in the local area, exceedingly worrying, particularly in the light of the statement:

'...this level of growth is not a matter to be reappraised in terms of environmental consequences...'

The approach seems to be very different to that of Hereford. Furthermore, it seems heritage and environment issues may be being given less importance in terms of overall planning policy, particularly in the light of such statements as:

3.3 The provision of housing and employment land and a safe and efficient transport system are just as important to enhancing the quality of life as preserving the Green Belt, conserving our cultural heritage and making provisions for recreation and tourism.'

It also re-iterates that:

PPG12 advises that conservation and development should not be seen as necessarily in conflict and that it is the role of land use policies to weigh and reconcile priorities in the public interest.'

Definitions of 'heritage'

No specific definition of heritage is obvious from the plan.

Listed buildings

However despite all these concerning noises regarding the wider environment, its statement concerning historic buildings takes a much more careful approach;

'12.7 The District's stock of historic buildings is a finite and unique resource. They may fall into disrepair through neglect, ignorance or disuse. Their special interest may be lost through unsympathetic extensions which would necessitate permanent alterations to the fabric of the building inappropriate to its character. The District Council is seeking to preserve this aspect of its heritage through the control of development and alterations to retain the character of the building. In order to support the implementation of these policies, the District Council will undertake a survey to identify "buildings at risk" including photographic coverage in conservation areas and of important buildings elsewhere. This information will also help to provide a sound basis for reviewing the District Council's relevant policy guidelines.'

Note the implementation of a Buildings at Risk survey. Also further evidence of a pro-active approach is evidenced by policy to use spot-listing or Building Preservation Notices for non-listed building of architectural or historic value. Nevertheless, its approach to the demolition of listed buildings is not as draconian as other councils – there is no absolute prohibition on demolition:

'Demolition Of Listed Buildings

S39A Any proposal for the total or substantial demolition of a Listed Building will be subject to very close scrutiny. Consent will not be forthcoming without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits to the community which would decisively outweigh the loss from the demolition.'

Interestingly, no mention here is made of the possibility of a change of use for the listed building – perhaps to residential use, or other commercial uses. Presumably some listed buildings that are in disrepair and not able to be used for existing purposes, which nevertheless do not have community backing, may have commercial or residential potential that would be economically viable, and that would ensure the retention of the existing building in the landscape. Surely this would be more favourable than demolition, even if it meant seeing, for example, a church converted to a restaurant? Furthermore how is it decided whether '*redevelopment would produce substantial benefits to the community which would decisively outweigh the loss from the demolition*'?

Point for discussion –under what circumstances should consent be given for a listed building to be demolished?

Conservation areas

Careful consideration is given to 'detailed features' in conservation areas, plus improvements to conservation areas may be required in appropriate developments;

'Reinstatement Of Features In Conservation Areas

S44 The District Council will require the reinstatement or replacement of detailed features, such as paving, kerbing and street furniture, affected by proposals in Conservation Areas. Where replacement is required e.g. for safety reasons, an

appropriate alternative to 'standard' designs will be sought or alternative measures suggested.

Improvements To Conservation Areas

S45 The District Council will seek to secure improvements to the environmental quality of Conservation Areas when development schemes offer an appropriate opportunity to tidy up vacant land and the removal of unsightly features.'

It also pays attention to the traditional nature of some non-listed buildings outside conservation areas, with a particular discussion of the importance of the retention of traditional shop fronts;

'Retention Of Traditional Shopfronts

S24 To retain and enhance the character of main shopping areas, the District Council will:

- a) require a high quality of design in all applications for shopfront development;*
- b) where appropriate ensure the retention and restoration of traditional shopfronts and other shopfronts of townscape merit;*
- c) exercise careful control over the design of new shopfronts and associated advertisements; and*
- d) encourage the improvement of shopfronts, particularly when alterations are proposed.*

S24A The removal or obscuring of original features on traditional shopfronts will not normally be permitted.'

It is very refreshing to see such careful consideration of the part that non-listed traditional buildings make to the environment. The question remains whether it would be possible for councils to incorporate this kind of policy to cover other non-listed building such as rows of traditional terraces, non-listed rural buildings or to cover traditional paving materials, or whether this would simply make heritage planning policy simply too unwieldy and indeterminate to be useful.

Point for discussion – should councils include policy designed to protect traditional, non-listed buildings outside conservation areas?

The careful and unusual consideration of these shop fronts continues with respect to those that are listed or in Conservation area, including the refusal to demolish important original shop fronts in conservation areas:

Listed Buildings In Shopping Areas

S41 Careful attention will be paid to proposals affecting a Listed Building in a shopping area regarding the materials used, the features proposed, the form of fascia and lettering and the style of any projecting signs. Applications relating to shopfronts will not normally be considered unless accompanied by an application for related signs.

Shopfronts In Conservation Areas

S42 The District Council will refuse the demolition of important original shopfronts in conservation areas and will encourage their restoration. All new proposals will be assessed to see how far they contribute to the maintenance or improvement of the conservation area.

Policy concerned with local parks and gardens is also comprehensive, with protection given to, and examples given of, the features that affect their character and setting;

Historic Parks And Gardens

S48 Planning permission or listed building consent will not be granted for development which would have an adverse effect on the character and setting of historic parks and gardens. Proposals will be assessed against their effect on:

- a) views into or out of the park or garden;*
- b) vistas or sequential views within the park or garden;*
- c) 'natural' elements such as tree belts, avenues, specimen trees, water features, ornamental gardens and plant species;*
- d) structures, statues and garden ornaments;*
- e) the topography of the garden;*
- f) open spaces and their relationship to enclosures.*

The District Council will liaise with English Heritage and the Garden History Society in considering applications either within the boundaries of such parks and gardens or in proximity to them where important views from the park and/or garden would be materially affected.

Obviously, what might be considered an 'adverse effect' is open to interpretation, but the involvement of English Heritage and the Garden History society in considering relevant applications surely makes the protection afforded much stronger. This approach, and that for the Conservation Areas above, here seems totally at odds to the tone of the opening paragraphs of the plan.

Point for discussion – how much should local authorities involve specialist agencies in the planning process to advise on particular development schemes especially given the limited expertise of planning officers in specific heritage areas, and the cost of training in a difficult economic climate?

Heritage tourism

Heritage, however, is viewed as an opportunity to be developed in terms of its tourist potential – this is not at odds with current national policy – PPS 5 is all in favour of 'Constructive Conservation' which *'encourages active exploitation of our heritage assets rather than seeing them as potential barriers to development'* In Bromsgrove, the main opportunities for the development of heritage are particularly concerned with industrial history;

23.7 The main opportunities for new attractions are for creative, well funded themed attractions related to the area's heritage and for those related to past or present day industry such as visitor centres, interpretation sites and factory visits based for example on the District's associations with canals, salt workings, rail and tram history.

