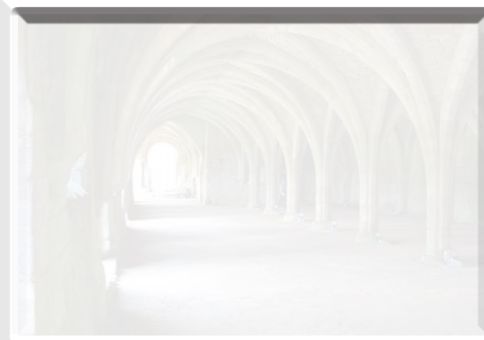


Appendices to

# Harrogate District Heritage Management Guidance

SUPPLEMENTARY PLANNING DOCUMENT

November 2014 (updated March 2017)



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# APPENDIX A – HERITAGE MANAGEMENT STRATEGY ACTION PLAN

Action	Delivery Mechanism	Responsibilities/ Policy Framework	Level of Priority	Target Timescale
<p>Advise on heritage and design matters in respect of:</p> <ul style="list-style-type: none"> <li>● applications;</li> <li>● pre-application;</li> <li>● post-application;</li> <li>● appeals;</li> <li>● enforcement matters;</li> <li>● advice to service users.</li> </ul> <p>Justification: To support the management of change to the historic environment through decision-making in planning. The aim is to provide sound, proportionate, consistent and timely advice to colleagues in Development Control to ensure that heritage values form material considerations as early in the planning process as possible.</p>	<p>National and Local Policy            Consultation responses to applications            Responding to inquiries            Defending appeals            Assisting with enforcement work</p>	<p>Statutory Duties            Government Policy and Guidance            Corporate Plan            Service Plan            Best Practice</p>	High	Ongoing
<p>Heritage Management SPD:</p> <ul style="list-style-type: none"> <li>● Adoption of SPD;</li> <li>● Officer and member training.</li> </ul> <p>Justification: Sustaining the value of the district’s historic environment depends on creating in the present the heritage of the future, and on managing change in order to enhance and enrich the values of places for present and future generations.</p>	<p>Officer time            Cabinet Member support</p>	<p>Statutory Duties            Government Policy and Guidance            Corporate Plan            Service Plan            Local Plan            Best Practice</p>	High	November 2014
<p>Contribution to Local Plan</p> <p>Justification: The NPPF puts the historic environment at the heart of spatial planning and makes it clear that understanding significance is the key to successful conservation in both plan-making and decision-making. The Consultancy team has an important role within the planning system to ensure that the principles of the NPPF are embedded in the Local Plan and to positively influence the scope and policies within it.</p>	<p>Officer time – Consultancy team in collaboration with policy planners            Cabinet Member support</p>	<p>Statutory Duties            Government Policy and Guidance            Corporate Plan            Service Plan            Local Plan            Best Practice</p>	High	Ongoing

Action	Delivery Mechanism	Responsibilities/ Policy Framework	Level of Priority	Target Timescale
<p>Update Harrogate Borough Council web pages relating to Heritage and Design.</p> <p>Justification: To ensure that all information and guidance provided on the website is relevant, up to date, accurate, consistent and in accordance with best practice and widely accessible in the interests of service users.</p>	<p>Officer time Collaboration with Development Management teams Collaboration with Policy team Collaboration with the Marketing team</p>	<p>Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Medium</p>	<p>Ongoing</p>
<p>Administration of AONB Grant Scheme</p> <p>Justification: Grant-aid is a key support for owners and those responsible for heritage assets. We will work creatively with internal and external partners to maximise funding opportunities for key projects and establish priorities for funding activity in order to maximise potential.</p>	<p>Officer time Public interest Public awareness</p>	<p>Discretionary Under Statute Government Policy and Guidance Corporate Plan Service Plan Local Plan</p>	<p>High/ Medium</p>	<p>Ongoing</p>
<p>Deliver heritage and design training:</p> <ul style="list-style-type: none"> <li>● identify training needs for officers and members;</li> <li>● prepare and deliver training.</li> </ul> <p>Justification: To raise standards in heritage and design matters through training of members, planners, building control officers with regard to heritage and design.</p>	<p>Officer time Collaboration with Development Management teams Collaboration with Policy team Cabinet Member support</p>	<p>Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Medium</p>	<p>Ongoing</p>
<p>Review of guidance:</p> <ul style="list-style-type: none"> <li>● update existing guidance e.g. House Extensions Design Guide; Conversion of Traditional Farm Buildings Design Guide;</li> <li>● identify gaps.</li> </ul> <p>Justification: To provide a better toolkit for the management of change to heritage assets, respecting local distinctiveness and raising design quality.</p>	<p>Officer time Collaboration with Development Management teams Collaboration with Policy team Cabinet Member support Public awareness</p>	<p>Government Policy and Guidance Corporate Plan Best Practice</p>	<p>Low</p>	<p>Ongoing</p>
<p>Identify townscape improvement areas:</p> <ul style="list-style-type: none"> <li>● desk based study and research;</li> <li>● site survey;</li> <li>● e.g. Knaresborough yards.</li> </ul> <p>Justification: The district's urban centres are subject to continuous and significant change. These areas are also of high significance in terms of their heritage value. Action will include assessment of poorly understood suburbs, urban vernacular, vulnerable building types and open spaces, in order to develop understanding of significance and protection to ensure effective change management.</p>	<p>Officer time Collaboration with Development Management teams Collaboration with Policy team Cabinet Member support</p>	<p>Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Medium/ Low</p>	<p>Ongoing</p>

Action	Delivery Mechanism	Responsibilities/ Policy Framework	Level of Priority	Target Timescale
<p>Identify potential external funding streams for heritage-led regeneration or restoration:</p> <ul style="list-style-type: none"> <li>● identify potential eligibility;</li> <li>● submit bids for funding;</li> <li>● administer funds;</li> <li>● publish links to funding sources on the council's website.</li> </ul> <p>Justification: Grant-aid is a key support for owners and those responsible for heritage assets. We will work creatively with internal and external partners to maximise funding opportunities for key projects and establish priorities for funding activity in order to maximise potential.</p>	<p>Officer time Submission of successful bids Eligibility criteria for funding streams Success of bids for funds Potential match funding from Harrogate Borough Council Member support Public interest Public awareness</p>	<p>Discretionary Under Statute Corporate Plan Best Practice</p>	<p>Low</p>	<p>Ongoing</p>
<p>Listed Buildings at Risk:</p> <ul style="list-style-type: none"> <li>● review and resurvey;</li> <li>● compilation of evidence base;</li> <li>● remove buildings from the register.</li> </ul> <p>Justification: A major threat to the district's heritage assets is poor care and neglect. Action will focus on developing an understanding of the nature and cause of neglect in order to target practical partnership and support to counter the impact of neglect and to conserve these assets so that they can be removed from the register.</p>	<p>Officer time Building Repairs Notices Urgent Works Notices Collaboration with Enforcement team Collaboration with Legal team Co-operation of property owners Availability and eligibility of grant aid Cabinet Member support Ward Member support</p>	<p>Statutory Duties Government Policy and Guidance Local Plan Best Practice</p>	<p>High/ Medium</p>	<p>Ongoing</p>
<p>Review of Conservation Area Appraisals (CAAs):</p> <ul style="list-style-type: none"> <li>● Review of existing CAAs for those that have had substantial development since the last review and update all CAAs when new Local Plan policies are adopted;</li> <li>● Consideration of new conservation areas (CAs) including survey work, public workshops and draft CAAs and adoption.</li> </ul> <p>Justification: The completed conservation area appraisals provide a sound basis for a management plan and related preservation and enhancement initiatives and action.</p>	<p>Officer time Cabinet Member support Ward Member support Parish/town council support Public support</p>	<p>Statutory Duties Government Policy and Guidance Corporate Plan Service Plan Local Plan Best Practice</p>	<p>High</p>	<p>Quinquennial review  Ongoing</p>

Action	Delivery Mechanism	Responsibilities/ Policy Framework	Level of Priority	Target Timescale
<p>Article 4 Directions:</p> <ul style="list-style-type: none"> <li>Implementation of Article 4 Directions in Great Ouseburn CA and Harrogate CA – Directions prepared in consultation with the public, the parish council and elected members; additional development control and enforcement work directly related to Article 4s.</li> </ul> <p>Justification: Evidence gathered during the review of the CAs has demonstrated the extent to which permitted development and small-scale piecemeal change has incrementally acted to erode local distinctiveness and the value of CAs. Action will focus on working with local communities and parish and town councils to arrest the erosion of significance through cumulative change in CAs.</p>	<p>Officer time Cabinet Member support Ward Member support Parish/town council support Public Support</p>	<p>Discretionary Under Statute Government Policy and Guidance Corporate Plan Service Plan Best Practice</p>	<p>High/ Medium</p>	<p>Ongoing</p>
<p>Utilise and promote the district's heritage assets and unique identity.</p> <p>Justification: To promote, encourage and support tourism activity and improve the image of the district.</p>	<p>Officer time Collaboration with Community team and Tourist Information teams</p>	<p>Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Low</p>	<p>Ongoing</p>
<p>Celebrate and promote positive news and achievement.</p> <p>Justification: To raise the profile of the Heritage and Design team and the importance of positive change management of the district's historic environment.</p>	<p>Press articles in Council Talk and local press Officer time Collaboration with the Marketing team</p>	<p>Corporate Plan Service Plan Best Practice</p>	<p>Low</p>	<p>Ongoing</p>
<p>Compile local list of non-designated heritage assets:</p> <ul style="list-style-type: none"> <li>involve local communities including amenity societies;</li> <li>Site survey, desk based study and research.</li> </ul> <p>Justification: Undesignated heritage assets are valued for their contribution to local distinctiveness and character as well as historical and archaeological associations. They are also a source of local pride. Identification and better protection for these assets empowers local communities to manage and celebrate their heritage. Action will focus on working with local communities and organisations to develop appropriate registration of such assets.</p>	<p>Officer time Collaboration with Development Management teams Collaboration with Policy team Cabinet Member support Public awareness Historic Environment Record (HER)</p>	<p>Discretionary Under Statute Government Policy and Guidance Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Low</p>	

Action	Delivery Mechanism	Responsibilities/ Policy Framework	Level of Priority	Target Timescale
<p>Encourage/support traditional building skills and traditions, sources and availability of locally distinct traditional materials.</p> <p>Justification: National guidance on protection and change management cannot be implemented successfully without a suitably skilled workforce. Maintenance of the significance of heritage assets is reliant on the availability of a workforce with traditional craft skills. Pressure for these skills is such that the integrity and maintenance of heritage assets is at increasing risk. It is therefore imperative for the council to work with its partners to ensure that the relevant skills (including heritage management, technical conservation skills and building and interiors crafts skills) to care for and conserve our heritage remain available now and for the future.</p>	<p>Officer time Co-operation of property owners Specifying works and administration of grant aid Cabinet Member support</p>	<p>Corporate Plan Service Plan Local Plan Best Practice</p>	<p>Medium</p>	<p>Ongoing</p>
<p>Increase the number of historic assets accessible and open to the public and expand the Heritage Open Days.</p> <p>Justification: To provide enhanced accessibility to an increased number of heritage assets permanently open to the public or available on Heritage Open Days in the interests of diversity and increased participation.</p>	<p>Officer time Collaboration with Community team and Tourist Information team</p>	<p>Corporate Plan Service Plan Local Plan AONB Best Practice</p>	<p>Low</p>	<p>Ongoing</p>

# APPENDIX B: POLICY CONTEXT

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\*Please note that in April 2015 English Heritage changed its name to 'Historic England'\*

## National Planning Policy Framework (NPPF) March 2012

The National Planning Policy Framework (NPPF), which was approved in March 2012, sets out the government's planning policies for England and how these are expected to be applied. It sets out the government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and local authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, part of which is contributing to protecting and enhancing our natural, built and historic environment. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

## Core Planning Principles

Within the overarching roles of the planning system, a set of core land-use planning principles underpin both plan-making and decision-taking. One of the 12 core principles set out in the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The NPPF replaced the advice in Planning Policy Statement 5: Planning and the Historic Environment (PPS5) and its accompanying Historic Environment Practice Guide. The PPS5 Practice Guide has been replaced by the Planning Practice Guidance (PPG) published by the Department for Communities and Local Government (DCLG). This gives further information on how national policy is to be interpreted and applied locally and underlines the support for sustainable development required by the NPPF. The PPG includes particular guidance on matters relating to protecting the historic environment in the section 'Conserving and Enhancing the Historic Environment'. The PPG can be accessed on the Planning Practice Guidance website. In addition, Historic England has published a set of Good Practice Advice Notes which are intended to support the implementation of national policy.

Both the NPPF and the practice guides are material considerations in relevant planning applications and in relation to all applications affecting listed buildings and conservation areas. Additionally they apply to the consideration of all other permissions for activities that may affect scheduled monuments.

Furthermore the following core planning principles relate to design:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

Take account of and support local strategies to improve health, social and cultural wellbeing for all, and sufficient community and cultural facilities and services to meet local needs.

## Government Objectives and Conservation

Section 12 of the NPPF entitled "Conserving and enhancing the historic environment" states that:

*"Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*



- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.”*

There are policies protecting the historic environment throughout the NPPF and a particular section about conserving and enhancing the historic environment at paragraphs 126 to 141 inclusive.

“The purpose of the planning system is to contribute to the achievement of sustainable development” says paragraph 6 of the NPPF. The policies in paragraphs 18 to 219 of the NPPF constitute the government’s view of what sustainable development in England means in practice for the planning system.

Sustainable development has three broad roles: economic, social and environmental. The environmental role is “contributing to protecting and enhancing our ... historic environment ...” amongst other things (paragraph 7).

These roles should not be undertaken in isolation, because they are mutually dependent. Economic, social and environmental gains should be sought jointly and simultaneously. The planning system should guide development to sustainable solutions (paragraph 8).

Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 9). Planning should always seek to secure high quality design and should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17).

## Government Objectives and Design

Section 7 of the NPPF entitled ‘Requiring Good Design’ clarifies that design issues are material considerations in the determination of planning applications (paragraph 64).

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions”.

Planning authorities are guided to prepare robust and comprehensive policies on design. The list of key objectives in paragraph 58 includes ensuring that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential for a site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments, where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and;
- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 59 notes that design policies should avoid unnecessary prescription and should concentrate on guiding scale, density, massing, layout, landscape, access and materials in relation to its context. However, as paragraph 60 states: it is proper to seek to promote or reinforce local distinctiveness.

Securing high quality design goes beyond aesthetic considerations, paragraph 61 expresses that policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

## The Objective of The Local Plan

The council’s Local Plan must be prepared with the objective of contributing to sustainable development. It should therefore be consistent with the principles and policies set out in the NPPF which defines sustainable development. The Local Plan must align with those objectives and adhere to the specific policies in order to be adopted.

In practice for heritage assets this means that the local plan should seek opportunities to conserve and where appropriate enhance the significance of heritage assets and the contribution of their settings. Significant adverse effects should be avoided altogether and alternatives sought to reduce or mitigate unavoidable adverse impacts.

It is important that the policies for heritage conservation are labelled as ‘strategic’ policies for two reasons:

1. To ensure compliance with the requirements of the NPPF
2. To ensure neighbourhood development plans have to align with them as one of the ‘basic conditions’ for their approval

*Neighbourhood Plans: A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004). Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to: set planning policies through neighbourhood plans to determine decisions on planning applications; and grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.*

*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan (paragraph 184 NPPF).*

Once a neighbourhood development plan has demonstrated its general conformity with the strategic policies of the local plan, the policies it contains take precedence over existing non-strategic plans in the local plan for that neighbourhood. So a local plan cannot demonstrate that it will achieve the sustainable development objective of net gains for the historic environment unless it has strategic policies in place, as neighbourhood development plans may override ‘non-strategic’ heritage-related policies.

In considering land allocations and development densities necessary to deliver the objectively assessed development needs for an area, it is vital to assess if there are any adverse impacts on heritage assets and their settings. These should be avoided, or at least, mitigated.

If they are unavoidable a decision will have to be made, in accordance with the policies in the NPPF, as to whether the public benefits of allocating land outweigh the harm to heritage assets. If they do, then still the impact should be mitigated, perhaps through design, size or height criteria.

