

HERITAGE LINK RESPONSE TO ENGLISH HERITAGE CONSULTATION ON ENABLING DEVELOPMENT POLICY AND GUIDANCE UPDATE

Our starting point, like that of the Guidance, is that enabling development - development contrary to established planning policy but permitted if the benefits clearly outweigh the disbenefits - is the last resort.

Compromising the integrity of a historic entity in order to retain the asset indicates a system failure rooted in the scarce grants for historic buildings in private ownership, low incentives to maintain (including an adverse VAT regime) and derisory penalties coupled with Local Authorities' reluctance to take legal action against 'neglectful' owners.

- Since enabling development is typically proposed after a long period of low or no maintenance, we urge English Heritage to address the root cause.
- We welcome the statement that the guidance should amplify, reinforce and be used in conjunction with PPG15. We urge English Heritage to press for the principles of PPG15 and 16 to be retained with equivalent or enhanced status in new planning policy statements and guidance.
- We recommend the strongest possible presumption against enabling development unless it meets specific criteria. and we welcome the opportunity to comment on what these criteria should be.

General points:

1. The principle behind the discussion on public engagement in 3.5.1

'Enabling development is... arguably... more akin to a type of public funding. The essential difference is that the community pays in kind which is converted to cash, rather than cash itself. On this premise alone, nibbling development should be subject to the same degree of financial scrutiny, transparency and accountability as cash grants from public funds'

should be restated in any foreword to the final text.

We are less clear how this can be achieved when in the following paragraph the financial justification is to be subject to scrutiny and validation by (only) the local authority and its professional advisers. Commercially sensitive information may be made available to participants in pre-application discussions but this means that other parties, only able to comment once the planning application is made, may feel that a deal has already been done. In effect they have been disenfranchised by this process. Since pre-application discussion is one of the consultation questions in the Heritage White Paper, these paragraphs may need to be brought into line.

2. The Guidance notes the positive contribution of the Building Preservation Trust movement. While BPTs mainly operate on a relatively small scale, they have much unrealised potential. Furthermore the role of the voluntary sector in heritage led regeneration is wider than the BPT movement. *Heritage Dynamo - how the voluntary sector drive regeneration* (Heritage Link 2005) demonstrates the range of voluntary heritage bodies which, on their own or in partnership, have acted as a catalyst in raising the profile of buildings at risk and bringing them back to life. The interest, experience, expertise and freely donated time they contribute is part of the funding package.

3. Where development is enabled it must be handled effectively and should be proportionate, with consideration of design quality.

Question 1: How useful and effective are exception policies, for which we suggest a limited role in Section 2.2? Does it reflect the experience of those who have experience of the application of exception policies?

Setting out an exception policy in the local development framework makes the process transparent and subject to public consultation. We strongly agree that the policy should set out the criteria rather than be site specific.

We welcome the setting out of roles and responsibilities of the developers including the recommendation to seek early pre application consultation with all parties likely to have a significant interest. We suggest this should include national and local amenity societies as appropriate. Section 106 agreements are a valuable tool in placing restrictions on development and/or ensuring community benefit including public access and should be retained.

Question 2: Is our expanded guidance on enabling development and 'historic entities' at Section 4.7 helpful? Are there any matters which require correction, or further expansion?

The guiding principle for any enabling development relating to historic entities is that the contributory assets should be kept together.

- Contributory assets include the setting. To restore a building at the expense of its setting is counterproductive in terms of public good. In particular we note risks to historic gardens and designed landscapes, as they are extremely vulnerable to deals of this kind. The value of walled gardens - often the subject of enabling development – may be underestimated.
- Enabling development resulting in the sale of the whole or part of the entity is a short term solution.
- Endowment funds for historic entities should be treated with caution. The higher level of enabling development required to produce sufficient funds for on going maintenance may result in over-development yet may only achieve only a relatively short term solution.
- Although not made explicit in the guidance, enabling development need not necessarily be adjacent to the historic entity. The site could be many miles away but in the same ownership.
- Conservation Statements rather than Conservation Plans, to identify what is significant about the historic entity should be used to guide decisions on enabling development. Where there are conflicting opinions about the weight to be attached to different values attached to the asset, or the asset is particularly complex and ill-understood, these should be commissioned at the outset, and be the subject of consultation with all who have an interest in the asset, in an attempt to reach a consensus view.

Question 3: Is the specific guidance on the application of enabling development to farm buildings at Section 4.8 helpful and appropriate?

We agree that this is an area of particular concern. National planning policy may have become more receptive to adaptive re-use but the reality is that it is the largely the residential market that is driving the planning applications. There is also concern that the tailing off of grants for farm buildings because of the shortage of cash within the agri-environmental schemes and the stronger pressure for biodiversity being championed by Natural England. This means that even maintenance support is in short supply.

We agree that conversion to farm related or commercial uses tends to be more sympathetic to the character of traditional farm buildings and urge residential use should be minimised. However we need to be realistic. Enabling development (4.8.3) once

residential use sets a precedent is unlikely to result in low key ancillary uses for other parts of the group.

Conversions to residential use have accelerated and it would be useful if the guidance made recommendations in the light of this reality. Of immense value would be a detailed historic survey and recording of buildings before any work began and the lodging of these studies in the local archives or under the Heritage Protection Review, in Historic Environment Records. This should be carried out by someone who understands what they are looking at as the experience of professionals may not cover the function and context of farm buildings or their content.

Fragmentation of ownership 4.9.7 is an issue. Once long standing ownership of a group is lost, the rationale for preservation of any one building within a group is weakened.

Question 4: Do you agree with the guidance at Section 5.16, which stresses the desirability of normally discouraging the use of enabling development to fund restoration or enhancement beyond the minimum necessary to secure the future of a heritage asset?

Heritage Link represents a very wide range of interests and conservation attitudes, from whom it would be difficult and probably unhelpful to try and achieve a consensus on this point.

Question 5: Are there any matters in this updated draft Guidance which would benefit from further expansion, reduction, revision or correction?

Question 6: Are there any matters not included in this updated draft on which guidance would be helpful?

The Guidance must:

1. be adamant that enabling development is a last resort and that alternative options must be explored first.
2. encourage recording buildings before they are adapted
3. clarify the involvement of heritage and community groups in pre-application discussions.
4. clarify who is party to the financial information and thus the justification for enabling development.

Heritage Link
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