RAT23 The District Council will support the development of sustainable tourism schemes by allowing proposals for new tourism initiatives or the expansion of existing ones which comply with the planning policies of the District Council. Special attention will be given to;

- a) encouraging tourism development that extends the tourist season;*
- b) increasing the number of attractions for tourists to visit;*
- c) providing tourist facilities of high quality;*
- d) conserving the urban and rural environments.'*

However it also makes statements such as this:

Bromsgrove is also well placed, as a touring base, to cater for the fast growing short-breaks and group visitor markets, especially with the advent of the M42 and M40 motorway links to major heritage attractions in the region. Encouragement will be given to budget-type hotel and group accommodation in order to cater for the growing short-break market.

It is not clear about where such development will take place, but the word 'encouragement' is a little worrying, and it can only be hoped that this push for development of businesses and infrastructure associated with tourism does not damage the local heritage attractions that the visitors are coming to see.

Very sympathetic discussion of importance of canal heritage:

'The District Council will support the enhancement and development of the Worcester and Birmingham and Stratford-upon-Avon Canals in conjunction with landowners and British Waterways for tourism activities and as important amenity and heritage features in their own right. Proposals will be considered against the following criteria:

- a) schemes must be compatible with Green Belt policy;*
- b) proposals should utilise existing buildings wherever possible to avoid the need for new buildings;*
- c) adequate landscaping is proposed where appropriate to reduce the impact of change in the immediate vicinity of any scheme and on the wider landscape;*
- d) adequate vehicular access and parking facilities are provided commensurate with the level of activity that can reasonably be supported by any facility;*
- e) proposals should minimise the impact of any scheme on sites of architectural, archaeological, ecological, historic or landscape importance.*

23.22 The Worcester and Birmingham Canal is a well-used boating holiday centre but potential exists for maximising the potential of the canal for both visitors and local residents to enjoy. Features such as interpretative sites, associated walks and landscaped areas and the possibility of a canal centre (see policy TARD1) are under consideration. Such proposals will need to be very carefully detailed to avoid any adverse impact on the environmental features and attractions of the existing canal. Similar considerations will apply to the Stratford-upon-Avon Canal.'

Re-use of rural buildings

The policy concerning the re-use of rural buildings is set out below:

Re-Use Of Existing Rural Buildings

C27 The re-use or adaptation of existing rural buildings for alternative uses in the Green Belt will be considered against the criteria below.

- a) any re-use of an existing rural building must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*
- b) extensions to any re-used rural building and associated land surrounding the building will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it;*
- c) the buildings are of permanent and substantial construction and are capable of conversion without major works or complete reconstruction; the Council will require a structural survey to demonstrate this;*
- d) the form, bulk and general design of the conversion scheme is in keeping with its surroundings and respects local building styles and materials;*
- e) traffic generated by the development can be accommodated and parking facilities should exist or could be provided, without detriment to highway safety or the visual amenities of the Green Belt; or the character of the local rural environment.*
- f) the provision of necessary services does not adversely affect the environmental character or visual amenities of the Green Belt;*
- g) the conversion does not lead to a number of dispersed land uses that would be detrimental to the function and role of nearby settlements.*

The Council will consider withdrawing permitted development rights in the interest of safeguarding the openness of the Green Belt.

So, re-use of rural buildings is positively encouraged, subject to national policy on greenbelts and the countryside (old PPG2 and PPG7):

- *'The District Council will encourage the reuse of rural buildings where this is practical and appropriate.'*

Furthermore it takes a step further than most councils in encouraging residential conversion of rural buildings with the following justification;

'Residential uses may, however, have a part to play in meeting identified need for new market or affordable housing within existing settlements'

However, it deals sensitively with the specific issue of residential conversions of listed barns:

'The District Council recognises these problems and considers farm buildings which merit listing may not be appropriate for residential conversion schemes unless very careful attention is paid to both the internal and external details of conversion'

'Removal Of Permitted Development Rights

C27A Where a previous agricultural building is given permission for re-use, the District Council will consider withdrawing permitted development rights for any farm buildings erected in the same group of buildings, in the interests of safeguarding the openness of the Green Belt.'

Note that policy C27A above should ensure that barns that are converted that still have a practical use are not necessarily immediately replaced under permitted development rights by modern agricultural buildings used for the same purposes – however the council will only 'consider' withdrawing these permitted development rights, which seems to lack some determination. It seems that better wording might still ensure some flexibility on this issue, but act as a greater deterrent to redevelopment, and thus ensure that traditional rural buildings remain in the landscape in their original uses for as long as possible.

Point for discussion – should rural agricultural buildings that are not listed enjoy protection, such as a policy for the removal of permitted development rights on permission for re-use? Could this help to ensure that those that are beneficial to the landscape remain in place and that a proliferation of modern agricultural buildings is avoided?

Overview of Bromsgrove District Local Plan

- Policies on heritage appear to be made in the context of high demand for housing, some to be built on greenbelt land, and push for economic development.
- Provision of housing and employment land and an efficient transport system are regarded as equally important to the protection of greenbelt and heritage, and it is believed that conservation and development are not necessarily in conflict.
- Heritage deserving protection appears to be more narrowly construed than in other plans, coming under the heading 'Conservation' – little discussion of character or sense of place. However, very careful attention and sensitive discussion given to heritage in Conservation Areas and historic parks and gardens, and also listed buildings and non-listed, traditional shop fronts.
- Local industrial heritage (canals, salt workings, rail and tram history) also carefully considered and to be protected in own right but also interpreted in 'themed attractions' as a major tourism resource to exploit.
- Re-use of rural buildings positively encouraged where this is *'practical and appropriate.'* Sensitive approach to residential conversions particularly of listed barns, and some protection given to non-listed agricultural buildings.

Worcestershire

Malvern Hills District Local Plan – Valid 1996 – 2011

Overview of local area:

As given in the introduction to the local plan;

'Malvern Hills District is located along the western boundary of Worcestershire adjoining the counties of Herefordshire, Gloucestershire and Shropshire. The district boundary passes along the western fringe of the city of Worcester and also close to the towns of Tewkesbury in the south and Stourport-on-Severn in the north....Located to the south west of the West Midlands region the district has many social and economic links with the West Midlands conurbation....yet it is also closely linked to the rural life and economic performance of the region through its ties with the rural west and the Marches area....and the influence of agriculture on its landscape, local economy and heritage.'

Definitions of 'heritage'

No specific definitions identified.

Attitude towards heritage protection

Malvern Hills District Local Plan (hereafter referred to as MHDLP) is split into sections. Heritage is dealt with in the following sections:

'Development strategy

Policy DS3 – General Development Requirements:

Development will only be permitted where....

e) proposals seek to safeguard and enhance features of landscape, ecological, geological, heritage, archaeology and amenity value;.....

h) the development will not adversely affect the landscape character of the area or the setting of existing buildings especially where these are of special architectural, environmental or historic value;...'