## Local Plans and Decisions

Any application for planning permission must be determined in accordance with the ‘development plan’ or Local Plan unless material considerations indicate otherwise.

National policies within the NPPF are a material consideration that might mean a decision should be made contrary to the Local Plan. This legal requirement does not apply to the consideration of listed building consent and conservation area consent decisions. However, the planning objectives for an area may well be material to the consideration in such consents.

## The Presumption in Favour of Sustainable Development

As referred to above, at the heart of the NPPF is a “presumption in favour of sustainable development” (paragraph 4). For decisions on planning applications this means taking decisions that accord with the development plan (which should itself accord with the NPPF) without delay.

In other words there is a presumption in favour of development provided it is “sustainable development” as defined by the policies in paragraphs 18 to 219 of the NPPF.

Even where the local Plan is in conformity with the NPPF, the decision-making policies within the NPPF are still a material consideration in all planning applications (paragraphs 2, 13 and 196).

## Heritage Specific Policies

Paragraphs 126 to 141 contain the heritage specific policies in the NPPF, but other policies expressly apply to the historic environment also. The overall content is similar in formulation and intent to the former PPS5, its predecessor.

The objective of the policies is to maintain and manage change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

*Significance: the value of a heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.*

In order to make a sound decision, the council, as local planning authority, needs to understand from the applicant the significance of any heritage asset affected (paragraph 128). This may require some investigative work, but the information to be

supplied with the application should be proportionate to the asset's importance and the potential impact.

When determining applications the authority should take into account the government objectives as expressed in the overarching definition of sustainable development and particularly (paragraph 131):

- the desirability of sustaining and enhancing the significance of all heritage assets (whether designated or not) and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### Conservation Weight

Designated heritage assets are subject to specific policies that require (paragraphs 132 and 139):

- great weight to be given to their conservation in all decisions;
- clear and convincing justification for any harm to significance however slight and whether through direct physical impact or by change to the setting;
- substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings and registered parks and gardens to be 'exceptional'; and
- substantial harm to or total loss of Grade I or II\* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments to be 'wholly exceptional'.

### Justifying Harm

All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134).

Public benefits in this sense will most likely be the fulfillment of one or more of the objectives of sustainable development as set out in the NPPF, provided the benefits will be for the wider community and not just for private individuals or corporations.

It is very important to consider if conflict between the provision of such public benefits and heritage conservation is necessary and if so whether the conflict can be mitigated.

The NPPF seeks economic, social and environmental (including historic environmental) gains jointly and simultaneously. Pursuing sustainable development involves seeking positive improvement in the quality of the built environment. Substantial harm or loss should be refused unless it is demonstrated that it is necessary to deliver substantial public benefits that outweigh that harm (paragraphs 8, 9 and 133). The public benefits may be achieved with less or no harm by alternative design or location.

Sometimes harm is necessary to enable change of use of the asset to its optimum viable use. The optimum viable use is either the sole viable use of the asset or, if there is more than one viable use, the use most consistent with its ongoing conservation. Enabling such a change of use can be a public benefit that outweighs the harm done.

Harm to conservation areas and World Heritage Sites can be caused in any number of ways including through development within their boundary or within their setting, with or without demolition being involved. Their conservation should always be given 'great weight' and any harm can only be justified if the application clearly and convincingly shows that the harm will be outweighed by public benefits. Total loss of a whole building or other significant element, such as a square, may amount to substantial or less than substantial harm (paragraph 138). It is more likely to be substantial harm if the building is of a type that makes the area worthy of its conservation area designation.

Total loss of the asset or substantial harm may alternatively be justified if all of the following tests are met:

- there is no viable use of the heritage asset that can be found in the medium term including through marketing to find alternative owners;
- the heritage asset is preventing all reasonable uses of the site;
- public support for or ownership of the asset is demonstrably not possible; and
- the harm or loss is outweighed by the benefits of bringing the site back into use.

## New Development and the Historic Environment

New sustainable development should protect and enhance our historic environment (paragraph 7). Pursuing sustainable development involves seeking improvements in the quality of the historic environment, replacing poor design with better design (paragraph 9).

The council should take into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). The council should look for opportunities to enhance or better reveal the significance of heritage assets when considering development in their setting or with conservation areas or World Heritage Sites (paragraph 137).

Planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64).

Please read Chapter 7 – ‘Designing New Development’ of the Heritage Management SPD.

## Recording Heritage Assets

Where a heritage asset is to be justifiably harmed or destroyed the local planning authority should require the developer to record the asset (building or structure) that will be lost in a manner that is proportionate to the nature of the loss and the importance of the asset.

Please read Chapter 9 – ‘Recording Heritage Assets - when it is necessary to record’ of the Heritage Management SPD.

## Harrogate Borough Council’s Local Plan

The council has started working towards a new local plan for the Harrogate district, which is scheduled for adoption by Autumn 2018. Until its adoption, the current Harrogate district local plan 2001 and its saved policies are still relevant in deciding planning applications.

In addition, the council’s Core Strategy Development Plan Document (DPD) was formerly adopted in February 2009. It provides for the management of change in development and conservation throughout the district up to the year 2021. This was the first document to be produced, and adopted, as part of the Harrogate District Local Development Framework (LDF), which was introduced through the Planning and Compulsory Purchase Act 2004. However, the change to a Conservative administration and the publication of the NPPF has resulted in a change in approach to strategic planning and development management. As such, the council is now producing a Local Plan rather than a Local Development Framework and the policies contained therein must be in accordance with the NPPF.

Notwithstanding this, the council’s Core Strategy remains extant and the vision, objectives and policies are in accordance with the NPPF in terms of sustainable development and heritage management:

### Vision:

By 2021:

- the residents of Harrogate district will enjoy an exceptionally high quality and diverse environment;
- the special character of the district’s natural and built assets will be protected and enhanced, particularly through ... more locally distinctive and high quality designed buildings, fewer historic buildings at risk, and more resource efficient development which minimises energy consumption and waste production and maximises renewable energy.

### Strategic Objectives:

18. To protect and enhance the built and natural environment, including biodiversity and landscape character, giving special protection towards those areas and buildings of recognised importance;
19. To encourage exemplar design quality which safeguards the distinctive character of the district’s settlements and minimises impact on the environment, particularly in sensitive areas.

The council has a number of Saved Policies from the Harrogate District Local Plan (February 2001). The following Core Strategy Policies and Saved Policies make particular reference to the historic environment and local distinctiveness:

### **Core Strategy Policy EQ2: The Natural and Built Environment and Green Belt**

The district's exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance. In addition, more detailed protection and where appropriate enhancement measures will be applied through the Development Control Policies DPD, relevant management plans and by working in partnership with landowners and interested parties.

Subject to the district's need to plan for new greenfield development, the landscape character of the whole district will be protected and where appropriate enhanced.

Where criteria based planning policies cannot provide the necessary protection, local landscape designations will be identified:

- to protect the high quality of the landscape which is important to the setting of the towns of Harrogate, Knaresborough and Ripon;
- to protect those 'green wedges' in Harrogate town which are an important part of its character and distinctiveness;
- to protect appropriate green space within the main built up areas of Group A, B, and C settlements listed in Policy SG2 of this Core Strategy.

Priority measures to protect and enhance the district's natural and built environment are to:

- carry out appraisals of the district's conservation areas incorporating measures for the protection and enhancement of their special interest;
- reduce the number of 'Buildings at Risk'; and
- ensure that new development incorporates high quality locally distinctive design.

### **Core Strategy Policy SG4: Settlement Growth: Design and Impact**

All development proposals in the district should comply with the following criteria:

1. The scale, density, layout and design should make the most efficient use of land; and
  - a. be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;
  - b. be appropriate to the form and character of the settlement and/or landscape character;
2. Visual, residential and general amenity should be protected and where possible enhanced.

### **Core Strategy Policy HLP3: Affordable Housing Provision: Rural Exception Sites**

Planning permission will also be granted for the release of small rural exception sites for 100% affordable housing where all of the following criteria are met:

- the proposed development is sympathetic to the form, character and landscape setting of the village and is in accordance with normal policy requirements relating to design, scale, access, parking, landscaping and highway safety;
- the site is not protected for recreation, amenity, nature conservation, landscape or heritage value.

### **Core Strategy Policy C1: Inclusive Communities**

Proposals for the use and development of land will be assessed having regard to community needs within the district, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:

- a. elderly people, especially in terms of open market housing, health, sport and recreation;
- d. disabled people, especially in terms of access to services and mobility.

Wherever possible and viable, proposals for new development will be expected to contribute to achieving:

- A reduction in the fear of crime and incidence of anti-social behaviour;
- A reduction in social inequalities and disadvantage.

### **Saved Policy C1: Conservation of the Nidderdale Area of Outstanding Natural Beauty**

Within the Nidderdale Area of Outstanding Natural Beauty, priority will be given to the conservation of the natural beauty of the landscape.

Criterion E) Where development is permitted, the highest standards of design will be required which should reflect the local distinctiveness of the area.

### **Saved Policy C9: Special Landscaped Areas**

The Borough Council will give long term protection to the high quality landscape of the special landscape areas.

Criterion ii) "Where development is permitted, high standards of design (including landscape design) and, where appropriate, measures to mitigate the impact of development will be required".

### **Saved Policy C16: The Re-use of Rural Buildings**

Criteria: A) The proposal, by virtue of any physical changes, access and servicing arrangements, and the level of activity associated with the proposed use, should not harm the character or appearance of the countryside or of the building itself.

Any proposal for residential use will not be permitted where:

- B) The building is not of a permanent and substantial construction, and is not of a type capable of conversion to the new use without requiring extensive alteration, extension, demolition and/or rebuilding, or
- C) An associated residential cartilage would harm the character or appearance of the countryside.

### **Saved Policy HD3: Control of Development in Conservation Areas**

Development which has an adverse effect on the character or appearance of a conservation area will not be permitted and this includes the following forms of development:

- A) The demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas;
- B) The erection of buildings out of scale with their surroundings;
- C) Proposals involving the loss of open space, which contributes to the character of the conservation area;

- D) The combination of adjoining buildings to create large open plan offices or shops;
- E) Proposals which would have an adverse effect on the historic form and layout of passageways and plots.

Applications for development in or visually affecting conservation areas will be expected to contain sufficient information to allow a proper assessment of their impact on the character and appearance of the conservation area to be made.

Where the loss of a non-listed building is acceptable in principle, conditions will be attached to the grant of consent for demolition to ensure that no demolition shall take place until a contract for carrying out of works of redevelopment has been made and planning permission for those works has been granted.

### **Saved Policy HD6: Historic Battlefield Sites**

Development affecting historic battlefield sites, as identified on the proposals map, will only be permitted where the proposal:

- A) Does not adversely affect the historic, archaeological and landscape interest of the site; and
- B) Does not prejudice any potential for interpretation of the site.

### **Saved Policy HD7: World Heritage Site**

Development within the World Heritage Site of Studley Royal Park and Fountains Abbey will only be permitted in very exceptional circumstances where there is no adverse effect on the cultural, natural and man-made interest which led to the site's designation and either:

- A) It is required to enhance the interpretation of the site's cultural, natural and man-made interest for visitors; or
- B) It is essential for the management of the site or of visitors to the site.

The council will encourage appropriate conservation and restoration measures.

The setting and views of the site are protected by Policies C2 and HD7A of this plan and will be afforded the strictest protection.

### **Saved Policy HD7A: Parks and Gardens of Historic Interest**

Development will not be permitted where it would adversely affect the character or setting of parks and gardens included in the Historic England Register of Parks and Gardens of Special Historic Interest.

### **Saved Policy HD8: Spa Waters of the District**

Development which would prejudice the use of the district's spa waters will not be permitted.

### **Saved Policy HD9: Building Protection – Harrogate**

In addition to its general power to control demolition of buildings in the conservation area, the council will seek to protect those buildings as shown on the Harrogate Town Centre Insert Proposals Map, because of their positive contribution to the local townscape and street scene.

Proposals which involve the demolition of buildings thus identified will not be permitted and, in the case of refurbishment, the whole structure (and not just the façade) should be retained.

### **Saved Policy HD10: Stray Frontage – Harrogate**

The change of use of residential properties fronting The Stray, as seen on the Proposals Map, will not be permitted.

### **Saved Policy HD11: Townscape and Environmental Improvements**

The policy identifies Environmental Improvement Areas. Within these areas priority will be given to their visual improvement or environmental works as appropriate.

### **Saved Policy HD12: Amenity Open Space**

Within settlements (as defined by development limits and their main built-up confines), open sites which make a significant contribution to the visual amenity and character of the settlement will be protected from development which would lead to the loss of amenity space, harm to the visual amenity or character of the area, or harm to the value of the open space for passive recreation.

Small scale developments which are related to the function of the open space will be allowed if they cannot be located elsewhere.

### **Saved Policy HD13: Trees and Woodlands**

Proposals which would involve the loss of trees or woodland which contribute to the character or setting of a settlement will not be permitted.

### **Saved Policy HD20: Design of New Development**

Proposals for new development and redevelopment should take into account, where relevant, the following design principles:

- A) New buildings should make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout;
- B) New buildings should respect the local distinctiveness of existing buildings, settlements and their landscape setting;
- C) New buildings should respect the scale, proportions and height of neighbouring properties;
- D) New building design should respect, but necessarily mimic, the character of their surroundings and, in important locations, should make a particularly strong contribution to the visual quality of the area;
- E) Fenestration should be well proportioned, well balanced within the elevation and sympathetic to adjoining buildings;
- F) The use and application of building materials should respect materials of neighbouring buildings and the local area;
- G) New development should be designed with suitable landscaping as an integral part of the scheme;
- H) Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;
- I) New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;
- J) New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction;
- K) New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.

Development which is contrary to these design principles will not be permitted.

## Saved Policy HD21: Shopfronts

Proposals for new shopfronts will be permitted provided they meet the following criteria:

- A) New shopfronts in existing buildings should be integrated with the general form of the building façade and its neighbours, respecting its proportions and details and using traditional materials; every effort should be made to re-establish the original pilasters and fascias;
- B) Where a shop occupies more than one building, fascias should not be carried across façades of separate architectural identity;
- C) Within conservation areas and on listed buildings, shopfronts should generally be constructed of materials appropriate to the area or building, and be in accordance with Policies HD1 and HD3 as appropriate;
- D) Existing high quality shopfronts of traditional design and materials should be retained.

## Saved Policy HD22: Advertisements

Proposals to display advertisements should have regard to all the following criteria:

- A) The size, design and number of any advertisements should respect the scale, character, design and location of the building and/or shopfront on which it is displayed, as well as the overall street scene;
- B) Advertisements will not be permitted where they would adversely affect the character and appearance of a listed building, conservation area or any other sensitive location;
- C) Strict control over illuminated signs will be exercised, particularly on listed buildings and in conservation areas, residential areas, rural areas and other sensitive locations. Where illumination is acceptable, signs should be externally illuminated unless, in exceptional circumstances, the internal illumination is by individual or 'halo' lettering or other discreet method;
- D) Canopy advertisements will not be permitted where they would adversely affect listed buildings, conservation areas or other sensitive locations.

Advertisements which have an adverse effect on amenity or public safety will not be permitted.

## Saved Policy H15: Extensions to Dwellings

Extensions to dwellings will be permitted provided all the following requirements are met:

- A) There is no adverse effect on neighbouring residential amenity or property;
- B) There is no unacceptable loss of parking or garden/amenity areas;
- C) There is no detriment to the character or appearance of the dwelling or surrounding area;
- D) In the countryside the extension should not be designed to facilitate the sub-division of the dwelling into separate units nor undermine the retention of any occupancy condition.

## Saved Policy H20: Replacement Dwellings in the Countryside

Provided the existing dwelling is not listed, replacements are allowed. The new dwelling must be located on the site of, or close to the existing dwelling. It should be no larger and be of a design that in terms of scale, mass, materials and architectural detail is sympathetic to the vernacular.

## Saved Policy E8: New Industrial and Business Development in the Countryside

Where permitted: C) It would not adversely affect the character, appearance or general amenity of the area.

