

National Planning Policy Framework Heritage Briefing

The Government published the National Planning Policy Framework (NPPF) on 27 March 2012. It is a very significant document, which changes the planning ground rules in many ways. We have published a briefing note on the NPPF generally (available at <http://www.savills.co.uk/planning-briefing-notes/savills-nppf-briefing-note.pdf>).

At the outset, it is important to note that the statutory duties of the Planning (Listed Buildings & Conservation Areas) Act 1990 have not changed in respect of protection and control for listed buildings and their settings, and conservation areas. The Act provides a strong legislative background which has been well tested over the years. It remains the primary legislation.

Section 12 of the NPPF is entitled 'Conserving and enhancing the historic environment'. It condenses the outgoing PPS5 Planning for the Historic Environment, which was itself a drastic cull of PPGs 15 and 16, into sixteen short paragraphs.

The NPPF maintains the spirit of the PPS and its predecessors in upholding the general principle that heritage assets should be "sustained" and "enhanced" for the benefits they bring to the community. There is a clear direction to local authorities in paragraph 126 that these general aspirations should be linked into a positive strategy for conservation within local plans.

The logical and practical relationship between "significance assessment" and "impact assessment" established in PPS5 remains, requiring that the specific heritage value of an asset is clearly defined at the outset of a development proposal and that its influence is carried through into the detail of a scheme. The direction that significance

assessment should be "proportionate" to the value of the assets also remains, although experience has shown that Local Planning Authorities have some difficulty in interpreting this effectively. Appropriate assessment of value is also a point made expressly in Paragraph 127, where the policy requires that Conservation Areas are not "devalued" through the designation of area that lack special interest. This counters the tendency for Conservation Area to include areas with 'hope value' for improvement, which can sometimes stifle opportunities for re-development.

The assessment of potential "harm" also aligns with PPS5, so that impacts are either judged as "substantial harm" or "less than substantial harm", balanced with a series of tests including the potential for harm to be outweighed by "public benefits". These terms will be the focus of the application of the policy and the numerous appeals which will test their applicability.

Setting is barely mentioned, except with reference to forming part of an asset's overall significance, but this is dealt with in more detail in the associated technical guidance provided in English Heritage's 'The Setting of Heritage Assets' (2011).

Enabling development is also hinted at in terms of the overall balancing of harm and benefit but the separate English Heritage guidance will still apply.

Sadly, there is no longer a role for the "place-making" term of PPS5 which was sometimes useful in setting individual considerations within their wider context. There is also no room for "intelligently-managed change" which was also helpful when looking to balance conflicting objectives. However, Paragraph 126

draws attention to the potential for new development to make a "positive contribution to local character and distinctiveness" – which is as much of an encouragement as there has been in heritage policy.

In short, the NPPF is a slimmed-down PPS5. The latter has been found to work well in practice and does place emphasis firmly on the assessment of the individual case rather than the application of set principles. With the backing of the 1990 Act, heritage policy is essentially unchanged in its robustness but the degree of pragmatism hinted at in some of the key paragraphs suggests that there may be scope to influence what has often been an emphatically defensive area of policy.

This bulletin is provided only to give general guidance on aspects of the NPPF. Every development situation is different, and clients should take specific advice on a case-by-case basis. Savills accepts no responsibility for actions taken in reliance upon this bulletin.

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