This sounds a very encouraging, cautious development strategy giving a broad general protection to heritage, and made more supportive with the phrase *'safeguard and enhance'* although the phrase *'seek to'* dilutes the overall power of the statement. Presumably as proposals for development are submitted and decided in the light of this policy, this would be sufficiently all-encompassing, some would say woolly, such that a large amount of discretion is given to the decision makers in order that a certain flexibility as to the final outcome is achieved, hopefully to the benefit of, but perhaps to the detriment of, heritage.

Listed buildings

Listed buildings are dealt with under the section of the local plan entitled *'Quality of life'*. This section deals with a number of issues concerning heritage, conservation areas, shop fronts, advertising, means of enclosure – as would be expected the greatest protection is given to listed buildings and heritage in conservation areas.

This section includes what appears to me to be a very sensitive discussion about alternative uses for listed buildings, taking into account issues such as the current economic climate. For example strategies such as 'mothballing' (where a building is kept in a state where it is protected from further decay, but is left unchanged) to allow future development or repair as a preferred option to an insensitive development or repair which may be the only economically viable solution in the current economic climate. Also, with respect to listed buildings, there is a real awareness of the importance of context of a building, and the need for sensitive subdivisions, parking, enclosures etc, and to avoid detrimental extensions.

Point for discussion – is mothballing a way to help protect listed buildings from further disrepair or inappropriate development schemes, particularly in these difficult economic times?

Importantly, as with other authorities, the MHDLP states that the District is to publish a register of listed buildings at risk together with a strategy to establish a monitoring programme and procedures for providing advice and assistance on repairs, grant schemes and alternative uses. This is a useful, although, as in other plans, there is no mention of owners' obligations here, and perhaps there is scope to go further to protect heritage here, albeit it would be easier to achieve in more favourable economic conditions.

Given the point made above about the priority given to heritage in Conservation Areas and Listed Buildings, and given the point made previously that much heritage in the countryside is unlisted and presumably outside conservation areas, is this rural heritage properly protected? Much of the character of the countryside is a collection of different historical elements, none of which would perhaps be seen as worthy of protection alone (stone drinking troughs, mangers, brick built privies, old fencing and gates, untarmaced tracks, unedged roads) – is this protected sufficiently by the policies under General Development at the moment?

Point for discussion – how can local authorities ensure that 'intangible' heritage is protected? What does this concept include and what policies are needed to help protect it?

There is also a policy relating to Historic Parks and Gardens (QL15) which states the importance of the local parks and that development which adversely affects the character, appearance or setting of *registered* Historic Parks will not be permitted. In this are there are only 6 parks registered – all are of the highest historical significance. This may mean that non-registered parks, or smaller significant local landmarks are not sufficiently protected by the General Development policies.

Re-use of rural buildings

When evaluating policies on heritage in the *Economic Prosperity* section, there are a few issues that stand out. We are given an introduction to the section which places the Plan in the light of the PPS7, which, according to MHDLP

'advises that the re-use or conversion of existing rural buildings has an important role in meeting the needs of local businesses, assisting the local economy and reducing the demand for development. The District Council considers that it is important for such buildings and their character to be retained and recognises their potential for other uses. Given the Plan's objective of encouraging greater diversification of the rural economy, priority will be given to the re-use or conversion of rural buildings for employment, tourism or recreational purposes wherever appropriate.'

The resulting policy in the MHDLP, *Policy EP6 – The Re-use of Rural Buildings*, specifically deals with this issue. Here, it does appear that the re-use and conversion of agricultural and other rural building will be looked upon favourably assuming that the requirements for development under the General Development Strategy are fulfilled. The policy also makes residential use of rural buildings harder to achieve – for example only being permitted if:

'every reasonable attempt has been made to secure a suitable employment, tourism or recreation use of the building; or...residential conversion is subordinate to a scheme for employment, tourism or recreation use...; or...residential conversion is required to meet a proven need for an agricultural or forestry worker or an identified affordable housing need...'

This is in line with national policy and a similar approach to that of the majority of plans evaluated.

It can be argued that in order to ensure the continued life of an old vernacular building without immense historic significance, it is important that it has a continued economic role since conservation for its own sake is so rarely viable. However, a point to be noted here is that there is no requirement for the buildings to have lost their usefulness as agricultural buildings- they may still be capable of fulfilling the agricultural role for which they were built, or another agricultural use. Two concerns that appear to me as a result of this point are, firstly, the potential loss of functional agricultural buildings that are well-placed and have historical and cultural significance to the local area, and, secondly, that it is not inconceivable that if the agricultural need for these buildings persists, and yet development is allowed, modern agricultural buildings, generally of poor design and material and with little care for impact on the landscape, will be built to replace the original barns.

Another point that strikes me is that policy EP6 specifically says that only buildings *'capable of accommodating the proposed use without excessive rebuilding, extension or alteration...'* will be permitted to be re-used – this is similar to provisos made by other authorities. Presumably this means that the best examples of vernacular and agricultural building with the greatest chance of still serving the purpose to which they were built will be prime candidates for conversion to commercial or possibly residential use. This will leave those in worst condition, and presumably with least chance of being conserved simply for the sake of their contribution to the local area, in greater danger of decay, and, without an economic purpose, perhaps most at risk of eventual demolition. Furthermore, we cannot rely on the happy notion that these historic buildings are, in any case, protected by Listing status – the MHDP states *'generally traditional farm buildings are under-represented in terms of listing.'* I do not know whether CPRE would have a view on the need for protection of historic agricultural buildings, but as a result of the general strategy direction of PPS7 it seems that there will be an increased development pressure on these buildings, possibly including those which currently still have a viable agricultural use.

Point for discussion – how can local authorities and owners avoid further decay and possible demolition of non-listed vernacular buildings, particularly if their condition, layout or size is such that they are unlikely to be given permission for conversion?

Point for discussion – Should we increase the percentage of listed traditional farm buildings in the landscape?

In policy QL14 – Scheduled Ancient Monuments and Archaeological Sites MHDLP states:

...2 Development which would have a direct or indirect adverse effect on the site or setting of archaeological remains of regional, county or local importance will not be permitted unless...

b) The reasons for development outweigh the archaeological importance of the site or setting.....

A point to note here is how the importance of the archaeological site is determined and who decides which factor is most important. It appears to be an exceedingly loose statement, affording archaeological remains very little solid protection at all. If CPRE has a policy on archaeological remains, this might be of interest.

Another such loose statement is found in Policy QL30 – Renewable Energy. Here the plan states that the advantages of renewable energy generation must be balanced against the impact on local environment:

Such development will be permitted where:-... the proposal...will have no significantly adverse effect on.... any heritage designations'

No *significantly* adverse effect could be sufficiently broadly interpreted as to result in heritage being very poorly protected in the face of a renewable energy scheme. In fact this policy is probably less favourable to heritage than the current national policy guidance found in PPS 5, although it is similarly difficult to predict;

'HE1.2 Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting.

HE1.3 Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change.'