## Harrogate District Planning Guidance

The following guidance has been prepared to expand on planning policy. Those relevant to the design of development in addition to this SPD are:

- Shopfront Design Guide SPG (1999);
- Residential Design Guide SPG (1999);
- House Extensions and Garages Design Guide SPD (2005);
- The Reuse and Adaption of Rural Buildings (1992);
- Conservation Area Appraisals SPG (see Appendix H);
- The Control of Demolition in Conservation Areas (2004);



Landscape Character Assessment SPG (2004);  
Landscape Design Guide SPG (1999);  
Biodiversity Design Guide SPG (1999);  
Draft Green Infrastructure Guide (to be adopted as SPD in 2014);  
Provision of Open Space in connection with New Housing Development SPD (2014);  
Darley Village Design Statement (2003);  
Kirkby Malzeard Village Design Statement (2003);  
Ripley Village Design Statement (2004);  
Marton cum Grafton Village Design Statement (2011).

### **The Nidderdale AONB Heritage Strategy 2009-2014**

The strategy is due to be updated but is still relevant. The strategy has been guided by four key principles, two of which make particular reference to heritage management and development:

- 2) Conservation – the integrity of historic landscapes and the value of individual sites need to be managed and enhanced by effective measures including planning control;
- 3) Economic and Social Benefit – the historic environment has an economic and social value to local tourism business and to local communities in particular.

# APPENDIX C: DESIGNATION TYPES

## What is Designation?

Designation serves to:

- Highlight a building, site or area's special interest and value to this and future generations.
- Provide protection under law or via planning policy.
- Provide the platform to protect, manage, enjoy and celebrate England's built and natural heritage.

The district's historic environment comprises a rich source of heritage assets that includes examples of each of these designation types:

- Listed Buildings;
- Scheduled Ancient Monuments;
- Conservation Areas;
- Registered Parks and Gardens;
- Registered Battlefields;
- World Heritage Sites.

All of these designation types have been incorporated into a single, searchable database called 'The National Heritage List for England.' This list is managed by Historic England and can be found on their website, accessible for all.

The following descriptions outline each type and the level of protection that designation affords them. In addition, a description of the Nidderdale Area of Outstanding Natural Beauty (AONB) is included at the end of this Appendix.

## Listed Buildings

Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Secretary of State (for Culture, Media and Sport), in conjunction with English Heritage (now 'Historic England'), to compile a list of buildings of special architectural or historic interest. These buildings are then afforded protection from inappropriate alteration and demolition through the requirement to obtain listed building consent.

for works that affect the special interest of the building. More information on this legislation can be found within Appendix D of this guidance.

As of 2011, there were approximately 375,000 listed buildings in England. Listed buildings are classified into three grades:

- Grade I buildings are of exceptional interest. Just 2.5% of listed buildings are Grade I;
- Grade II\* buildings are particularly important buildings of more than special interest. 5.5% of listed buildings are Grade II\*;
- Grade II buildings are of special interest warranting every effort to preserve them. 92% of all listed buildings are in this class.

In the Harrogate district there are approximately 2,260 list entries but because some list entries comprise more than one building, the total number of listed buildings exceeds this number:

- 49 are listed Grade I, such as St. Wilfrid's Church on the Duchy estate, Harrogate;
- 114 are Grade II\*, including Ribston Hall and the Temple of Victory at Allerton Mauleverer;
- but the majority, specifically 2,098, are listed Grade II, such as Old Cottage, Whixley and number 33 High Street, Spofforth.

The grades serve to highlight significance but all listed buildings are treated the same in terms of the law, whether Grade I or II, whether the building is a cathedral, cottage or milestone. However, although the level of protection afforded by the listing is the same for all grades, the degree of significance of each listed building will be relevant when considering proposals of development. This significance is derived from their special interest. More information on 'Understanding Significance', can be found within Chapter 4 of this guidance.

## How Listed Buildings Are Designated

Applications for new entries, and to remove or amend an existing entry, are made to Historic England (details on how to apply can be found on English Heritage's website, within the 'Heritage Protection Process' section). They will investigate the merits of the application and make a recommendation to the Secretary of State who will make the decision. The government has set out the criteria for selection in 'Principles of Selection for Listed Buildings,' (March 2010).

'Special Interest' is a prerequisite for listing and it may derive from the architectural or historic interest of a building:

- Architectural Interest – To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms. The interest of some buildings is because they are a good, representative example of a particular style, tradition or type of building, displaying, for example distinctive regional or vernacular architecture;
- Historic Interest – To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.

More detail on the relevance of additional factors such as age, rarity and aesthetic value can be found in the Principles of Selection document. Historic England has also supplemented these general principles with selection guides to offer further insight into designation decision-making. Each selection guide covers a different area of heritage, for example, agricultural buildings, transport buildings and garden and park structures. A full list can be found within Appendix P – Bibliography.

A group of buildings may also be considered to be of architectural interest and such buildings are said to have 'group value.'

## List Descriptions

The entry in the statutory list contains a description of each building to aid identification. This can be just a description of the building and its features, but list entries that have been written or reviewed in recent years will be more thorough and set out a summary of the assessment of special interest in the building at the

time of designation. The most recent entries will, in some circumstances, even state when there are elements of a building (a modern extension, for example) that are considered not to be part of the special interest of the building. However, descriptions are not a comprehensive or exclusive record of the special interest or significance of the building and the amount of information in the description varies considerably.

Any omission from the list description of a feature, elevation or its interior does not indicate that it is not of interest and advice should be sought from the council's Conservation and Design team if there is any doubt in a particular case.

## Extent of Protection

The list entry will identify the principal building or buildings that are listed. A common misconception is that only the front elevation of a listed building is protected by the listing. This is not the case; rather the whole of any principal building is listed, including the interior. Objects, structures and buildings affixed to a listed building or within its curtilage may also be protected by listing (see below).

Listed building consent is required if proposed works will affect the special interest of the listed building. Group value should be considered in assessing the special interest of ancillary buildings.

**Curtilage and Curtilage Listed Structures** – Any pre-1948 structure that formed part of the land that was in the curtilage of the principal listed building at the date of listing and is ancillary to the principal building is considered to be part of the listing.

Determining the exact curtilage of any building is a complex area. The key considerations are:

- the physical layout of the buildings;
- the ownership past and present;
- the function of the buildings and spaces past and present.

It is important to establish what is listed as there are potentially criminal consequences of failing to apply for listed building consent when it is required. Cases of doubt should be explored with the council's Conservation and Design team but a definitive determination can only be made in a court of law.

**Objects and Structures Fixed to the Building** – A structure attached to a building, such as adjoining buildings or walls, will also be covered by the listing if the structure was ancillary to the principal building at the date of listing.

An object fixed to the principal building, is likely to be protected by the listing. The key considerations in determining this are:

- the method and degree of annexation of the object to the building, the ease with which it can be removed and the damage caused to the structure or object by its removal; and,
- the objective and purpose of the annexation to the building – whether this was for the improvement of the building or for the enjoyment of the object itself.

Plant and machinery, even if it forms part of the land, cannot of itself be a building and therefore cannot be listed in its own right. It can, however, be protected by listing if affixed to a listed building in a way that satisfies these tests.

Extensions or alterations to listed buildings made after listing form part of the listed building and are subject to the protection regime.

### Certificates of Immunity

A certificate of immunity from listing is a legal guarantee that a building will not be listed for a five-year period from the date on which the certificate is issued. A local authority cannot serve a building preservation notice on the building during the same period (a building preservation notice, issued by a local planning authority, protects a building for six months whilst an application to list is made).

Application for a certificate of immunity is made to Historic England. Anyone can apply, whether or not they own the building in question. Previously, applications could only be made when planning permission has been applied for or had been granted in respect of works for the alteration or demolition of the building or buildings; however, under the Provisions of the Enterprise and Regulatory Reform Act 2013, they can now be applied for at any time.

English Heritage will carry out an assessment of the building and make a recommendation on whether it is worthy of listing. If the Secretary of State is satisfied that the building is not of special architectural or historic interest, the certificate is granted. In cases where the application is refused, the building may be listed.

Even if a certificate of immunity is granted, planning permission may still be needed for demolition, for example, in a conservation area.

### De-listing

Anyone can apply to Historic England to have a building 'de-listed', or removed from the list. English Heritage will assess the application and make a recommendation to the Secretary of State who may decide to remove a building from the list if it is no longer considered to hold special architectural or historic interest.

### Scheduled Monuments

A scheduled monument is a historic building or site that is included in the Schedule of Monuments kept by the Secretary of State for Culture, Media and Sport. The regime is set out in the Ancient Monuments and Archaeological Areas Act 1979, as amended by the National Heritage Act 1983. More information on this legislation can be found within Appendix D of this guidance.

A scheduled monument must be, in physical terms, a monument and its heritage interest must be nationally important. A monument is:

- any building, structure or work, whether above or below the surface of the land and any cave or excavation;
- any site comprising the remains of any such building, structure or work of any cave or excavation;
- any site comprising, or comprising the remains of, any vehicle vessel, aircraft or other movable structure provided the situation of that object or its remains in that particular site is a matter of public interest.

The Schedule of Monuments has 19,749 entries (2011) and includes sites such as Roman remains, burial mounds, castles, bridges, earthworks, the remains of deserted villages and industrial sites. Monuments are not graded, but all are, by definition, considered to be of national importance.

In the Harrogate district, there are 184 Scheduled Ancient Monuments, such as megalithic monuments, camp settlements, Roman remains, crosses, stones, castles, fortifications, deserted villages, ecclesiastical buildings and great halls.

Scheduled monuments can be viewed online on the 'National Heritage List for England' within Historic England's website. Scheduled Monuments may also appear on the local Historic Environment Record (HER), managed by North Yorkshire County Council for this district.

Once a monument is scheduled any works to it, or that might affect it, require scheduled monument consent from the Secretary of State, (not the local planning authority). Historic England manages the process of scheduled monument consent on behalf of the Secretary of State and more information can be found within the relevant pages of the English Heritage website.

Occasionally, heritage assets are both designated as listed buildings and scheduled monuments. In this case, the scheduled monument designation takes precedence and works will require scheduled monument consent rather than listed building consent.

### How Scheduled Monuments are Designated

Applications to schedule or de-schedule a monument are administered by English Heritage, who will carry out an assessment and make a recommendation to the Secretary of State.

The decision as to whether the monument is of national importance and worthy of being scheduled and therefore protected is guided by the following criteria set out by the Secretary of State for Culture, Media and Sport:

1. Period;
2. Rarity;
3. Documentation supporting the monument's significance;
4. Group value with other heritage assets;
5. Survival/condition;
6. Fragility/vulnerability – suggesting a need for protection;
7. Diversity of the attributes the monument holds;
8. Potential of the monument to reveal more about our past through archaeological investigation.

### Extent of a Scheduled Monument

The protected site of a monument may also include any land adjoining it essential for its support and preservation. Any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.

The designation cannot be applied to an ecclesiastical building in ecclesiastical use or to a building in use as a dwelling, unless the person living there is employed as a caretaker of the site. Buildings in use for non-residential purposes may be scheduled.

Protection is granted to everything that forms part of the land and buildings within the boundary as shown on the schedule entry – unless expressly excluded, such as modern-day road surfaces.

The protection extends not just to known structures or remains but also to the soil under or around them. This is in order to protect any archaeological interest in the site, but the extent of the protection is not dependent on there being such an interest.

### Conservation Areas

Local planning authorities are obliged, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to designate as conservation areas any parts of their own area that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Designation of a conservation area gives broader protection than the listing of individual buildings. All the features, listed or otherwise, within the area, may contribute to its special character and this contribution should be duly considered in planning decisions.

Conservation area designation introduces a general control over the demolition of unlisted buildings and provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces that define an area's special interest.

There are currently approximately 9,800 conservation areas in England (taken from Heritage Counts, 2011).

In the Harrogate district, there are 53 conservation areas covering diverse environments, for example, medieval Knaresborough and Ripon, spas at Harrogate and Starbeck, estate villages such as Weston and Baldersby St. James and also locally distinctive settlements like Great Ouseburn and Fearby.

### Designation and its Effect

Section 71 of the Act (referred to above) places a positive legal duty on local planning authorities to assess their area and review it from time to time to consider whether areas are suitable for designation, or to remain designated. Furthermore, local planning authorities are under a duty to formulate and publish proposals for the preservation and enhancement of conservation areas. The council has produced conservation area appraisals (CAAs) for each of its 53 conservation areas, which

provide a description of the significance of the area and identify buildings and features which make a positive contribution to it and those which detract from it. The CAAs clearly identify what it is about the character or appearance of the area which should be preserved or enhanced and the means of achieving that objective. A list of the conservation area appraisals can be found in Appendix H.

Although The Town and Country Planning (General Permitted Development) Order (GPDO) 1995 allows certain minor developments to take place without specific consent, this is more restricted in conservation areas, for example:

- Changes to the external appearance of a building in a conservation area may require planning permission from the local planning authority that is not required elsewhere;
- Demolition, or substantial demolition, of a building within a conservation area will usually require planning permission from the local planning authority;
- Any work planned to a tree in a conservation area must be notified to the local planning authority six weeks in advance so that the local planning authority may assess whether to make a tree preservation order.

The council, as local planning authority, may withdraw permitted development rights for a prescribed range of developments that affect the external appearance of buildings in a conservation area by the use of a Direction under Article 4 of the GPDO. However, the council will only consider the use of Article 4 Directions where there is an identified threat to the special character and appearance of a conservation area and there is support from people living or owning property in the conservation area for the principle of an Article 4 Direction. Such is the case in Harrogate and Great Ouseburn conservation areas and in the interests of preserving the special character and appearance of these areas, certain permitted development rights have been withdrawn. See Appendix I for more information on the three Article 4 Directions in place in the district.

### Registered Parks and Gardens

The Historic Buildings and Ancient Monuments Act 1953 authorises Historic England to compile a register of “gardens and other land” situated in England that appear to be of special historic interest.

The register, which is non-statutory, was established in 1980 and there are currently around 1,610 sites included. The register is held by Historic England and is now part of the unified ‘National Heritage List for England,’ which comprises all designated heritage assets. Historic England has published criteria against which sites are judged.

Sites are graded I, II\* or II along the same lines as listed buildings. 62% are graded as II, 27% are considered of more than special interest and graded II\*, 9% are of exceptional interest and are classified as Grade I. Applications to register new sites and to deregister or amend the entry for an existing registered site are made to Historic England.

In the Harrogate district there are 12 Registered Historic Parks and Gardens:

- two are grade I, specifically Hackfall at Grewelthorpe and Studley Royal near Ripon;
- three are grade II\*, specifically Newby Hall, Plompton Rocks and Valley Gardens in Harrogate; and
- seven are grade II: Norton Conyers, Ribston Hall, Ripley Castle, Swinton Castle, Long Walk in Knaresborough, Allerton Park and Rudding Park.

A registered park or garden is not protected by a separate consent regime, but applications for planning permission will give great weight to their conservation, as for all designated heritage assets. Under the terms of the NPPF, substantial harm to or total loss of a Grade II registered park or garden should be exceptional and for a Grade II\* or I registered park or garden such loss or harm should be wholly exceptional.

Local planning authorities are required to consult Historic England when considering an application which affects a Grade I or II\* registered site and also consult the Garden History Society on all applications affecting registered sites of all grades.

### Registered Battlefields

Historic England maintains a Register of Historic Battlefields comprising 43 sites. The register is now part of the unified ‘National Heritage List for England,’ which comprises all designated heritage assets. Inclusion on the register has no direct legal effect and the identification of an historic battlefield imposes no specific obligations on landowners. It will, however, encourage an appreciation of the significance of the battlefields identified and serve to highlight their educational and recreational potential.

In the Harrogate district, there are three registered battlefields:

- The Battle of Myton 1319;
- The Battle of Boroughbridge 1322;
- The Battle of Marston Moor 1644.

Unlike other designation types, battlefields are not graded. However, like registered parks and gardens, registered battlefields are not subject to a separate consent regime, but they are considered designated heritage assets under the NPPF and therefore, as with parks and gardens, great weight should be given to their conservation and substantial harm to or total loss of a registered battlefield should be wholly exceptional.