Malvern Hills District Local Plan– overview of policy:

- Sensitive, in-depth protection for listed buildings, and high protection for unlisted buildings in Conservation Areas.
- Much of the area's heritage involves rural buildings that are neither listed nor in conservation areas or includes collections of heritage features (old fences, gates etc) that contribute to the landscape or local character of an area and may not be properly protected.
- Re-use and conversion of agricultural and other rural building will be looked upon favourably, regardless of whether the buildings still fulfil their agricultural role. This may lead to such buildings being brought out of agricultural use, and larger, modern structures appearing elsewhere in the landscape to replace them.
- Re-use and conversion of agricultural and other rural buildings to residential use however is much more difficult to achieve, with stringent requirements attached. Seen as least preferable outcome.

Shropshire

South Shropshire District Local Plan 2004 – 2011 (saved policies)

Overview of local area

As described in the written statement accompanying the local plan;

The District is an extremely beautiful rural area, two thirds of which is an Area of Outstanding Natural Beauty as defined in the Countryside Act 1968. The District covers about 400 square miles of the southwest part of Shropshire. It has a southern boundary with Herefordshire and Malvern Hills District, an eastern boundary with Wyre Forest and Bridgnorth Districts, a northern boundary with Shrewsbury and Atcham District and a western boundary with Powys. The extremely rural nature of the District is shown by the fact that only 5 settlements have a population of more than 1,000 people’.

Attitudes to heritage protection

The first point to make with respect to South Shropshire’s plan is that heritage - that of the countryside and the built environment - is mentioned as one of the earliest aims and objectives of the plan:

‘Main Aims and Objectives

Within the overall framework of a safe, healthy and sustainable environment, the main aims of the Plan are:

- *to ensure a high standard of design and development.*
- *to conserve the natural beauty, amenity and heritage of the countryside, especially the Area of Outstanding Natural Beauty.*
- *to conserve the natural environment and its natural resources.*
- *to protect and enhance the built environment, especially buildings of special architectural or historic interest, conservation areas and archaeological sites....’*

Definition of heritage

Later in the plan, it again makes specific that one of the most important aims of the plan is to protect this heritage, and appears to take account of heritage in a wide sense, including non-listed buildings, and mentions its contribution to the character of the area – although no specific description of heritage is given;

‘Historic Environment

South Shropshire has a wealth of attractive villages and picturesque small market towns, a rich heritage of historic buildings historic landscapes and gardens and important archaeological sites together with many fine traditional buildings, all of which make a vital contribution to the character of the area. One of the main aims of the Plan is to conserve these to retain the beauty and character of the District’

Deleted policies

A number of the relevant policies concerning heritage are not 'saved' and have been superseded, so *'while the Core Strategy for the area is being produced, decisions surrounding these issues will be taken in the light of national policy PPS5 with consideration also given to the emerging Core Strategy' (which should reflect national policy in any event).*

(Fascinatingly, the Plan lays out a whole host of policies that are desirable but which the council reserve the right not to implement should resources not be sufficient.)

Policy E3 Conservation of Listed Buildings

Not Saved

Policy E4 Development in Conservation Areas

Not Saved

Policy E5 Development Affecting Archaeological Remains

Not Saved

Shropshire is in the final stages of producing a unified Core Strategy which will cover all areas of the county. Planning decisions are currently made on the basis of 'saved' policies from the relevant Local Development Plan.

Shropshire Core Strategy Final Plan Publication February 2010

The Shropshire County Council website (www.shropshire.gov.uk) gives the progress of the developing core strategy

'Following several periods of consultation during 2009 and 2010, the Core Strategy was formally submitted to the Government on 30 July 2010. The Core Strategy will now be subject to an Examination in Public (EIP)'.

There are a number of interesting changes to policy that will now govern planning applications in the South Shropshire area. The first relates conversions of rural buildings for residential uses, and is laid out in Policy CS5:

'Policy CS5 – Countryside and Greenbelt

....Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:.....

...Conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered with regard to the principles of PPS7, giving equal priority to the following uses:

- *small scale economic development/employment generating use, including live-work proposals and tourism uses;*
- *affordable housing to meet local need (including agricultural workers dwellings);*
- *other uses appropriate to a countryside location.*

Open market residential conversions will only be considered where high standards of sustainability are achieved and, except where the buildings are listed, a financial contribution for the provision of affordable housing to be delivered off site is provided in accordance with Policy CS11. In all cases, development proposals should be consistent with the requirements of Policies CS6 and CS17.'

And Policy CS11 is as follows:

'Policy CS11 – Type and affordability of housing

To meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This will be achieved by:..

Seeking to achieve an overall target of 33% local needs affordable housing from all sources for the first five years of the plan period, comprised of 20% social-rented and 13% intermediate affordable housing. Subsequent targets will be set through the Housing Strategy for Shropshire...

Ensuring that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate, set using the Shropshire Viability Index. For all sites of 5 dwellings and above, the provision of affordable housing will be expected to be on site.

Requiring residential conversion schemes in the countryside, where permitted under Policy CS5, except listed buildings, to contribute to the provision of local needs affordable housing. This will be on the basis of an additional 15% above the contribution set for new open market housing, of the cost of construction of equivalent affordable dwelling floorspace.'

The result of this policy is that any residential conversion of a building in the countryside, except listed buildings, will contribute a certain percentage of the development value to affordable housing in the area. Note that the policy exempts listed buildings, the reasoning given being that *'in view of the importance of the conservation of listed buildings, where residential conversion is permitted, no affordable housing contribution will be required in view of the associated higher conversion costs'*.

Many councils use this kind of affordable housing levy on larger developments, but Shropshire is unusual in that the policy is directed at all residential developments including those for single dwellings, thus applying to future conversions of single rural buildings such as non-listed barns or small-scale farm schemes. The precise method of working out the sums involved are still not finalised, but it is thought that it will be based on floorspace multiplied by a standard figure for the cost of construction per square metre multiplied by the 'dynamic viability matrix' – a figure reflecting targets for affordable housing and altering in response to changes in house prices, construction and land prices. The DVM is likely to be 13% for 2011-20112 and an average 3 bed house with 100 sq m floor space would therefore attract a levy of £11,700. Note that due to objections raised concerning the additional 15% levy initially planned for residential conversion schemes, this is now likely to be omitted from the Plan as due to be adopted in 4th Feb 2011.

The affordable housing levy to apply to future residential conversions in the countryside is, therefore, now likely to be much smaller than that which was first conceived. However the response to the new policy, in its initial form, suggests that it has not been well-received by all parts of the community:

From the Farmers' Guardian website:

Planning levy threat to barn conversions

March 5, 2010

New emerging planning policy in Shropshire could see the end to barn conversion schemes on many farms.

It is possible other authorities will be watching the outcome in Shropshire with interest.

The newly-published draft document 'Shropshire Core Strategy Final Plan' sets out the council's planning policies for the next 16 years. According to Peter Fenwick, planning specialist with Berrys in Shrewsbury, it includes a major policy change which will affect all farmers with redundant agricultural buildings.

"Any residential barn conversion up to five dwellings could attract a financial levy of 50 per cent of the costs of construction, which would be payable to the council to contribute towards affordable housing," he said.

"If the council introduces this, it could significantly reduce the value of these schemes as the developer or owner will have to take into account the 50 per cent affordable housing requirement, either in cash or provision of units for affordable housing.

"In my view, this policy could mean the end of barn conversion schemes, other than isolated buildings, as the costs of re-siting any adjoining buildings will outweigh the value of the buildings with planning," said Mr Fenwick.

Public scrutiny

The plans will be considered by a government-appointed planning inspector later this year and will come under public scrutiny early next year. The policy is likely to be adopted later in 2011, Mr Fenwick believes.

"This policy does not yet apply, so farmers who have been sitting on these types of buildings should consider bringing forward any conversion proposals so they can bank planning permission under the old policy.

"It will be worth having redundant barns surveyed as soon as possible to assess their suitability for conversion. Obtaining detailed planning permission now will secure the value of a barn for three years," he said.

Presumably the introduction of this policy will indeed lead to an increase in rural planning applications before the policy is due to come into force on the 1st April 2011. However the longer-term effect of this change in policy should be that the impetus for conversion of rural buildings is reduced, and perhaps then fewer modern replacement agricultural buildings will be erected. Hopefully then the end result will be a retention of more traditional structures in the landscape.

Point for discussion – should other councils incorporate policies such as a single dwelling conversion affordable housing levy into their emerging core strategies?

However despite this encouraging policy the other important aspect of the core strategy for Shropshire that is to be noted is that out of 12 strategic objectives, the objective concerning heritage protection is ranked at number 11:

'11 - Ensure that the character, quality and diversity of Shropshire's built, natural and historic environment is protected, enhanced and, where possible, restored, in a way that respects landscape character, biodiversity, heritage values, and local distinctiveness, and contributes to wider environmental networks.'

Hopefully this ranking does not set the tone for heritage protection in Shropshire in the future.

South Shropshire Local Plan 2004 (saved policies) and Shropshire Core Strategy Final Plan Publication February 2010– overview

- No policies concerning heritage remain in original form – although original aims and objectives of plan are very favourable in terms of the weight they give to natural and built heritage.
- Current planning decisions involving heritage are now governed primarily by national policy, PPS 5, which is reviewed above.
- Query whether the difficulty in accessing the relevant policy guidance covering protection of heritage, and the demands such policy change has on the overall efficiency of the planning system, gives rise to any lesser protection for heritage in South Shropshire.
- Emerging core strategy appears to be very favourable in terms of restricting development pressures in rural conversion schemes. However, query what weight heritage protection will be given in practice when determining planning decisions when it is ranked 11th out of 12 strategic objectives in the Strategic Vision.

Warwickshire

Warwick District Local Plan 1996 – 2011

Overview of local area

As described in the introduction to the local plan;

'Warwick District lies within the heart of Warwickshire and due south of the city of Coventry. It covers an area of 28,226 hectares, comprising the four towns of Royal Leamington Spa, Warwick, Kenilworth and Whitnash set within attractive countryside. Its population was 125,931 at 2001 (Source: National Census). Warwick District has a high quality environment with attractive, historic towns surrounded by a pleasant rural area. It benefits from good road and rail links with the major conurbations of the West Midlands and London. It also has a strong local economy, containing a number of major employers and attractions including Warwick Castle, Kenilworth Castle, the Royal Pump Rooms and Stoneleigh Park (National Agricultural Centre). These attributes make Warwick District a popular place to live, work and visit which creates considerable development pressure. This pressure needs to be managed in such a way that maintains and directs growth to areas in need whilst protecting the very qualities which make the District a desirable place to live and work. This represents the challenge for the Local Plan.'

Attitudes to heritage protection

The foreword to the plan gives an insight into how important the area's heritage is considered to be and how the primary aim of the development plan is to protect that heritage in the face of development pressures:

'Warwick District is acknowledged as a beautiful place to live in, work in and visit. With its attractive countryside, excellent location, good communications links and rich heritage, the District has long been a focus for new development. The role of planning, in supporting communities living and working in Warwick District, is to protect this heritage and yet at the same time manage and guide our future development needs.'

Furthermore:

'Development will only be permitted which protects important natural features and positively contributes to the character and quality of its natural and historic environment through good habitat/landscape design and management..'

Indeed the Warwick District area includes some of the region's most important cultural heritage sites so understandably heritage protection is at the heart of its development plan;

The District includes some of the Region's most valued as well as nationally and internationally renowned heritage assets. Beyond statutory protected assets the historic environment is fundamental to the wider character of the area's rural landscapes, towns and villages.

Listed Buildings

In the section *Historic and Built Environment*, particularly demanding policy requirements are laid out concerning Listed Buildings;

'Policy DAP4 Protection of listed buildings

'Consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting.....'

...Development will not be permitted that will adversely affect the setting of a listed building'.

These policies appear to be broadly in line with most other local and national policy. However, policy concerning the demolition of listed buildings is very unusual:

'Consent will not be granted for the demolition of a listed building.'

It appears to allow no circumstances where demolition of a listed building is possible – this is very different to most other approaches to this issue.

Furthermore, changes in use to listed buildings can only be allowed where the original use is proved not to be appropriate or viable – this is in contrast with the case of vernacular, non-listed historic agricultural buildings in Worcester highlighted above, and gives an example of the critical importance of listing to a historic building's survival.

'DAP5 Changes of use of Listed Buildings

'Changes of use of Listed Buildings from their original use will only be permitted where:-

*a) the original use has been demonstrated to be no longer appropriate or viable;
and*

b) the proposed use is sympathetic to the special architectural or historic interest and setting of the Listed Building.'

The plan goes on to discuss the of protection afforded to English Heritage registered parks and gardens, and Warwickshire District's own list of regionally important parks and gardens that are also to be taken account of when deciding applications. The policy is that;

'AP11 Protecting Historic Parks and Gardens

'Development will not be permitted if it would harm the historic structure, character, principal components and setting of Parks and Gardens of Special Historic Interest included in the English Heritage Register, as defined on the Proposals Map. Development will be strongly resisted if it would harm the historic structure, character, principal components and setting of locally important historic parks or gardens included in the Warwick District Local Register.'

Furthermore, other parks and gardens that may be considered to be important may be added by application. This is a very sensitive and pro-active approach to garden heritage protection.

Conservation areas

Policy on conservation areas is set out below:

DAP8 – Protection of Conservation Areas

DAP8 P8 Protection of Conservation Areas

Development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas as defined on the Proposals Map.

Development will also be expected to respect the setting of Conservation Areas and important views both in and out of them.