## World Heritage Sites

The UK government is signatory to the World Heritage Convention which was established in 1972 by UNESCO. The Convention initiated a list of World Heritage Sites. World Heritage Sites are sites, places, monuments or buildings of “Outstanding Universal Value” to all humanity – today and in future generations. The World Heritage List includes a wide variety of exceptional cultural and natural sites, such as landscapes, cities, monuments, technological sites and modern buildings. As of 2014, there are 1,007 World Heritage Sites worldwide, including the Great Wall of China, the Pyramids, the Great Barrier Reef and Venice. Further details of the World Heritage Sites can be found on UNESCO’s website but the designations are also included in Historic England’s ‘National Heritage List for England’.

As of 2014, there are 28 World Heritage Sites in the UK including Stonehenge, Canterbury Cathedral, Saltaire, Hadrian’s Wall and the City of Bath.

In the Harrogate district there is one World Heritage Site – Studley Royal, which includes the ruins of Fountains Abbey, located near Ripon. Studley Royal is one of the few great 18th century ‘green gardens’ to survive substantially in its original form and is arguably one of the most spectacular water gardens in England. The abbey ruins were not added to the estate until some 50 years after the gardens were first planned, but formed a key element in the scheme from the outset, providing the dramatic culmination to the principal vista. However, although part of the garden layout, the abbey ruins are of outstanding importance in their own right, representing one of the few Cistercian houses surviving from the 12th century and providing an unrivalled picture of a great religious house in all its constituent parts.

The Tudor Studley Royal mansion has been demolished, but Jacobean Fountains Hall, acquired at the same time as the abbey ruins, survives intact and is itself an outstanding example of a building of its period. St. Mary’s Church likewise formed no part of the original garden scheme since it dates from the 19th century, but it also has been successfully integrated into the

scheme and is a building of importance in its own right as an outstanding example of High Victorian architecture by one of its leading exponents.

The garden landscape, water gardens, abbey ruins, Jacobean mansion, and Victorian church are all of exceptional merit and together justify the inclusion of Studley Royal in the list of World Heritage sites.

The protection of a World Heritage Site is the responsibility of national governments. Signature of the Convention is a commitment by that government to identify, protect and conserve their World Heritage Sites for future generations.

It is UK government policy that each nomination of a new site to UNESCO must be accompanied by a World Heritage Site management plan to ensure that sites are managed in a sustainable way. All UK sites have management plans in place, which are regularly reviewed.

Inclusion on the list of World Heritage Sites does not bring any additional controls but the importance of these sites will be a material consideration to be taken into account by the council, as local planning authority, and the Secretary of State in determining planning applications and appeals. Furthermore, protection is afforded through the other designations (listed buildings, scheduled monuments etc.) that cover elements, if not the whole, of the site. The heritage significance of a World Heritage Site (its Outstanding Universal Value) will inevitably be reflected, at least in part, in the significance of any listed building, scheduled monument etc. that forms part of it. The planning controls that apply to any such elements within a World Heritage Site will be an important part of the recognition and protection of the Outstanding Universal Value of the World Heritage Site.

The NPPF defines a World Heritage Site as a designated heritage asset. Accordingly, great weight should be given to its conservation and substantial harm to a World Heritage Site’s significance (the heritage aspects of its Outstanding Universal Value) or total loss of the site should be wholly exceptional.

The Department for Communities and Local Government has published a circular on the protection of World Heritage Sites in England. It sets out the role of local authorities in ensuring the protection, promotion and enhancement of World Heritage Sites through the conservation of their Outstanding Universal Value.

A Buffer Zone for Fountains Abbey and Studley Royal WHS was approved by the World Heritage Committee in 2012. The Buffer Zone is to safeguard those elements that

contribute to the Outstanding Universal Value of the WHS. The Buffer Zone does not bring any additional controls but will be a material consideration to be taken into account in determining planning applications and appeals. Applicants intending to carry out development in the World Heritage Site of the Buffer Zone are advised to contact Historic England in the first instance. The council has the power to make Article 4 Directions in the World Heritage Site and the associated Buffer Zone.

### The Nidderdale Area of Outstanding Natural Beauty (AONB)

There are 41 Areas of Outstanding Natural Beauty (AONBs) in England and Wales. Their boundaries were originally drawn in the 1940s when local authorities were given powers to administer AONBs by the National Parks and Access to the Countryside Act in 1949.

The primary purpose of AONB designation is to conserve and enhance natural beauty. The 1949 Act includes the following definition: 'References in this Act to the preservation, or conservation of the natural beauty of an area shall be construed as including references to the preservation or, as the case may be, the conservation of its flora, fauna and geological or physiological features'.

The policy statement on AONBs produced by the Countryside Commission in 2001 acknowledges the importance of people in creating and maintaining landscapes: 'The natural beauty of AONBs is partly due to nature, and is partly the product of many centuries of human modification of 'natural' features. Landscape encompasses everything – 'natural' and human – that makes an area distinctive: geology, climate, soil, plants, animals, communities, archaeology, buildings, the people who live in it, past and present, and the perceptions of those who visit it.'

The policy statement sets out the aims of AONB designation: 'In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.'

The landscapes and scenic qualities of AONBs share the highest level of protection with National Parks; the Countryside and Rights of Way Act of 2000 imposes a duty of care on all organisations whose activities have an impact on AONBs to maintain natural beauty. Section 85 of the Act states that: 'In exercising or performing any

functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. Other clauses in the Act impose an obligation on local authorities to prepare and review management plans for AONBs. The Act has had the effect of significantly raising the profile and status of AONBs.

The Nidderdale Area of Outstanding Natural Beauty (AONB) covers 233 square miles (603 km<sup>2</sup>) of northern England in the county of North Yorkshire. The AONB shares a common boundary with the Yorkshire Dales National Park immediately to the west.

The special quality of the landscape was formally recognised by the government on 14 February 1994, when it was designated as an Area of Outstanding Natural Beauty.

The Nidderdale AONB is a dramatic landscape of contrasts. Its central feature is the long, majestic dale of the River Nidd that runs from the wild fells around Great Whernside, south and east towards the Vale of York. On the western side of the AONB is a remote and wild gritstone landscape, with heather moorland that is internationally important for wildlife. The eastern side of the AONB is a much softer, pastoral landscape with rolling farmland, sheltered river valleys and picturesque towns and villages, scattered with historic parks and gardens.

Nidderdale AONB is a working landscape that has been shaped by centuries of human activity. The valley has been moulded by a rich land use history that embraces agriculture, mining, quarrying, textiles and water supply. The varied landscape has created diverse habitats, which support a wide range of flora and fauna of national and international importance. It is also a rich and complex historic environment with a wealth of medieval landscape features still visible in the more recent legacy of the AONB's industrial past. More information can be found online at: [www.nidderdaleaonb.org.uk](http://www.nidderdaleaonb.org.uk)



# APPENDIX D: PLANNING LEGISLATION RELEVANT TO THE HERITAGE MANAGEMENT GUIDANCE

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This appendix provides an overview of the provisions of the main legislation relating to planning and the historic environment. It includes:

- Planning (Listed Buildings and Conservation Areas) Act 1990, the main legislation relating to listed buildings and conservation areas;
- Ancient Monuments and Archaeological Areas Act 1979, relevant to scheduled monuments;
- Enterprise and Regulatory Reform Act 2013, which introduced new provisions such as specific means of consenting works to listed buildings;
- Buildings Act, gives rise to Buildings Regulations which set minimum standards for the design of buildings;
- The Equality Act 2010, relating to the need for service providers to make reasonable adjustments to remove disadvantages faced by people with disabilities;
- Legislation relating to bats, which can be relevant when carrying out works to buildings that may provide a habitat for bats.

## The Planning (Listed Buildings and Conservation Areas) Act 1990

The Act sets out all of the legal requirements specifically relating to listed buildings and conservation areas. It underpins all policies and guidance relating to listed buildings and conservation areas in England. It explains:

- The legal definition of listed buildings and conservation areas;
- The process for designating and de-designating listed buildings and conservation areas;
- When a listed building consent application is required and when planning permission is required for demolition in a conservation area;
- How listed building and conservation area decisions are made;
- What action must be taken by law to conserve listed buildings and conservation areas;
- What action can optionally be taken to conserve listed buildings and conservation areas.

## Listed Buildings and the Provisions of the Act

A listed building is one that is considered to be of 'special architectural or historic interest'. The aim of the Act is to make sure that this 'special interest' is protected for the benefit of the general public and future generations and therefore permission (called Listed Building Consent) must be obtained from the council for works of alteration, extension or demolition (see below for more information).

Each listed building has a 'listed building description'. This can be only a couple of lines long or can be several pages long depending on the building in question. The list description is written to help identify the building in question. It is not an exhaustive list of every single feature and detail that is of interest. Just because something is not mentioned in the listing, it does not follow that it is not of interest. Harrogate Borough Council holds a paper copy of the official list of all of the listed buildings within the district and can tell you whether or not a building is listed. However, the same information is readily available at the 'National Heritage List for England' which is maintained by Historic England.

Anyone can nominate a building for listing or de-listing. The decision to list or de-list buildings is made by the Secretary of State for Culture, Media and Sport. Any application to list or de-list a building must be submitted to English Heritage. English Heritage then advises the Secretary of State.

## The Extent of Listing

- When a building is listed, the entire building is listed; the outside, the inside, the back, the front, the sides. The listing will include any extensions, attached boundary walls or any other structures or fixtures attached to the building. Particular features beside the building itself may be mentioned in the list description of being of particular interest.
- When a building is listed, buildings and structures within its 'curtilage' are also listed. The 'curtilage' is the land associated with the listed building. The curtilage can include any boundary walls, outbuildings, ancillary buildings and such like that are associated with the listed building. Some types of listed building, such as large country houses, will have large curtilages that might include things like garden walls, lodges, stables and garden structures that can be some distance away from the listed country

house. In the same way if a barn is listed, it would follow that the other farm buildings in the rest of the group of farm buildings on that particular farm are curtilage buildings to the listed barn. 'Curtilage' is not the same as ownership. Land, buildings and structures can be in a separate ownership to a listed building but could still form part of its curtilage due to their historical association with the listed building. Buildings and structures built from new after 1948 cannot be classed as curtilage buildings.

### Listed Building Consent

- Listed Building Consent is required to alter, extend, demolish or restore a listed building or a curtilage listed building or structure. This includes alterations to the building's interior or parts of the building that are not visible from public spaces. Guidance on external and internal alterations can be found within Chapter 8.
- Applications for listed building consent must be made to the local planning authority, which in the case of the Harrogate district is Harrogate Borough Council. The applications must include enough information to allow the local planning authority to understand what is being proposed. If Listed Building Consent is granted, the works must be carried out in strict accordance with the approval and its conditions. Any proposed variations to the approval will require a new application to be made.
- If the proposed works 'affect' the building's character or appearance, listed building consent is required. This includes works to the exterior of the listed building, its interior and any curtilage buildings or structures. Listed Building Consent is not required for routine maintenance or the like for like renewal of pointing, roof slates or repairs to windows and doors. Anything over and above routine repair and maintenance is likely to require listed building consent.
- There will be some works that, while not routine repair and maintenance, will be so minor that their impact on the character and appearance of the listed building will be very small (such as fitting a doorbell or boiler flue). In these cases the appropriate course of action is to agree these small alterations in writing with the local planning authority rather than make a full listed building consent application.
- All listed building consent applications or planning applications affecting a listed building must include a Design and Access Statement and/or a Heritage Statement. These will need to show how the proposal would be appropriate with regard to the building's special interest.

- If the applicant disagrees with the local planning authority's decision on their listed building consent application or the local planning authority has not determined the application in the time period set out, the applicant can appeal to the Secretary of State. This means the listed building consent application will be considered by a government appointed Planning Inspector rather than Harrogate Borough Council.

### Unauthorised Works and Listed Building Enforcement

- If demolition or works other than routine repair and maintenance are carried out to a listed building without Listed Building Consent, then the person who carried them out and/or the person for whom the works were carried out may be convicted of committing a criminal offence. Any person convicted of an offence may be fined, imprisoned or both.
- Whoever buys, is given or inherits a listed building with unauthorised works is liable for putting them right or making a retrospective listed building consent application. With listed buildings there is no time limit for when the local authority can enforce against unauthorised works.

### Urgent Works Notices, Repairs Notices and Grants

- If the owner of a listed building allows it to fall into neglect or a poor state of repair they may be served a Notice requiring the owner to repair the building or undertake urgent works. Failure to do so may result in prosecution or the building being repaired and the costs recovered from the owner in court, or potentially the building may be compulsorily purchased from the owner.
- The fact that a building is listed (particularly if it is Grade I or II\* Listed) may make it possible for the owner to apply for grants or other funding for its repair and restoration.

### What the Provisions of the Act Mean for Harrogate Borough Council in Relation to its Listed Buildings

With regard to the listed buildings within the Harrogate district, the council in its role as local planning authority must, where necessary:

Publish a copy of the List:

- Keep an up to date, free and publicly accessible copy of the List of Buildings of Special Architectural or Historic Interest that includes all of the listed buildings in the district. A paper copy of the list is held by the council's Planning service for free inspection. However, Historic England has made

the same information, the 'National Heritage List for England', freely available on its website.

#### Determine Listed Building Consent Applications:

- Process and determine listed building consent applications received for works to listed buildings within the district (excluding active places of worship);
- Advertise by way of a notice near the site and an advertisement in the local newspaper all listed building consent applications and applications that affect the setting of a listed building. These applications that are advertised must be made freely and conveniently accessible by the public for a period of at least 21 days;
- Notify Historic England and any or all of the statutory amenity societies (such as the Ancient Monuments Society or the Victorian Society) on certain types of application;
- In determining listed building consent applications or planning applications affecting listed buildings and their settings, the local planning authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. This means the local planning authority has to ensure that its decisions give due consideration to whatever might be significant about the listed building or its setting.

#### Issue Listed Building Enforcement, Repairs Notices and Urgent Works Notices:

- Where it is necessary, to serve Enforcement Notices where unauthorised works have been undertaken to a listed building without Listed Building Consent;
- Where it is necessary, serve a Repairs Notice or Urgent Works Notice if a building is in a poor state of repair or is at serious risk due to its poor physical condition. If the Notice is not complied with the local planning authority may prosecute, carry out the works and recover the costs or potentially use a Compulsory Purchase Order to take ownership of the building.

#### Offer Grants:

- If the local planning authority wishes, it may offer grants towards the repair and maintenance of listed buildings in the district.

#### Deal with Listed Buildings in Local Authority Ownership:

- Process and advertise listed building consent applications for buildings owned by the local planning authority in the same way as listed buildings owned by members of the public, but the final decision of whether to grant or refuse listed building consent is made by the Secretary of State for Culture, Media and Sport.

### Conservation Areas and the Provisions of the Act

A conservation area is an area that is of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The typical example is an historic village or town centre. There are 53 conservation areas within the district. The full list can be found in Appendix H. Each one has an associated appraisal document, which sets out what comprises the special character of each area and how it may be enhanced. The following provisions are in place relating to conservation areas:

#### Planning Permission for Demolition

- Planning Permission is required to completely demolish a building if it is over 115 cubic metres in volume and is within a conservation area.
- Planning Permission is required to demolish boundary walls, railings, fences or other boundary features that are 1m tall or taller where they border a public highway in a conservation area or 2m or higher if they do not border a public highway.

#### House Extensions

- If the building is a house, there are some forms of extension that can be built without planning permission provided they are below a certain size and height. In conservation areas these height and size limits are slightly lower than for houses outside conservation areas.