Detailed plans shall be submitted for all types of applications involving building works in Conservation Areas, including a full specification of building materials and finishes to be used, to demonstrate how they comply with this policy. Notification of works to trees in Conservation Areas will also be required.

Of note here is the discussion of the views into and out of conservation areas – it seems that this is quite unusual to be stated as policy that development should take account of views and as such is to be commended.

Point for discussion – Are views in and out of conservation areas protected in the same way by all local plans? If not, do they need policies similar to this to encourage their protection?

Re-use of redundant rural buildings

RAP7 Converting Rural Buildings

'Proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria:-

- a) the building is of permanent and substantial construction;*
- b) the condition of the building, its nature and situation, makes it suitable for re-use or adaptation;*
- c) the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building;*
- d) the proposal retains and respects the special qualities and features of listed and other traditional rural buildings,*
- e) the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside; and*
- f) the proposed use or adaptation would not give rise to legitimate planning objections which would otherwise outweigh the benefits of re-use or adaptation.*

The Council receives a considerable number of applications every year to convert existing rural buildings. It is keen to support measures that bring vacant or redundant buildings back into productive use, subject to the nature, scale, form and location of the building and the proposed use'.

However if the conversion is for residential use the following further conditions must be met:

- I. the building is located within or adjacent to a village;*
- II. the housing meets an identified local need; and*
- III. outside of the Limited Growth Villages, the applicant can demonstrate that other uses (as identified by policies of this Plan) or a mixed use (where the residential element is subordinate to a business use) are not appropriate or viable.*

This is in line with national policy and appears to be a considered and appropriate response to the demand for conversion of rural buildings. However, despite the associated text that mentions the desire to '*bring vacant or redundant buildings back into productive use*' there appears to be no requirement to show that the building has no current viable use at the time

of the planning application. Therefore the issue here is, again, whether it is right to be allowing the change of use of traditional agricultural buildings before determining whether are still capable of fulfilling their original, or an alternative, agricultural function.

Warwick District Local Plan – overview of policy;

- Stated primary aim of plan is to protect heritage while managing future development needs.
- Plan gives careful consideration to protection of the overall setting of designated heritage.
- Particularly stringent measures to protect listed buildings in the area, including a no demolition policy and tight control on change of use.
- Consent will not be granted for demolition of a listed building.
- Careful consideration of conservation areas, to include associated views.

Staffordshire

South Staffordshire Local Plan - adopted 16th December 1996

Many of the policies in this plan have been cancelled. Where there are cancelled policies, the wording that goes with the policy may be able to be used as a material consideration (even though the policy has been struck out. The Council is currently preparing a final draft Core Strategy, which is known as the "Publication" Core Strategy. It is anticipated that consultation on this final draft strategy will be carried out in February/March 2011, with a view to submitting the document to the Secretary of State for Independent Examination in May/June 2011

Overview of local area

As given in the introduction to the local plan;

'South Staffordshire is a rural District on the north-western edge of Birmingham and the Black Country. It has seen a rapid expansion of housing in the past 25 years as its villages have proved attractive to people prepared to travel to work in the nearby urban areas. There have been many other changes which have affected the patterns of life and work in South Staffordshire. Traditional industries, such as agriculture, coal mining and engineering have declined. Their place has been taken by new forms of employment, amongst which mineral extraction, the construction industry, commercial distribution and small manufacturing and service businesses have made substantial contributions to the provision of jobs. New roads, the M6 and M54, have generally eased movement from the District to nearby urban centres, and current proposals for the Birmingham Northern Relief Road around the West Midlands should improve the District's accessibility still further. New development will have an impact on the landscape of the District and its residents over the next 10 years. Change is not always welcome and the Local Plan intends to ensure that the attractive character of South Staffordshire is not damaged by insensitive developments. The quality of the landscape and the character of its historic villages are the District's greatest assets. It is essential that new development is planned in such a way as to fit unobtrusively into the scene and to enhance rather than detract from its physical surroundings.'

Attitudes to heritage protection

The Local Plan, although many of its policies are now cancelled, is introduced with an explanation of the changes that have taken place in the area in terms of traditional industries, new roads and developments, and makes a very clear statement that 'change is not always welcome..'

'The quality of the landscape and the character of its historic villages are the District's greatest assets. It is essential that new development is planned in such a way as to fit unobtrusively into the scene and to enhance rather than detract from its physical surroundings.'

This is an encouraging start to the text. South Staffordshire is very close to a number of large urban areas, and as such is under distinct development pressures. However, unlike other plans where heritage protection is either seen as necessary but subordinate to the benefits of development, or a resource to be exploited for economic gain, here the value to the District of its landscape and historic character is appreciated for its own worth and stated in unequivocal terms.

Definition of heritage

No specific definitions identified in the plan.

Listed buildings

South Staffordshire has a wide variety of listed buildings including canal structures, barns and mills. Many of the policies concerning listed buildings are deleted here but the text associated is interesting, specifically discussing the importance of the environs of a listed building and the 'harmony' of groups of buildings:

'The setting of a listed building is often an essential feature of its character, especially if the gardens or grounds have been laid out as an integral part of the design and layout of the house. In addition, many attractive streets or villages owe their character not so much to buildings of individual merit, but to the harmony created by a group of buildings.'

Conservation areas

The policy concerning removal of intrusive features remains and is interesting:

POLICY BE12 CONSERVATION AREAS - REMOVAL OF INTRUSIVE FEATURES

In considering development proposals the District Council will seek the removal of, or the improvement of, any features such as buildings, signs, advertisements and overhead wires which detract from the quality of a Conservation Area

Note:

~~*POLICY BE6 CONSERVATION AREAS – DESIGNATION AND ENHANCEMENT*~~

~~*The District Council will consider the designation of new Conservation Areas and revisions to the boundaries of existing designated Conservation Areas, as appropriate. In addition, as resources permit, enhancement schemes will be prepared for Conservation Areas in the District.*~~

Why is this struck through – could it be cost considerations? If so this is unfortunate since it is a good policy direction, and would be an excellent way of expanding the policy concerning removal of intrusive features in Policy B12.

There is very impressive and comprehensive discussion concerning shop fronts in conservation areas in terms of the need for sensitive design of shop frontages to create an attractive sympathetic shopping area. Furthermore it outlines the economic benefits for the shopkeepers of such an approach in terms of attracting business to the area. The planners take this matter so seriously they have produced a booklet entitled '*The Design of Shop Fronts and Signs in Conservation Areas*', which seeks to encourage the preservation and enhancement of Conservation Areas by providing guidelines for the design of shop fronts and signs. This is an excellent way to inform the public on specific planning matter, especially if done in a way which shows the how the economics of conservation can work in the public's favour

Point for discussion – Should councils produce publications such as '*The Design of Shop Fronts and Signs in Conservation Areas*', offering assistance if appropriate?