#### Trees in Conservation Areas

- Before the owner of a site undertakes any works to trees (or has this work undertaken on their behalf), the local planning authority must be given six weeks' notice by way of a completed form. The applicant will be required to act in accordance with the response of the local planning authority. More information on the notification process can be found on the Harrogate Borough Council website: [https://www.harrogate.gov.uk/info/20099/trees\\_and\\_hedges/538/works\\_to\\_trees](https://www.harrogate.gov.uk/info/20099/trees_and_hedges/538/works_to_trees)

## Article 4 Directions

- If the character or appearance of a conservation area is being harmed or threatened by minor changes to dwellings such as to roof materials, chimneys, boundary features or windows and doors, the parish council, local amenity group or similar can ask the local planning authority to consider serving an Article 4 Direction on the conservation area to control minor changes to dwellings.
- There are two types of Article 4 Direction, although the chief difference between the two types is how they are established. Article 4(1) Directions must be approved by the Secretary of State in order for them to come into effect, while Article 4 (2) Directions can be made by the local planning authority without any Secretary of State approval. This difference exists because the government wishes to have the final say on whether permitted development rights can be removed on certain classes of permitted development.
- Great Ouseburn and Harrogate conservation areas already have Article 4 Directions in place. As a consequence, certain types of alterations to the exteriors of houses will require planning permission. More information can be found within Appendix I.

## Planning Applications Affecting Conservation Areas

- Anyone who applies for planning permission affecting a building, structure or site within a conservation area must ensure that their application shows that due consideration has been given to the impact of the proposal on the character and appearance of the conservation area.
- The information within the council's adopted conservation area appraisals can be used to help put together a planning or conservation area consent application or the Appraisal can be used to help write comments on any planning application affecting a conservation area (see in Appendix G).

## Grants

- If the local planning authority wishes, it may offer grants towards the repair and maintenance of buildings, structures or features within conservation areas in the district. The Act also allows for area-based grant schemes within conservation areas for extensive repairs, maintenance and upgrade to be targeted to a particular area.

Unfortunately, at the present time, the council is unable to offer such grants.

## What the Provisions of the Act Mean for Harrogate Borough Council in Relation to its Conservation Areas

With regard to the conservation areas within the Harrogate district, the council in its role as local planning authority must, where necessary:

Consider Designation of Conservation Areas:

- From time to time decide whether there are any 'areas of special architectural or historical interest' that are worth protecting because of their 'special architectural or historic interest'. Any areas of special interest should be designated as conservation areas;
- Publish proposals to 'preserve or enhance' the conservation areas within the district. The council must consult on these proposals.

Determine Planning Applications affecting Conservation Areas:

- Make sure that any decisions it makes for applications for development within conservation areas or within their setting pay special attention to maintaining or enhancing the character or appearance of the conservation area;
- Advertise by way of a notice near the site and an advertisement in the local newspaper all planning applications within conservation areas and applications that affect the setting of a conservation area. These applications that are advertised must be made freely and conveniently accessible by the public for a period of at least 21 days.

Serve Urgent Works Notices:

- Where it is necessary, serve an Urgent Works Notice if an empty building in a conservation area is at serious risk due to its poor physical condition. If the Notice is not complied with the local planning authority may carry out the works and recover the costs.

Deal with Buildings in Conservation Areas that are owned by the Local Authority:

- Process and advertise planning permission applications relating to demolition of buildings that are owned by the local planning authority within a conservation area in the same way as it would for buildings in conservation areas owned by members of the public, but the final decision of whether to grant or refuse planning applications is made by the Secretary of State for Culture, Media and Sport.

## Ancient Monuments and Archaeological Areas Act 1979

The Act sets out all of the legal requirements specifically relating schedule monuments. A schedule has been kept since 1882 of monuments considered to be of national importance by the government. The entries are now included in the unified 'Heritage List for England,' maintained by Historic England. The legislation supports a formal system of Scheduled Monument Consent for any work to a designated monument.

Scheduling is applied only to sites of national importance, and even then only if it is the best means of protection. Only deliberately created structures, features and remains can be scheduled. The schedule now has 19,806 entries (about 31,400 sites). Scheduling is reserved for carefully selected sites, which create a representative sample of sites from different epochs.

## Scheduled Monument Consent

Prior written permission from the Secretary of State is required for works, either above or below ground level to a scheduled monument. The procedure is known as Scheduled Monument Consent (SMC). 'Works' are defined by the Act as demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument. SMC is administered by Historic England.

## The Enterprise and Regulatory Reform Act 2013

This Act deals with a variety of matters including the 'reduction of legislative burdens,' stemming from the government's desire to facilitate growth and development in an efficient manner. It includes several provisions relating to listed buildings and one relating to conservation areas, including:

- The Merger of Planning Permission and Conservation Area Consent;
- Improved Clarity in List Descriptions for Listed Buildings;
- Certificates of Immunity from Listing;
- Certificates of Lawfulness of Proposed Works (for Listed Buildings);
- Listed Building Heritage Partnership Agreements;
- Local Listed Building Consent Orders;
- National Listed Building Consent Orders.

The following sets out the salient points regarding the provisions listed above. The first three are amendments to existing elements of legislation:

- The Merger of Planning Permission and conservation area Consent – The requirement to gain conservation area consent for demolition of a building or wall in a conservation area is removed in England and replaced with the need to gain planning permission;
- Improved Clarity in List Descriptions for Listed Buildings – New list descriptions can state that structures or buildings attached to or within the curtilage of the principal listed building are not protected by the listing and allows for a part of or a feature of the principal listed building to be declared definitively as not of special interest;
- Certificates of Immunity from listing – A Certificate of Immunity from listing, which lasts for five years, can now be applied for at any time.

The following are new provisions under this Act:

## Certificates of Lawfulness of Proposed Works (for Listed Buildings)

This is a means of obtaining formal confirmation that proposed works of alteration or extension (not demolition) do not require listed building consent because they are deemed not to affect the character of the listed building as a building of special architectural or historic interest. The salient points are:

- The determination is made by the council;
- The application form can be found on The Planning Portal website; [planningportal.gov.uk/uploads/1app/forms/certificate\\_of\\_lawfulness\\_of\\_proposed\\_works\\_to\\_a\\_listed\\_building.pdf](http://planningportal.gov.uk/uploads/1app/forms/certificate_of_lawfulness_of_proposed_works_to_a_listed_building.pdf)
- Applications should be determined within six weeks of the date of registration;
- A satisfactory level of information must be provided with the application;
- If the works are deemed not to require listed building consent, a certificate will be issued and this will specify: the building to which it relates, a description of the works concerned, the reasons for determining that the works are lawful and the date of issue;
- Works to which the certificate relates must be carried out within 10 years of the date of issue;
- A certificate may be issued for the whole or part of the works specified;
- The council can revoke a certificate if a statement was made or document used which was false in a material particular; or any material information was withheld;

- It is a criminal offence if a person knowingly or recklessly makes a statement which is false or misleading in a material particular, with intent to deceive, uses any document which is false or misleading in a material particular, or with intent to deceive withholds any material information;
- If the application is refused or not determined, then an appeal can be made;
- A certificate cannot be issued for works that have already been carried out.

### Listed Building Heritage Partnership Agreements

This is a means of allowing listed building consent to be granted for works of alteration or extension (not demolition), to individual or groups of listed buildings. This allows works which would otherwise require a series of grants for listed building consent to be dealt with by one single consent. The agreements are likely to be of most use in particular types or complexes of listed buildings, where predictable and repetitive works are commonly carried out. They will be most effective if based on a realistic assessment of what is likely to be necessary during the life of the Agreement. They have the potential to act as a focus for owners, local planning authorities and other partners in reaching a consensus view on the medium to long term management and maintenance of the listed building(s) covered, to increase certainty over the aspirations and requirements of all parties, and to save time and resource for the partners.

### Local Listed Building Consent Orders

Issued by a council, this is a means of granting listed building consent for works of any description for the alteration or extension (not demolition) of listed buildings in the council's area. The orders are likely to be of most use covering groups of similar or related buildings in multiple ownership, where predictable and routinely consented works are commonly carried out across the group, for example, groups of similar or identical buildings, such as townhouses, estate villages, commercial properties or multiple units in multiple ownership, say in modern listed blocks. The orders have the potential to act as a focus for development of consensus between multiple owners and councils, to establish well-understood approaches to common issues of maintenance, repair or minor alteration, to increase certainty over the aspirations and requirements of all parties, and to save time and resource for owners and the council alike.

### National Listed Building Consent Orders

Made by the Secretary of State, this is a means of granting listed building consent in respect of works of any description for the alteration or extension (not demolition), of listed buildings of any description in England. An order would provide the option to reduce the number of full listed building consent applications for works which are beneficial, neutral or which have a minor impact that is clearly justified, where applied to groups of buildings which sit in more than one local planning authority and potentially are nationally distributed. An order is likely to work best where covering specific works carried out by a specific owning or managing body in specific locations across England, such as The Canals and Rivers Trust, for which a test order is now being developed in conjunction with Historic England.

### Building Act 1984 (Building Regulations)

The Building Act 1984 is the primary legislation under which the Building Regulations and other secondary legislation are made.

The many powers of the Building Act 1984 include those for:

- Setting the status of Approved Documents;
- Dangerous structures;
- Demolition of buildings;
- The role of Approved Inspectors;
- Enforcement of Building Regulations;
- Powers of entry to premises.

Building Regulations, contained within a series of approved documents, set minimum standards for the design of buildings. Buildings Regulations approval is required for most building work set out within the approved documents. This approval is given by the council's Building Control service. However, it is not necessary for buildings built before the issue of the approved documents to be upgraded to meet the requirements contained within them.

### Part L – Energy Efficiency

If extensions or alterations are being carried out to historic buildings, then the works will need to meet the requirements of the Building Regulations the same as for a new build. However, there is some leniency with regards to historic buildings, particularly Part L – Conservation of Fuel and Power, relating to energy efficiency.

For existing buildings energy conservation upgrading is generally only required for elements that are to be substantially replaced or renovated, or where there is a

change of use, for example, a new heating system or replacement windows. The requirements do not apply to normal maintenance and repair work.

Certain buildings are exempt from the need to comply with Part L when compliance would unacceptably alter their character and appearance. This applies to listed buildings, buildings in conservation areas and scheduled monuments. 'Special considerations' also apply, when making reasonable provision for the conservation of fuel or power, for locally listed buildings, buildings in national parks and other historic areas and traditionally constructed buildings.

For example, it is not necessary for new windows in listed buildings to be double glazed.

More information on part L and historic buildings can be found within the English Heritage (now 'Historic England') guidance (2011) entitled: 'Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to historic and traditionally constructed buildings.'

### The Equality Act 2010

The Equality Act 2010 places duties on all organisations that provide a service to the public or a section of the public, as well as anyone that sells goods or provides facilities in Great Britain. It applies to all services, whether or not a charge is made for them. It also applies to private clubs and other associations with 25 or more members, that have rules about membership and select their members.

The Equality Act 2010 protects anyone who has a protected characteristic: age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation. The Act also protects people from being discriminated against and harassed because of a characteristic they do not personally have. For example, it protects people who are mistakenly perceived to be disabled. It also protects a person from being treated less favourably because they are linked or associated with a disabled person.

Under the Equality Act 2010, there are three main forms of discrimination: direct discrimination, discrimination arising from disability and indirect discrimination. Every service must make sure that the way it operates and the physical nature of its premises does not cause discrimination or put some people at a disadvantage compared to others.

Where there is a substantial disadvantage, reasonable adjustments may need to be made to the way things are done (such as changing a policy), to the built environment (such as making changes to the structure of a building to improve access) and to

provide auxiliary aids and services (such as providing information in an accessible format, an induction loop for customers with hearing aids, special computer software or additional staff support when using a service).

The Equality Act 2010 does not override other legislation such as listed building or planning legislation, and the need to consider necessary consents applies to changes proposed to improve access. The overall aim should be, as far as reasonably possible, to remove any disadvantage faced by disabled people.

### Legislation Relating to Bats

In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation (The Wildlife and Countryside Act 1981 and The Conservation (Natural Habitats etc.) Regulations 1994). This means it is a criminal offence to:

1. Deliberately capture, injure or kill a bat;
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
3. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
4. Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat;
5. Intentionally or recklessly obstruct access to a bat roost.

As certain types of development that require planning permission have the potential to harm bats and their roosts, this requires consideration in the planning process. This is particularly relevant for historic buildings where spaces in the buildings, such as roof voids (particularly in redundant buildings such as farm buildings), provide ideal habitats for bats. Also, holes and gaps provide useful entry points. If it is likely that bats may be present in a building and planning permission is being sought, it will be necessary to assess the situation and to include such reports within the planning application. The council's ecologist can provide further advice. Such assessments or surveys must be carried out by trained bat specialists and at the correct time of year (most roost surveys are carried out between May and August). If planning permission is allowed but bats may be present, specific design features may be required, such as special bat entry holes within roof coverings or bat roosts within roof voids.

More information can be found within the English Heritage (now 'Historic England') document entitled, 'Bats in Traditional Buildings,' (2009). This includes a useful trigger list of where bats are likely to be present in historic buildings.

# APPENDIX E: RECORDING HERITAGE ASSETS – HOW TO COMPILE A RECORD

## Guiding Principles

A record should aim to be accurate, clear and concise.

The scope and level of the record and its limitations should be stated.

A record should make a clear distinction between observation and interpretation, thereby allowing data to be reinterpreted at a later date.

Wherever practicable, a record should take account of the site's context.

A record should list details of any sources consulted.

A record should identify its author and provide the date of its creation.

A record and supporting material should be produced in a medium which can be copied easily and which ensures archival stability.

A record should be made accessible and should be deposited in the Historic Environment Record (HER).

In creating a record, it is important to be mindful of the rights and sensitivities of the owners and occupants and the health and safety implications of working in historic buildings.

## Levels of Recording

The following information is largely taken from Historic England's 'Understanding Historic Buildings – A Guide to Good Recording Practice' (revised in 2016), which sets out four main levels of recording and provides guidelines for their use.

Before selecting the level of record it is important to consider both the nature of the building and the purpose for which the record is intended. Each recording level represents a minimum specification to which additional elements may be added as required. There is usually a correlation between the scope of the written record and the degree of drawn or photographic detail which is used to support it. When surveying groups or complexes of buildings it is sometimes appropriate to record some structures at one level and some at another, depending on their relative interest. In such circumstances the value of the individual records may be materially enhanced by an account of the history and evolution of the complex as a whole.

For some years, the following four main levels of record have been widely adopted:

(Please note that the following descriptions refer to numbered lists that follow).

### Level 1: a basic visual record

This record is supplemented by the minimum information needed to identify the building's location age and type. This level of recording is generally for exteriors only, although superficial interior inspection may be included for significant features. Typically this record will consist of drawings: sometimes 1; photography: 1, sometimes 2; written account: 1-4 (see numbered lists below).

### Level 2: a descriptive record

This record is made in similar circumstances to those of Level 1 but when more information is needed. Both the interior and exterior will be surveyed, described and photographed. The record will draw conclusions as to the building's development and use but will not normally be comprehensive. Typically this record will consist of drawings: sometimes 1 or 2, sometimes one or more of 3-7; photography: 1, 2, 4; written account: 1-3, 6.

### Level 3: an analytical record

This record will comprise an introductory description followed by a systematic account of the building's origins, development and use. It will include analysis and interpretation to clarify the building's history in so far as it can be deduced from the structure itself. The record will include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It will include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Reference to documentary sources is likely to be those which are readily accessible such as historic Ordnance Survey maps. The record will not normally discuss the building's broader stylistic or historical context and importance at any length. Typically this record will consist of drawings: normally 2, sometimes one or more of 3-12; photography: 1-9; written account: 1-3, 6-9, 11-13, 23, sometimes 5, 14-16, 18-20, 22 & 24.

### Level 4: a comprehensive analytical record

This record is appropriate for buildings of special importance. The record should draw on the full range of available resources and discuss the building's significance in terms of architectural, social, regional or economic history. The range of drawings



may also be greater than other levels. Typically this record will consist of drawings: normally 2, sometimes one or more of 3-12; photography: 1-9; written account: 1-3, 5-8, 10-23, sometimes 24.



*Investigating a stone staircase - peeling back layers of modern finishes can reveal more about the building's significance.*

### Photographic Survey

A photographic survey differs from other surveys in that it provides a very full visual record, accompanied by a brief written account, but without an analytical or drawn survey at a comparable level of detail. A comprehensive photographic survey may be appropriate for a building which has complex and important decoration or historic furnishing, which may or may not be under threat, and for which there is no immediate need for detailed analysis. A photographic survey will typically consist of photography: 1-9; written account 1-3.

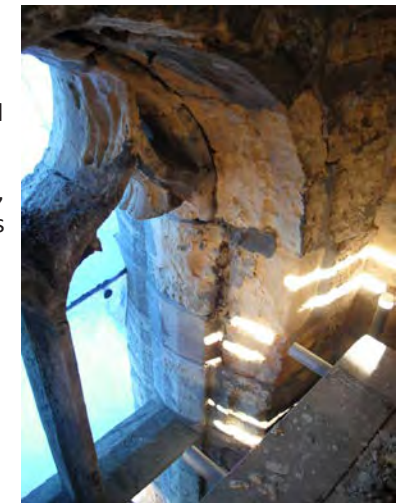
While the levels specified above cover most eventualities when a building is recorded for historical purposes, there will be circumstances in which more detailed records are desirable. The purpose of the record must always determine its nature and content. Records will often tend towards one level or another rather than being precisely classifiable. The intensity of the record may vary with the degree of threat, actual or potential, to historic fabric but should nevertheless remain proportionate to the significance of both the fabric at risk and of the building of which it forms part. For example, it may be appropriate to record a whole building at the simplest level, but to undertake a detailed analysis of a part of the structure.

## Techniques for Recording

### Survey and Drawings

A set of drawings may contain one or more of the following:

1. Sketched plan, section, elevation or detailed drawings. Sketches should be roughly dimensioned;
2. Measured plans (to scale or fully dimensioned) as existing. These may extend to all floors, or may be limited to one or a few. Plans should show the form and location of any structural features of historic significance, such as blocked doors, windows and fireplaces, masonry joints, ceiling beams and other changes in floor and ceiling levels, and any evidence for fixtures of significance, including former machinery;
3. Measured drawings recording the form or location of other significant structural detail, such as timber or metal framing;
4. Measured cross-sections, long-sections or elevational sections illustrating the vertical relationships within a building (floor to ceiling heights or the form of roof trusses for example);
5. Measured drawings showing the form of any architectural decoration (e.g. the moulding profiles of door surrounds, beams, mullions and cornices) or small-scale functional detail not more readily captured by photography. A measured detailed drawing is particularly valuable when the feature in question is an aid to dating;
6. Measured elevations, where these are necessary to aid understanding of the building's design, development or function and not more readily obtained by photography;
7. A site plan, typically at 1:500 or 1:1250, relating the building to other structures and to related topographical and landscape features;

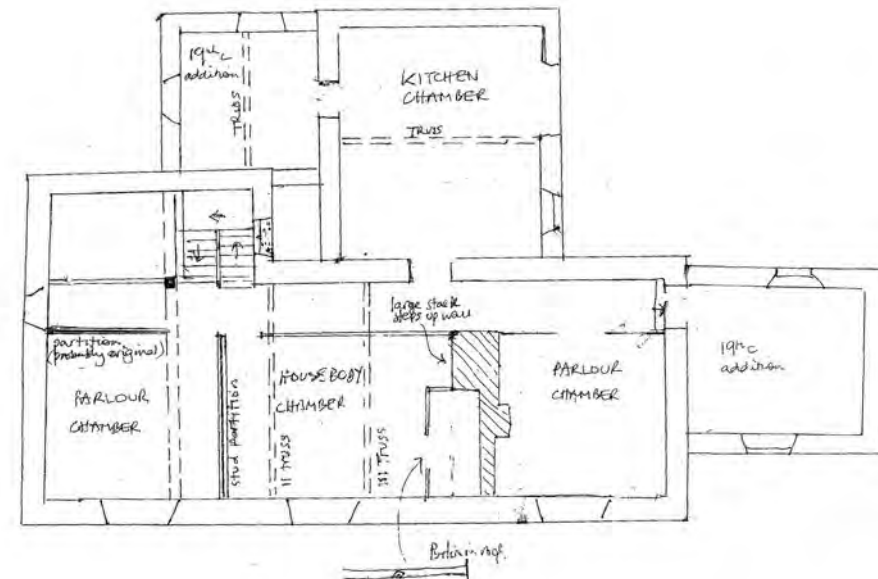


*Eroded decorated tracery of large paired, pointed mullion and transom window at Belfry stage of the tower of The Church of All Saints, Kirk Deighton.*

8. A plan or plans identifying the location and direction of accompanying photographs;
9. Copies of earlier drawing throwing light on the building's history;
10. Three-dimensional projections when these are of value in understanding the building and should be supported by measured plans, sections and elevational details;



Fire damage at Priests' House, Allerton Mauleverer Estate.

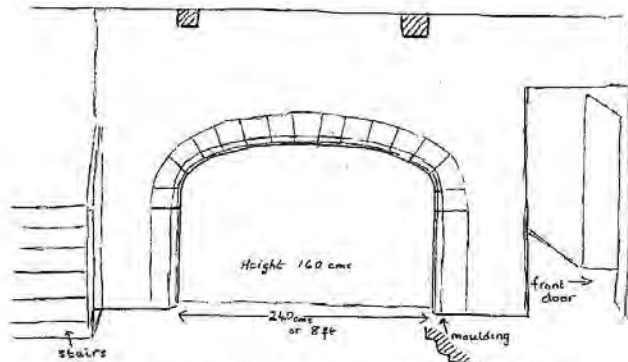


Reproduced courtesy of the Yorkshire Vernacular Building Study Group (YVBSG).

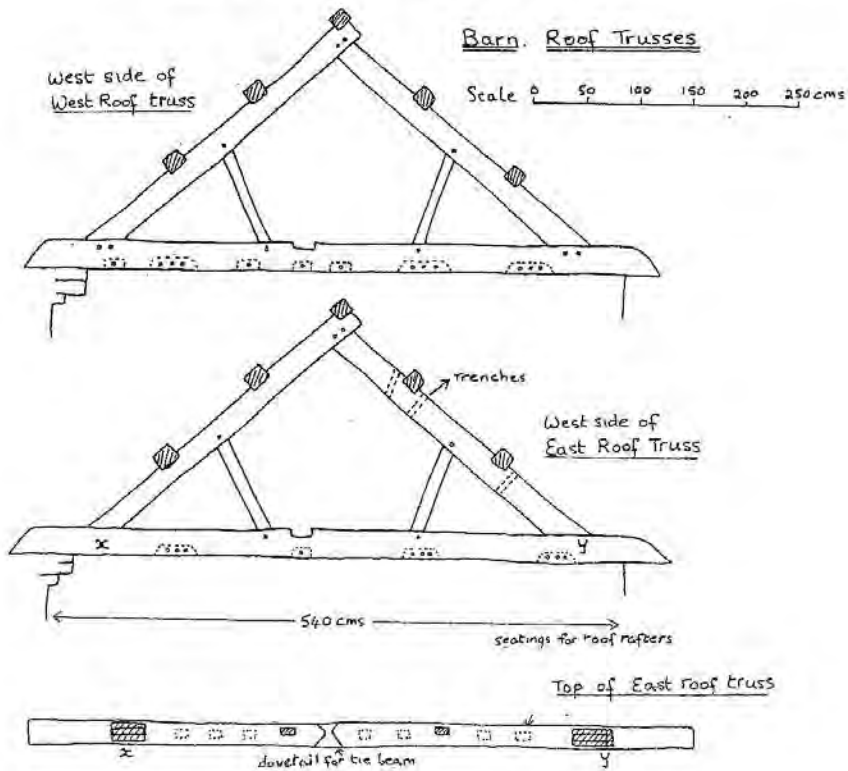
## Photography

Like drawings, photographs amplify and illuminate a record. Site photography may include:

11. Reconstruction drawings and phased drawings, when these are of value. Since these are by their nature interpretative, the evidence on which any reconstruction or phasing is based must always be given;
  12. Diagrams interpreting the movement of materials (process flow) or people (circulation), or the segregation of people or activities (e.g. permeability diagrams), where these are warranted by the complexity of the subject. As with items 10 and 11, the evidence supporting the interpretations must be provided.
1. A general view or views of the building in its wider setting or landscape;
  2. The building's external appearance. Typically a series of oblique views will show all external elevations of the building, and give an overall impression of its size and shape. Where an individual elevation embodies complex historical information, views at right angles to the plane of the elevation may also be appropriate;
  3. Further views may be desirable to indicate the original design intentions of the builder or architect, where these are known from documentary sources or can be inferred from the building or its setting. In the case of building elevations that have been conceived as formal compositions, views at right angles to the plane of the elevation may again be appropriate;
  4. The overall appearance of the principal rooms and circulation areas;
  5. Any external or internal detail, structural or decorative, which is relevant to the building's design, development or use and which does not show



Sketch of hearth in middle room (Hall)



Reproduced courtesy of the Yorkshire Vernacular Building Study Group (YVBSG).



Inscribed lintel evident at Home Farm, Kirk Hammerton.

adequately on general photographs. When photographing details it can be helpful to include a clearly marked and suitably sized scale next to the subject and parallel to one edge of the photograph;

6. Any machinery or other plant, or evidence of its former existence;
7. Any dates or other inscriptions, any signage, makers' plates or graffiti which contributes to the building or its fixtures or machinery, if not adequately captured by transcription. A contemporaneous transcription should be made wherever characters are difficult to interpret;
8. Any building contents or ephemera which have a significant bearing on the building's history (e.g. a cheese press or malt shovel) where not sufficiently treated in general photographs;
9. Copies of maps, drawings, views and photographs, present in the building and illustrating its development or that of its site. The owner's consent might be required;
10. An accurate plan should form part of the record, which leaves no doubt as to where each photo was taken and from which direction it was taken – the usefulness of the record will be compromised if photos cannot be related to the relevant part of the building.

## The Written Account

The written account underpins all other elements of the record by providing locational information, together with context, description, analysis and interpretation not readily communicative by other means.

1. The building's precise location, as a National Grid reference and in its address form.
2. A note of statutory (listing, scheduling or conservation area) and non-statutory designations (Registered Historic Parks and Gardens, Historic Battlefields, local lists etc.) maybe noted.
3. The date of the record, the name(s) of the recorder(s) and the location of an archive, if one has been created.
4. A summary (if no further details are required) of the building's type or function, historically and at present, its materials and possible date(s), in so far as these may be apparent from a superficial inspection.
5. A table of contents and a list of illustrations or figures.
6. An expansion of 4, if appropriate, summarising the building's form and function, date and sequence of development. The names of builders, architects, patrons and owners should be given if known.
7. An introduction, setting out the circumstances in which the record was made, its objectives, methods, scope and limitations, and any constraints which limited the achievement of objectives.
8. Acknowledgements to all those who made significant contributions to the record or its analysis, or who gave permission for copyright items to be reproduced.
9. A discussion of published sources relating to the building and its setting, an account of its history as given in published sources, an analysis of historic map evidence (map regression) and a critical evaluation of previous records of the building, where they exist.
10. An expansion of 9, if appropriate, drawing additionally on primary documentary sources.
11. An account of the building's overall form (structure, layout and materials) and its successive phases of development, together with the evidence supporting this analysis.
12. An account of the past and present uses of the building and its parts, with the evidence for these interpretations. An analysis of any circulation pattern or decorative, iconographic or liturgical scheme. An account of any fixtures, fittings, plant or machinery associated with the building, and their purposes. For an industrial building, a sequential account of the ways in which materials or processes were handled.
13. Any evidence for the former existence of demolished structures or removed plant associated with the building.
14. A summary of the findings of any specialist reports (e.g. dendrochronology or paint analysis).
15. A discussion of the building's past and present relationship to its setting (e.g. its relationship to local settlement patterns, to a field system, to a park, garden, graveyard, moat or other artificial landscape; its part in any larger architectural or functional group of buildings; its visual importance as a landmark.
16. An assessment of the potential for further investigative or documentary work, and the potential for below-ground evidence for the history of the building and its site.
17. A discussion of the architectural or historical context or significance of the building locally, regionally or nationally, in terms of its origin, purpose, form, construction, design, materials, status or historical associations.
18. Copies of historic maps, drawings, views or photographs illustrating the development of the building or its site.



*Machinery in situ at the Corn Mill, Leathley, evidence of the building's former use.*



*Though unproven to date, this building is thought to have been a court leet, which was a court of record, and its duty was not only to view the pledges but to try by jury, and punish, all crimes committed within the jurisdiction. It also developed as a means of proactively ensuring that standards in such matters as sales of food, drink, and agriculture, were adhered to. The court leet began to decline in the fourteenth century, being superseded by the more modern county Justices of the Peace and ultimately magistrates' courts, but in many cases court leets operated until nearly the middle of the nineteenth century as a form of civil administration with a similar role to borough freemen or parish vestrymen.*

19. Copies of other records of the building, including specialist reports, or a note of their existence and location.
20. Any further information from documentary sources, published or unpublished, bearing on any of these matters, or bearing on the circumstances of its building, designer, craftsmen, ownership, use and occupancy and a note of the sources of information.
21. Relevant information from owners, builders, craftsmen, architects or others who may be acquainted with the building, including oral history. The sources of information must be given and the particular strengths and weaknesses of the oral information are weighed.
22. An outline of the significance of the building.
23. Full bibliographic and other references or a list of the sources consulted.
24. A glossary of architectural or other terms likely to be unfamiliar to readers.

### Importance of the Right Expertise

A Building Historian, Conservation Architect, Landscape Historian or Archaeologist is far more likely to compile a better record than an amateur or a non-heritage specialist (e.g. architect, planning consultant, landscape architect), particularly where analysis is required. The specialists will also have a firmer grasp of the significance of the building/site, its local, regional or national context and the best/appropriate sources of secondary information. Time and money can be wasted by hiring the wrong person and the quality and comprehensiveness of the record will be compromised.

### Importance of the Right Equipment

It is important to ensure that the survey and record is carried out using the correct equipment such as measures, profiles for recording mouldings and good, professional standard camerawork with the right equipment. Furthermore, photos should be stored at high resolution.

### Importance of Getting the Record Right

It is vital that an accurate and thorough record is made and archived appropriately as the opportunity to record a building, feature or detail may never occur again.

### This Section Should be Read in Conjunction With:

National Planning Policy Framework, Department for Communities and Local Government, (March 2012);

Planning Practice Guide (online).

'Understanding Historic Buildings' Historic England.

### References

National Planning Policy Framework, Department for Communities and Local Government, (March 2012).

Historic England (2016) Understanding Historic Buildings – A Guide to Good Recording Practice.

Historic England (2016), 'Drawing for Understanding'.  
RCHME (1996) Recording Historic Buildings: A Descriptive Specification.

Yorkshire Vernacular Buildings Study Group, Guidance Notes on the Recording of Vernacular Buildings [www.yvbsg.org.uk/guidelines.html](http://www.yvbsg.org.uk/guidelines.html)

# APPENDIX F: ADVERTISEMENT CONTROL

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## The Need for Advertisement Control

Poorly designed or sited signage can harm the character and quality of an area; the amenity of neighbours; the character, appearance or setting of heritage assets; and the scenic and cultural value of landscapes and townscapes. Such advertisements could also compromise the safety of highway users and waterway users.

It is for these reasons that the government requires advertisement consent for proposals for certain kinds of signage and gives local planning authorities the power to take planning enforcement action against signage erected without the necessary consent(s). The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out those types of signage that need consent and those that do not.

Where advertisement consent is required, an application must be made to the local planning authority by completing a form and providing details of the proposed signage, much like a planning application.

The Regulations set out different requirements for land or buildings in conservation areas and within Areas of Outstanding Natural Beauty. The Regulations also give local planning authorities the ability to designate 'Areas of Special Control of Advertisements' in rural areas or areas that require 'special protection on the grounds of amenity'. Any Areas of Special Control must be approved by the Secretary of State. Most of the Harrogate district, like much of the county of North Yorkshire, has been designated an Area of Special Control.

In addition to the above, advertisements that affect the character or appearance of a listed building would require listed building consent and any signage attached to a scheduled ancient monument would require scheduled ancient monument consent. In most cases freestanding signs within the curtilages of listed buildings will require planning permission.