Notably, although not directed specifically at conservation areas, there is a section in the plan relating to improvements to village centres. It appears that the council is very keen to improve the village street scene and has in the past implemented village improvement schemes to some villages involving hard and soft landscape treatment such as re-paving and tree and shrub planting. This is at relatively low cost and serves to enhance the character and heritage of the area – perhaps a scheme that could be continued even in tough economic times. I am not sure whether this is unique to South Staffordshire, but perhaps is something to promote to other councils.

Point for discussion – should all local councils be involved in small-scale village improvement schemes?

Re-use of agricultural buildings

The text accompanying the relevant policies seems to show a sensitive approach to re-use of redundant rural buildings:

'There are many rural buildings in the Green Belt and Open Countryside which make significant contributions to the character of the District. Their conversion to suitable alternative uses which would not damage either the buildings or their rural surroundings may be appropriate. Buildings which are of architectural or historic interest are worth preserving as part of South Staffordshire's heritage, but conversions should not entail altering buildings in such a way as to destroy their original character. In addition, such features as car parking, screen fencing, washing lines, sheds, greenhouses etc. can be obtrusive in rural areas and will be an important consideration in determining the acceptability or otherwise of a proposal.'

The accompanying policy is as follows:

'POLICY OC1 OPEN COUNTRYSIDE – GENERAL

Within the Open Countryside, as defined on the Proposals Map, development will not normally be permitted unless it:

- a) is essential to the operation of agriculture, forestry or other activities appropriate to a rural area and has to be located in the countryside rather than a nearby town or village;*
- b) is limited infilling (i.e. the filling of small gaps within small groups of houses) within the built up area of a village or other settlement and which is environmentally acceptable;*
- c) involves the re-use of a rural building and is consistent with Policy C1.'*

(It does not appear to be clear whether all the above criteria need to be met or that one of either a, b or c can be met to avoid refusal of permission to develop.)

'POLICY C1 REUSE OF RURAL BUILDINGS

Planning Permission will be granted for the re-use of rural buildings where the use proposed is consistent with other policies in the Plan and the advice contained in Planning Policy Guidance Note 7 (The Countryside and the Rural Economy) provided that the building is:

- a) of a form, bulk and general design which is appropriate to the character of the surrounding area;*
- b) physically capable of conversion to its new use without significant extension or rebuilding, and the conversion is in keeping with the character of the building and its surroundings without significant alteration.'*

The policy refers back to PPG 7 and the text of the plan states that the PPG;

'recognises that the reuse of buildings should not prejudice the openness of Green Belts, can assist in agricultural diversification and that the alternative may be a building that is vacant, prone to vandalism and dereliction.'

However it also quotes from Annex D of PPG7 which advises local authorities to examine applications for changes to residential use with particular care, and states that the guidance is clear that residential conversions have a minimal impact on the rural economy.

'New housing in open countryside is subject to strict control. It may be appropriate to apply similar principles to proposals for the conversion of existing rural buildings to dwellings, especially where such buildings are unsuitable for conversion without extensive alteration, rebuilding and or extension ... Residential conversions can often have detrimental effects on the fabric and character of historic farm buildings ... it is important to ensure that the new use is sympathetic to the rural character'

Despite this being in the text of the plan there appears to be no specifically stated policy concerning conversion of rural buildings to residential uses – this may mean that protection for such buildings is not as strong as it could be.

Tourism development

Most of the policies in this section have been deleted – however the tone of the supporting text is very pragmatic and yet sympathetic:

'The District Council recognises that tourism has an important role in attracting economic investment and in providing local income and employment. There is a danger, however, that the development of tourist facilities could destroy the very qualities which make South Staffordshire attractive to visitors. There could be considerable pressure in the future for the provision of such facilities as hotels, caravan and camping sites, chalet sites and holiday villages, golf courses and other sporting facilities. Many of these developments may be associated with farm diversification as farmers look for alternative uses for land and redundant buildings. The objective for tourism is to achieve a sympathetic balance between tourist development, countryside conservation, landscape, nature conservation and the maintenance of the Green Belt. Tourism developments that are unsympathetic and out of scale with their surroundings will be firmly resisted'.

The tone of this section is really impressive. It recognises that heritage and the landscape has much to offer in terms of potential for economic development but immediately makes it clear that a sensitive balance has to be achieved. This kind of approach is echoed in the section on the canal network;

'The canal network is significant as both a local and regional recreation resource. The canals and their towpaths are valuable assets and the District Council recognises that they have great potential for recreation, education, nature conservation and tourism'.

Note here that tourism is mentioned last in terms of potential – this is in contrast to authorities such as Bromsgrove, where the economic potential of canal heritage is kept firmly in mind.

It is considered that the historic parklands and gardens in South Staffordshire should be designated as Historic Landscape areas, to protect them from inappropriate development and management, to encourage sympathetic restoration and management and to co-ordinate the input of finance and other resources into these areas. The District Council will seek to identify, survey and assess the condition and quality of historic landscapes (parklands and gardens) in the District with a view to inclusion in the Register of Historic Parks and Gardens. This is a similar approach to that taken in Warwick.

South Staffordshire District Local Plan – overview of policy;

- Value of historic character and landscape of district clearly stated and keen awareness that development pressures bring change that *is 'not always welcome'*

- No specific descriptions of 'heritage' are obvious, but discussion is made of the character given to attractive streets or villages by the 'harmony' of buildings, rather than specifically to those of special merit – a broad approach.
- Useful policy concerning removal of intrusive features in Conservation Areas.
- Specific attention paid to shop fronts in Conservation Areas, including publications on the topic.
- Tourist potential of heritage, including that of the canal network, is sensitively discussed – economic potential is acknowledged but value of heritage in terms of its potential for recreation, education and nature conservation is stated first. The dangers posed by provision of associated facilities is also made clear.

Conclusions

This investigation of local planning policies concerning heritage protection has come up with the following conclusions:

Firstly, to an outside observer, planning policy at the local level seems to be in a bit of a mess. A very long time has elapsed since the introduction of the Planning and Compulsory Purchase Act 2004, and while Local Authorities have been diligently preparing the Local Development Framework the Local Plans have become very dated. Much policy within them is deleted and thus national or regional policy has replaced it. For an interested member of the public, finding information about a specific development policy is now a very tricky undertaking.

Planning policy concerning heritage should reflect national policy. Most of the local plans in the West Midlands have broadly similar approaches, but others have taken quite different approaches to particular issues – for example, Malvern District Council's policy concerning the residential conversion of agricultural barns would appear to mean that a barn in the Malvern area would be much harder to obtain planning permission for than one in Bromsgrove. Some councils, such as Warwick District have a complete ban on demolition of listed buildings, others are more pragmatic. The emerging Core Strategy for Shropshire would mean that a barn conversion in Shropshire may be less profitable, and therefore perhaps less likely to be taken out of agricultural use, than one in South Staffordshire. Local policy should interpret national policy. However, the local policies currently in force were created in various points in time and reflect national policy from different years and so the resulting local policies can be quite different. Furthermore, the same national policy concerning heritage protection can be interpreted in different ways, influenced by the attitudes of local councils and the priority afforded to heritage.