## Advertisement Control in Harrogate District

As previously noted, most of the Harrogate district has been designated an Area of Special Control of Advertisements. This Area of Special Control covers all rural areas, the AONB, Boroughbridge and Pateley Bridge plus the historic parts of Harrogate such as The Stray and Valley Gardens, Knaresborough riverside and castle grounds and the Cathedral precinct of Ripon. The Area of Special Control excludes the town and city centres of Harrogate, Knaresborough and Ripon.

With the Area of Special Control covering most of the district and many town and village centres being in conservation areas and a large part of the district being in an AONB, the following types of advertisement will require consent from the council. Please note that this list is not exhaustive. If in doubt, refer to the Regulations, the government guidance or contact the planning service. Advertisement consent is usually required in the following circumstances:

- Signs on land or a building as a means of identification, direction or warning that are larger than 0.3 of a square metre or if they are illuminated, regardless of size. Such signs might be the street number and name of a house, signs like 'please shut the gate' or 'beware of dog';
- Notices or signs that are larger than 0.3 of a square metre to be displayed on any premises for the purpose of advertising the fact that a person, partnership or company is carrying on a profession, business or trade at those premises. Such signs or notices might be a brass plate at a dentist or the names of firms occupying a building;
- Notices or signs larger than 1.2 square metres advertising any religious, educational, cultural, recreational, medical or similar institution, or any hotel, inn or public house, block of flats, club, boarding-house or hostel. Also, if the letters, figures or logos on the sign are over 0.75m in height or, if in the Area of Special Control, over 0.3m in height, then advertisement consent would be needed;
- Temporary 'for sale', 'to let' or property auction signs for agricultural, industrial or commercial property that is over 2 square metres (or if two signs fixed together are more than 2.3 square metres in total). If the same type of sign for residential property is over 0.5 square metres (or 0.6m if two signs are fixed together). Also, if any 'for sale' 'to let' or property auction sign, if it projects from the face of the building by more than 1m, then consent is required;
- Temporary notices or signs over 0.6 of a square metre which are intended to advertise any local event being held for charitable purposes, which may be religious, educational, cultural, political, social or recreational, but not for any commercial purpose. Such signs might be for a church bazaar, amateur sports event or charity fundraising event;

- Temporary notices or signs advertising that a demonstration of agricultural methods or processes is taking place on the land where they are being displayed if the total area of all such notices exceeds 1.2 square metres in aggregate and if any individual notice is to exceed 0.4 of a square metre. If temporary signs are smaller, they may be displayed only for a period of six months in any year, otherwise consent is needed;
- Any external signage with internally illuminated letters or characters or the same lit by 'halo' illumination in a conservation area, the Area of Outstanding Natural Beauty, or the Area of Special Control of Advertisements. Outside of these areas, certain restrictions apply to the size and design of the area(s) to be illuminated;
- Notices, signs and advertisements on business premises to draw attention to any commercial services, goods for sale, or any other services available at the premises where the advertisement is being displayed if the sign has any letters, figures, symbols or similar features in the design over 0.75 of a metre in height, or 0.3 of a metre in height if they are in the Area of Special Control of Advertisements. Consent would also be required if the highest part of the sign is more than 4.6 metres above ground level, or 3.6 metres in the Area of Special Control of Advertisements, or if the sign is higher than the bottom of a first floor window on the elevation to which the sign is to be attached. Any sign on an elevation that does not contain a shop window that forms part of the business premises requires consent;
- Any illuminated sign at business premises requires consent. If the business is in the Area of Special Control, consent is required for any signage that exceeds 10% of the external face of the building in that part of the building between ground level and 3.6m above ground level;
- Signs on the 'forecourt' of a business premises such as the terrace of a café or restaurant, open area in front of a petrol station or enclosed area in front of a newsagent's if the signs are more than 4.6 square metres in area or are illuminated, regardless of size;
- Flags that function as advertisements for a business or service if there is more than one flagstaff, and/or the flagstaff is fixed anywhere other than the roof of the building and is not upright;
- Consent is required for flags at house building sites advertising the development in conservation areas, the Area of Outstanding Natural Beauty and the Area of Special Control of Advertisements. Other restrictions apply outside of these areas;
- Consent is required for any advertisements to hoardings around construction sites in conservation areas, the Area of Outstanding Natural Beauty and the Area of Special Control of Advertisements. Other restrictions apply outside of these areas;
- Illuminated signs or poster panels on bus kiosks or street furniture or any signs on street furniture not designed to accommodate posters or signs. Any such poster or sign greater than 2.16 square metres in area would require consent;
- Any captive balloon signs sites in conservation areas, the Area of Outstanding Natural Beauty and the Area of Special Control of Advertisements. Other restrictions apply outside of these areas;
- Any signs on telephone kiosks in conservation areas, the Area of Outstanding Natural Beauty and the Area of Special Control of Advertisements, or any signs fixed to a K2 or K6-type kiosk located anywhere.

### How Advertisement Consent Applications are Assessed by the Council

The key issues considered by the council when assessing an application for any sign anywhere in the district are whether the sign would compromise safety or harm amenity by virtue of its siting, scale, colour and illumination; and it would also not normally be acceptable for a sign to dominate the host building or site in such a manner that the character of the area or street scene is harmed.

In historic areas, including conservation areas, traditional townscapes, the area of outstanding natural beauty and much of the district's rural landscape, the impact of the signage on the area's character or appearance would be an important consideration. A balance must be struck between the effective display of advertisements and the need to ensure that these areas retain a consistent or traditional character and appearance. This in itself does not rule out change, but requires thought to go into the siting and design of signage, which, if designed and sited appropriately can add interest and vibrancy to the street scene.

The council's Shopfronts Design Guide contains helpful advice on the design, scale, siting and illumination of commercial signage in the district. [https://www.harrogate.gov.uk/downloads/file/1050/shop\\_front\\_design\\_guide](https://www.harrogate.gov.uk/downloads/file/1050/shop_front_design_guide)

## APPENDIX G: CONSERVATION AREAS IN HARROGATE DISTRICT

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There are 53 conservation areas in the Harrogate district; each has a conservation area appraisal. The conservation areas in alphabetical Order are:

- Aldborough
- Baldersby St James
- Bilton in Ainsty
- Bishop Monkton
- Bishopton
- Boroughbridge
- Burton Leonard
- Clifton
- Coneythorpe
- Denton
- Farnham
- Fearby
- Follifoot
- Glasshouses
- Goldsborough
- Great Ouseburn
- Green Hammerton
- Hackfall
- Hampsthwaite
- Harrogate
- Healey
- Hunsingore
- Kirk Deighton
- Kirk Hammerton
- Kirkby Overblow
- Knaresborough
- Leathley
- Little Ouseburn
- Lofthouse
- Marton-cum-Grafton
- Masham
- Middlesmoor
- Nesfield
- North Deighton
- Nun Monkton
- Pannal
- Pateley Bridge
- Plompton
- Ramsgill
- Ripley
- Ripon
- Roecliffe
- Scriven
- Spofforth
- Starbeck Spa
- Staveley
- Studley Roger
- Timble
- Tockwith
- Wath (Nidderdale)
- Wath (Ripon)
- Weston
- Whixley

Refer to Appendix D on the Planning (Listed Buildings and Conservation Areas) Act 1990.

Please find the links below to the appraisal documents on the council's website:  
[harrogate.gov.uk/downloads/download/89/conservation\\_areas\\_documents](http://harrogate.gov.uk/downloads/download/89/conservation_areas_documents)

Great Ouseburn and Harrogate conservation areas have Article 4 Directions in place, the links to the directions are: [harrogate.gov.uk/plan/Pages/Article-4-Directions](http://harrogate.gov.uk/plan/Pages/Article-4-Directions)

## APPENDIX H: CONSERVATION AREA APPRAISALS

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Please see Appendix G for a full list of conservation areas in the Harrogate district, all of which have an Appraisal document – links to these can be found on the council's website at: [harrogate.gov.uk/downloads/download/89/conservation\\_areas\\_documents](http://harrogate.gov.uk/downloads/download/89/conservation_areas_documents)

## APPENDIX I: ARTICLE 4 DIRECTIONS

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Harrogate Borough Council, as Local Planning Authority, may under the Planning (Listed Buildings and Conservation Areas) Act 1990 make an Article 4 Direction if deemed necessary to preserve the character and appearance of the conservation area. There are two types of Article 4 Direction, although the chief difference between the two types is how they are established. Article 4(1) Directions must be approved by the Secretary of State in order for them to come into effect, while Article 4 (2) Directions can be made by the Local Planning Authority without any Secretary

of State approval. This difference exists because the government wishes to have the final say on whether permitted development rights (PDR) can be removed on certain classes



The following Article 4 Directions are in place:

Harrogate – Article 4 directions are in place that remove permitted development rights for the painting of buildings in the conservation area and also the installation of solar and photovoltaic panels on roofs visible from The Stray (and in addition a direction is in place that removes the rights of owners of properties used as offices to convert them to residential use on Victoria Avenue).

Great Ouseburn - Two Article 4 directions are in place that cover solar and PV panels and also other alterations, including window replacement, to some buildings in the conservation area.

More information can be found via this web page: [harrogate.gov.uk/info/20102/conservation\\_landscape\\_and\\_ecology/565/article\\_4\\_directions](http://harrogate.gov.uk/info/20102/conservation_landscape_and_ecology/565/article_4_directions)

## APPENDIX J: VILLAGE DESIGN STATEMENTS

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Prepared by local people and adopted by the council as Supplementary Design Guidance, the guidelines in Village Design Statements (VDS) are material consideration in the determination of applications and appeals. Additionally, it is hoped that property owners will refer to the guidelines before carrying out maintenance, repairs or permitted development.

There are four VDSs for settlements in the Harrogate district, which are:

- Darley – adopted 2003
- Kirkby Malzeard – adopted 2003
- Marton-cum-Grafton – adopted 2011
- Ripley – adopted 2004

The VDS' can be found online at: [harrogate.gov.uk/info/20100/local\\_planning\\_guidance\\_and\\_spds/928/local\\_planning\\_guidance](http://harrogate.gov.uk/info/20100/local_planning_guidance_and_spds/928/local_planning_guidance).

Additionally, residents of Bilton-in-Ainsty are considering a VDS and others are exploring the potential for their village. At this time some work has commenced on Neighbourhood Plans for Ripon, Knaresborough and also Otley (part of which will affect land in the Harrogate district). When any are complete this appendix and the appendix B on the subject of policy will be updated.

## APPENDIX K: VALIDATION CRITERIA

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When making a planning application it is vital that it is supported by adequate and accurate information to enable the council, members of the public and other statutory bodies to understand the proposals, and allow a proper assessment of the potential impact of the development. The council has therefore produced a local validation manual for planning and listed building consent applications. This sets out the requirements for each type of development type.

The manual can be found online at: [harrogate.gov.uk/info/20096/planning\\_applications/776/local\\_validation\\_manual](http://harrogate.gov.uk/info/20096/planning_applications/776/local_validation_manual)

# APPENDIX L: EXAMPLES OF BEST PRACTICE

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## Local Distinctiveness/Place Making:

'The Triangle', Swindon (RIBA winner): [www.architecture.com/RIBA/Awards/RIBANationalAwards/2012/SouthWestWessex/TheTriangle/TheTriangle.aspx](http://www.architecture.com/RIBA/Awards/RIBANationalAwards/2012/SouthWestWessex/TheTriangle/TheTriangle.aspx)

Newhall Private Housing (RIBA winner): [www.architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/East/PrivateHousingatNewhall/Newhallprivatehousingexterior.aspx](http://www.architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/East/PrivateHousingatNewhall/Newhallprivatehousingexterior.aspx)

Fairfield Park, Stofold Bedfordshire (CABE, mixed use neighbourhood incorporating large Grade II LB, good street spaces and public spaces). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Water Colour, Redhill Surrey (CABE – use of design codes and 'character areas' for 500+ dwelling neighbourhood). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Trinity Watch, Cornwall (CABE – locally distinctive design, response to topography, making use of views, mix of housing types and tenure). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Charlton Down, Dorset (CABE – extension to small town c.550 houses). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Upton, Northampton (CABE – high density neighbourhood. Historicist buildings, good public realm). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Queen Elizabeth Park, Guilford (CABE – large new housing development). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Cala Domus, Harlow (CABE – housing development strongly contemporary in design, but a cohesive place). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Tibby's Triangle, Southwold (Housing Design Awards Winner 2012 - transformation of the former Adnams distribution depot, which was closed off to the town, into a new mini-citadel of contemporary homes, a shop and café around a central square, connected back into Southwold via a number of pedestrian and vehicle through routes): [hdwards.org/archive/2012/winning\\_schemes/completed\\_winners/tibbys\\_triangle.php](http://hdwards.org/archive/2012/winning_schemes/completed_winners/tibbys_triangle.php)

Left Bank Village, Hereford (Mixed use development along riverside in Hereford, of shops, restaurants, café and bars, respecting views of river and Cathedral on the skyline, completed 2000. Key development at gateway into the city. Albert Heijn (deceased, owner and developer) sold the complex in 2007 but the subsequent owners were victims of the credit crunch in 2008 and went bankrupt – the complex is now vacant). A case study for this example can be found within the document 'Building in Context, which can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

### **Vernacular/Context/Avoidance of Pastiche:**

Shingle House, Dungeness (RIBA winner): [architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/South/ShingleHouse/ShingleHouse](http://architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/South/ShingleHouse/ShingleHouse)

Watson House, New Forest (RIBA winner): [architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/South/WatsonHouse/WatsonHouse](http://architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/South/WatsonHouse/WatsonHouse) Be: Harlow, Essex (CABE – 21st century houses with reference to vernacular, in compact plan form). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Dulverton Surgery, Somerset (CABE – doctor's surgery on edge of small rural town, design and integration with landscaping). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

The Village, Caterham-on-the-Hill (CABE – redevelopment of ex-army barracks. Conversion and new build. Varied quality). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Horsebridge development, Whitstable (CABE – mixed use development in market town CA. Good contemporary design and high attention to grain, vistas and character of CA). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

The Piggeries, Frome (CABE – affordable housing in town centre CA – grain, form, massing). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

### **LB Extension/Attention to Context:**

Holburne Museum, Bath (RIBA winner): [architecture.com/RIBA/Awards/RIBANationalAwards/2012/SouthWestWessex/TheHolburneMuseum/TheHolburneMuseum](http://architecture.com/RIBA/Awards/RIBANationalAwards/2012/SouthWestWessex/TheHolburneMuseum/TheHolburneMuseum)

Lawson Park, Lake District (RIBA winner): [architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/NorthWest/LawsonPark/LawsonPark](http://architecture.com/RIBA/Awards/RIBANationalAwards/Winners2011/NorthWest/LawsonPark/LawsonPark)

Aldeburgh Music Centre, Snape Maltings (RIBA winner): [haworthtompkins.com/built/proj06/index.html](http://haworthtompkins.com/built/proj06/index.html)

Hunsett Mill (RIBA winner): [acme.ac/acme-space/001-hunsett-mill](http://acme.ac/acme-space/001-hunsett-mill)

Rostron Brow, Stockport (CABE – conversion/extension of LB in CA with public realm works). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Seven Stories, Newcastle-upon-Tyne (CABE, extension to Listed warehouse in CA). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

Highgate, Durham (CABE – good built form, streetscape and response to topography and grain). A case study for this example can be found online: [webarchive.nationalarchives.gov.uk/20110118095356](http://webarchive.nationalarchives.gov.uk/20110118095356)

## **LB Principles:**

Navigation Warehouse, Wakefield (RIBA winner)

## **Street Design/Public Realm Improvements:**

Sheaf Square and 'Gold Route', Sheffield city centre (CABE – key pedestrian route from station into city centre. Conservation Area). A case study for this example can be found online: <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/case-studies/sheaf-square-howard-street>

Pedestrian Heart, Darlington (CABE – pedestrian priority improvements in town centre CA). A case study for this example can be found online: <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/case-studies/pedestrian-heart>

Design Nottingham/Old Market Square, Nottingham (CABE – public realm, public art and square improvements in city centre CA). A case study for this example can be found Online: <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/case-studies/old-market-square>

Fakenham town centre, Norfolk (CABE – small market town, understated public realm improvements). A case study for this example can be found online: <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/case-studies/fakenham/description>

# APPENDIX M: STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (HABS) SCREENING OPINIONS

## The Environmental Assessment of Plans and Programmes Regulations 2004: Regulation 9 screening determination

### The Council Consulted as Required Under Regulation 9 as Follows:

Harrogate Borough Council is preparing a Heritage Management Supplementary Planning Document (SPD). The SPD looks to provide further guidance on heritage and design policies, or design criteria of other policies, set out in the Harrogate Local Plan Core Strategy and Sites and Policies DPD. In accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 the council considers that an environmental assessment of the SPD is not required as it is unlikely to have any significant environmental effects.