We have seen that the interpretation of what is 'heritage' and therefore worthy of protection is very difficult to describe. Some authorities make an attempt at it - for example Hereford's UDP states:

'Part I policy

S7 Natural and historic heritage

The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:

- 1. Areas of Outstanding Natural Beauty;*
- 2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;*
- 3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and*
- 4. landscape features that contribute positively to local distinctiveness and quality of the local environment.*

Guiding principles P5, P6, P7 and P10'

Other authorities use various descriptions of 'heritage' – natural and historic character, historic environment, local character etc. The more vague approach to 'heritage' has both good and bad effects. The vague approach means that, to an extent, what is and is not protected as a result of heritage protection policies can be argued on a case by case basis.

However, if not properly taken into account during the discussions, some historic features that contribute to the overall character of a landscape or settlement may be overlooked and lost.

Surely then the greatest protection we can afford to our local heritage is that we ensure that what we feel to be important to our heritage is positively identified as such. Under the current system of local plans and structure plans, this is where the approach of the different local authorities will have a vital impact on what is protected and what is not. Authorities whose current plans consider a wide range of structures and landscapes to be 'heritage' will presumably be more aware of the fragility of the historic character of our rural towns and villages, and may be more likely take these things into account when determining planning applications. However, even in a more 'heritage aware' council, there needs to be a champion - an interested party, a vocal member of an organisation such as CPRE, or a vigilant planning officer - to ensure that the lesser heritage components (the local paving stones, the non-listed vernacular agricultural building, the traditional row of terraces) are retained, and their historical significance preserved.

Under PPS5 – Planning for the Historic Environment, more structures can be afforded protection once listed as 'heritage assets,' defined as;

A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing)'.

This appears to me to mean that the onus is on the parties that wish to protect a particular historic structure to ensure that it is positively identified. It seems that these assets can be identified in the plan-making process or during decision making which means that non-listed, non-protected structures could be taken account of in the planning process **but only if someone cares enough about them to ensure that their merits are fully taken account of in the decision making stage.** Who is to champion them at this stage? If a developer wants to insensitively redevelop and old Victorian non-listed property what powers do the community have to make sure that the value of this old building to them is properly reflected?

So planners have to ensure that communities are consulted as to which parts of their environment should be 'positively identified.' In fact Policy HE3: Regional and local planning approaches, in the new PPS 5 states that:

'1 Regional spatial strategies (RSS) and local development frameworks (LDF) should set out a positive, proactive strategy for the conservation and enjoyment of the historic environment in their area, taking into account the variations in type and distribution of heritage asset, as well as the contribution made by the historic environment by virtue of:

(i) its influence on the character of the environment and an area's sense of place

(ii) its potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development

(iii) the stimulus it can provide to inspire new development of imaginative and high quality design

(iv) the re-use of existing fabric, minimising waste; and

(v) its mixed and flexible patterns of land use that are likely to be, and remain Sustainable'.

English Heritage have a service on their website whereby the public can nominate structures to be classified as 'heritage assets' – according to their website over 2,000 applications were received last year. They state:

Local heritage assets can range from buildings, designed landscapes, archaeology and elements of the natural environment. By involving local people in their preparation, local lists and the practices and processes that support them represent a voluntary agreement between local planning authorities and community representatives on how local heritage assets are managed.

In practice, the heritage asset approach should enable local communities to decide what is important and worthy of protection in their area. It will move from an over-emphasis on the buildings of the highest historic significance to the rather more intangible features of the local historic environment and perhaps the quirkier ones.

The challenge to CPRE then and to the local authorities is to ensure that new planning policies that emerge take into account this new approach and ensure that 'heritage' is given its widest interpretation. Insufficient notice of the new scheme has been given - there needs to be much more awareness of heritage asset designation, and the fact that the local community has a huge part to play in this. It is unlikely that the average person will have any knowledge of the English Heritage designation service. Communities have to be given information about how to designate assets and the means to do this in many other ways than appear to be currently available. However, this assumes that there is the impetus and desire by the public to get involved here - in practice this may not be the case. It may be that apathy is only overcome when a well-loved structure or landscape is in jeopardy.

As a result it may be that the landscapes and heritage of the more educated, vocal communities will have better protection and outcomes than those in less favoured areas. If tightening up of our heritage protection focuses on community involvement, then surely this will be the outcome. In the case of little or no local appetite for involvement in the planning process, then unlisted structures and landscapes are at the mercy of the local planning authorities, who, despite their best intentions, have to balance a number of conflicting demands on the local environment, some of which have very vocal proponents. In the future then, perhaps a role of CPRE here is to ensure that those planning proposals that command little community interest are the ones that have the most scrutiny since it is here that they may be able to have the most impact.

Points for discussion:

Point for discussion – does ‘heritage’ need a stronger definition? Is this something the National Policy Framework should codify or should it be defined in local plans?

Point for discussion – should local authorities ensure that all appropriate ‘heritage assets’ are recorded?

Point for discussion – is there anything more local authorities should do to help protect more intangible aspects of heritage – character, views, local materials?

Point for discussion – should all local plans have a similarly wide approach to the features to be protected in conservation areas? Should all future plans contain similar policy wording?

Point for discussion – under what circumstances should consent be given for a listed building to be demolished?

Point for discussion – should councils include policy designed to protect traditional, non-listed buildings outside conservation areas?

Point for discussion – how much should local authorities involve specialist agencies in the planning process to advise on particular development schemes especially given the limited expertise of planning officers in specific heritage areas, and the cost of training in a difficult economic climate?

Point for discussion – should rural agricultural buildings that are not listed enjoy protection, such as a policy for the removal of permitted development rights on permission for re-use? Could this help to ensure that those that are beneficial to the landscape remain in place and that a proliferation of modern agricultural buildings is avoided?

Point for discussion – is mothballing a way to help protect listed buildings from further disrepair or inappropriate development schemes, particularly in these difficult economic times?

Point for discussion – how can local authorities ensure that ‘intangible’ heritage is protected? What does this concept include and what policies are needed to help protect it?

Point for discussion – how can local authorities and owners avoid further decay and possible demolition of non-listed vernacular buildings, particularly if their condition, layout or size is such that they are unlikely to be given permission for conversion?

Point for discussion – Should we increase the percentage of listed traditional farm buildings in the landscape?

Point for discussion – should other councils incorporate policies such as a single dwelling conversion affordable housing levy into their emerging core strategies?

Point for discussion – Are views in and out of conservation areas protected in the same way by all local plans? If not, do they need policies similar to this to encourage their protection?

Point for discussion – Should councils produce publications such as ‘*The Design of Shop Fronts and Signs in Conservation Areas*’, offering assistance if appropriate?

Point for discussion – should all local councils be involved in small-scale village improvement schemes?