Before making a determination under Regulation 9, the council has consulted the following consultation bodies:

- Natural England;
- Environment Agency;
- English Heritage (now known as 'Historic England,' but referred to as English Heritage within this appendix).

## The Environmental Assessment of Plans and Programmes Regulations 2004: Schedule 1

### Criteria for Determining the Likely Significance of Effects on the Environment

Criteria	Assessment
<b>1. The characteristics of plans and programmes, having regard, in particular to:</b>	
(a) degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No significant effect. The SPD amplifies the heritage and design policies. It is these policies which set the framework.
(b) degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No significant effect. SPDs are at the bottom of the planning policy hierarchy. The influence on other plans and programmes is therefore limited.

### Reason for Determination:

The SPD is to provide further guidance on how Core Strategy Policy EQ2 of the Harrogate Local Plan will be applied to proposals for new development. The SPD will also provide guidance for those policies that refer to heritage and/or design matters in their criteria, these include: Core Strategy Policies SG4, C1 and C2. These policies have been subject to a Sustainability Appraisal. The focus of the SPD is to provide detailed guidance on the preservation and enhancement of heritage assets and management of the wider environment. There are minimal impacts on mitigation of climate change, all other environmental impacts will be positive.

An assessment against Schedule 1 of Regulations is set out below.

Criteria	Assessment
(c) relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No significant effect. The preservation of the historic environment and the creation of a high quality built environment contribute to social and cultural well-being. The proposed guidance will complement policy and guidance on the natural environment. There is a possible tension with mitigation of climate change only in regard to the preservation of significance of designated assets (for example windows), but it is unlikely the SPD will result in any significant effects beyond those already identified in the Sustainability Appraisal of the Core Strategy, and the SPD would offer suggestions for improvements to reduce heat loss, or alternative renewable energy solutions that would not harm significance. Additionally the reuse of buildings contributes to sustainable principles.
(d) environmental problems relevant to the plan or programme.	No significant effect. See above. Environmental problems, where conflict cannot be resolved, have not been identified.
(e) relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The SPD will have no relevance for the implementation of community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:	
(a) probability, duration, frequency and reversibility of effects.	The purpose of the SPD is to secure short, medium and long term benefits for heritage assets and aims to prevent development that would irreversibly damage the environment.
(b) cumulative nature of the effects.	The need for the SPD arises from the evidence of cumulative effect of inappropriate development on the built environment. The SPD aims to ensure that development that would cumulatively damage the environment would not take place.
(c) transboundary nature of the effects.	There will be no transboundary effects.
(d) risks to human health or the environment.	There will be no risks to human health or the environment.
(e) magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	Spatial effect will be across the district. The effects will not be significant, but will be positive socially and environmentally. The SPD could have a positive impact on the local economy by improving the attractiveness of the district as a place in which to invest, work and visit.
(f) value and vulnerability of the area likely to be affected due to: special characteristics or cultural heritage; exceeded environmental quality standards or limits; intensive land use.	The SPD aims to protect the characteristics and cultural heritage. Environmental quality standards will be raised. Intensity of land use is to be appropriate to local characteristics.
(g) effects on areas or landscapes which have a recognised national, community or international protection status.	The SPD aims to protect designated landscapes and those landscapes and areas of community value.

## Responses from the Consultation Bodies

Before making a determination under Regulation 9, the following bodies were consulted:

- Natural England;
- Environment Agency;
- English Heritage.

The responses received are set out below.

Environment Agency	The Environment Agency confirms that they agree that an environmental assessment of the SPD is not required as it is unlikely to have any significant environmental effects.
English Heritage	In terms of their area of interest, given the nature of the SPD, English Heritage concurs with the assessment that the document is unlikely to result in any significant environmental effects. As a result, English Heritage endorses the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.
Natural England	Having looked at the screening opinion provided, Natural England concurs that, as the SPD sits below and delivers Core Strategy policies already assessed, an SEA is not required.

## Screening Report for Habitats Regulations Assessment of the Draft Heritage Management Guidance Supplementary Planning Document (SPD)

### The council Consulted as Required Under the Habitats Regulations as Follows:

Harrogate Borough Council is preparing a Heritage Management Supplementary Planning Document (SPD). The SPD aims to provide further guidance on heritage and design policies, and the design criteria of other policies, set out in the Harrogate District Local Plan Core Strategy. As part of the production of this SPD the council is required to consider the potential for significant impacts upon the environment.

This report has been prepared to determine whether or not the content of the Heritage Management SPD requires a Habitat Regulations Assessment (HRA) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora (the "Habitats Directive") and associated Conservation of Habitats and Species Regulations 2010 ("Habitat Regulations"). Screening has already been undertaken in relation to the Strategic Environmental Assessment (SEA), and concluded that an environmental assessment of the SPD is not required as it is unlikely to have any significant environmental effects.

The SPD is to provide further guidance on how Core Strategy Policy EQ2 of the Harrogate District Local Plan will be applied to proposals for new development. The SPD will also provide guidance for those policies that refer to heritage and/or design matters in their criteria, these include: Core Strategy Policies SG4, C1 and C2. These policies have been subject to a Sustainability Appraisal. The focus of the SPD is to provide detailed guidance on the preservation and enhancement of heritage assets and management of the wider historic environment. There are minimal impacts on mitigation of climate change, all other environmental impacts will be positive.

All development proposals will be subject to Policy EQ2 of the adopted Core Strategy, which seeks to give a level of protection to the natural environment that is appropriate to its international, national and local importance. Therefore, where it is likely that a proposal will have a significant impact on a Natura 2000 site, an Appropriate Assessment will be required in accordance with the Habitats Directive.

*(Note: the Local Plan does not afford specific protection for International and National sites of biodiversity or geodiversity interest; instead these sites receive existing statutory protection under the following European or National legislation.)*

- Special Protection Areas (SPA) are protected under the EC Birds Directive (79/409/EEC),
- and Special Areas of Conservation (SAC) are protected under the EC Habitats Directive (92/43/EEC),
- Sites of Special Scientific Interest (SSSI) are protected under Section 28 of the Wildlife and Countryside Act 1981.
- RAMSAR sites are wetlands of international importance, however there are currently no sites within Harrogate district).

To assist in the determination of whether the SPD requires an HRA, the council consulted the following bodies:

- Natural England;
- Environment Agency;
- English Heritage.

### Habitats Regulations Assessment

It is a requirement under the Habitats Directive that the potential effects of “plans or projects” on designated European sites are considered, and where necessary are appropriately assessed.

Special Protection Areas (SPA) and Special Areas of Conservation (SAC) form part of a network of protected wildlife sites across the European Union called “Natura 2000” This assessment has been prepared to determine whether the Heritage Management SPD is likely to have a significant effect on the achievement of the conservation objectives of the European conservation sites, known as Natura 2000 sites, which are within and around the area covered by the DPD i.e. the Harrogate district boundary.

The requirement to carry out an assessment under the Habitats Directive is in order to determine whether as a consequence of the Heritage Management SPD it is likely to have a significant effect on the achievement of the conservation objectives of the relevant international sites. This relates to any effect that may reasonably be predicted as a consequence of the SPD. If it is considered that a significant effect is likely to occur as a result of implementing the Heritage Management SPD, an Appropriate Assessment will be necessary.

An Appropriate Assessment identifies any adverse effect on the integrity of a SPA or SAC and, if they are necessary, identifies mitigation measures that will reduce (ideally eliminate) those effects. If effects cannot be reduced sufficiently then the Appropriate Assessment will conclude that an adverse effect on the integrity of the site will occur. If the proposer of a plan or project wishes it to go ahead, then a case for the imperative reasons for overriding public interest has to be made to the Secretary of State, and compensatory measures determined.

The assessment needs to be undertaken in accordance with the relevant extracts from the Habitats Directive which are set out below for information:

#### Article 6(3)

*‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the Waste Plan or Project only after ascertaining that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’*

#### Article 6(4)

*‘If in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the member states shall take all compensatory measures necessary to ensure that overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or priority species, the only considerations which may be raised are those relating to human health or public safety, of beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.’*

In regard to UK legislation, regulation 102 of the the Conservation of Habitats and Species Regulations 2010 relates to land use plans and outlines the requirements to be met by the local planning authority when undertaking an assessment. The SPD makes no proposals for land use, but guides on design and minimising harm to the historic environment, this part of the Regulations is particularly relevant to the SPD:

#### Regulation 102

*(2) The plan-making authority must for the purposes of the assessment, consult the appropriate nature conservation authority and have regard to any representations made by that body within such time as the authority specify.*



The National Planning Policy Framework, at paragraph 110, states that in preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Paragraph 120 states that planning policies and decisions should ensure that development is appropriate for its location and that the effects (including cumulative effects) of pollution on the natural environment should be taken into account.

The Appropriate Assessment stage is required only where there is likely to be a “significant effect” on international sites. This is defined as:

*“A likely significant effect is any effect that may reasonably be predicted as a consequence of a plan or project that may affect the achievement of conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects (de minimus)”.*

If an effect cannot be ruled out the precautionary principle applies and an appropriate assessment will be required as determined by the Waddenzee Judgement.

### Core Strategy Habitats Regulations Assessment

Given that this SPD will provide additional guidance on existing policies which have already been subject to HRA, the first step in this HRA screening is to review the screening assessment for the Core Strategy.

The HRA work for the Core Strategy was undertaken in accordance with Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna, and the Conservation of Habitats and Species Regulations 2010. This requires the sites and policies in the DPD to be assessed against the conservation objectives of the Natura 2000 sites identified.

The Habitats Regulations Assessment of the Submission Core Strategy DPD is entitled: *Applying the Habitats Directive*. Following consultation a number of amendments were made to strengthen policy EQ2 as identified in the following extracts from the report:

*9.34 Natural England suggested additional wording for Policy EQ2 in order to strengthen the policy. This is as set out within Appendix B. This text has been incorporated into the agreed draft as set out in Appendix C.*

*9.35 The explanation to Policy EQ2 (paragraph 7.35) has also been updated and now clearly states the following:*

*Appropriate Assessment (as required by the European Habitats Directive) will be necessary for any development within the district that may have a negative impact on the integrity of SPA and SAC designations within and outside the district. The local planning authority in consultation with Natural England will advise as to whether it is necessary for Appropriate Assessment to be carried out.*

*9.36 Natural England has recommended that the introduction to the Core Strategy should make clear that the document should be read as a whole. It is important all policies are taken into account when considering proposals for development, and in particular the need to carry out Appropriate Assessment in the circumstances set out in Policy EQ2. The following wording is set out clearly in Chapter 2 of the Submission Core Strategy:*

***“It is important to note that the policies of the Core Strategy should be read together as a whole and not in isolation from each other”.***

***“Wherever appropriate within each policy specific cross references to other policies in the Core Strategy are given to assist the reader”.***

*10.1 It is considered that the Harrogate District LDF Core Strategy will be unlikely to have a significant effect on the integrity of relevant N2K sites, because:*

*All proposals for development within the plan period will be subject to Policy EQ2 and therefore, where it is likely that a proposal will have a significant impact on a Natura 2000 site, an Appropriate Assessment will be required in accordance with the Habitats Directive. (Nevertheless, the introduction to the Core Strategy makes clear that the plan should be read as a whole).*

*11.1 In light of the findings of this assessment the council is satisfied that the Core Strategy itself is unlikely to cause significant harm to Natura 2000 sites within and outside of Harrogate district.*

## Conclusion

It was concluded that it was unnecessary to carry out an Appropriate Assessment for the Core Strategy, as it was not considered that any of the policies singularly or in combination with other policies of the Local Plan would have any significant effects on the Natura 2000 sites. Given this conclusion and because the Heritage Management SPD will only provide additional guidance to applicants and developers to ensure that proposals for development preserve and enhance heritage assets and the wider historic environment, it is similarly concluded that there is no need to carry out an Appropriate Assessment.

### The responses received are set out below.

Environment Agency	The Environment Agency responded by email that as there are unlikely to be any significant environmental effects associated with this SPD, there is no need to undertake a Habitats Regulation Assessment.
English Heritage	English Heritage confirmed by email that it would have no comments to make regarding the Screening under the Habitats Regulations
Natural England	The response dated 28th August noted that in this case Natural England agrees with the conclusions of the Habitats Regulations Screening Report that the SPD is unlikely to have significant effects on Natura 2000 sites and consequently Appropriate Assessment of the SPD under the Habitats Regulations is not required.

Screening Report for Habitat Regulations Assessment of the draft Heritage Management Guidance Supplementary Planning Document (SPD)

The draft SPD will provide further guidance on how Core Strategy Policy EQ2 will be applied to proposals for new development.

Policies in the Core Strategy have been subject to Sustainability Appraisal and a Habitats Regulation Assessment.

The earlier screening exercise has established that the draft SPD will not give rise to any significant environmental effects and therefore a Strategic Environmental Assessment is not required. The attached screening exercise shows that it provides additional detail to policies that have already been the subject of Habitat Regulation Assessment; therefore the SPD does not require further assessment.

# APPENDIX N: ARCHAEOLOGICAL INTEREST IN THE HARROGATE DISTRICT

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This appendix gives information on the variety of archaeological interest in the district and also outlines how archaeology is dealt with in the planning process and where to obtain relevant advice.

## Archaeology of the District

Archaeology is essentially the discipline by which our past can be revealed through the study of physical remains. These are usually below-ground remains, but the discipline equally applies to standing buildings and structures. These studies reveal information about past cultures, traditions and everyday practices. Fieldwork, such as through excavation or geophysical survey, is a large part of the process of study, as is the subsequent analysis of the finds. This analysis can involve scientific methods, such as those used to date finds, for example, radio carbon dating.

The physical remains studied can be considered to be from pre-history, that is, they date from a time before written records are available (generally said to be before c. 3000BC). However, history and pre-history do cross over and therefore the study of archaeological remains can contribute greatly to the overall understanding of our history, as well as our pre-history. The study of the earliest remains, relating to the evolution of humans and dating back to around 3-4000 million years ago, is called Palaeontology.

## Early Archaeology – Neolithic, Bronze Age and Iron Age Periods

Some of the earliest examples of archaeology within the district relate to the period of time around the Neolithic and Iron Age periods. The Neolithic period, starting around 10,000BC, saw the beginning of farming by humans. This then developed into the Bronze Age around 3000BC, when bronze began to be made and early characteristics of civilisation appear. Next is a period of time noted by the prevalent use of iron, the Iron Age, dating from around 1500BC up to the rise of the Roman Empire, which in Britain was around AD 43. Examples in the district include:

**Devil's Arrows**, Boroughbridge – Three Bronze Age standing stones.

**Thornborough Henges**, near Masham – A complex of three Neolithic Class II henges situated on the low lying fluvio-glacial gravels on the northern bank of the River Ure. Thornborough henge sit within a wider group of seven henges lying between the Rivers Ure and Swale; these represent the largest group outside Wessex. They form

part of a broader ritual landscape including a cursus, probable mortuary enclosures, pit alignments and Bronze Age barrows.

## Roman Archaeology

The Roman period in Britain can be considered to date from AD43 to AD409. The Romans brought with them developments in architecture, agriculture, urbanisation and industry. Examples in the district include:

**Aldborough** – A key component of the district in terms of the Roman period. The current town was built on the site of a major Roman town, Isurium Brigantum, which marked the crossing of Dere Street, the Roman Road from York, north to the Antonine Wall via Corbridge and Hadrian's Wall. Isurium Brigantum, after AD160, was the administrative centre of the Brigantes, the most populous British tribe in the area at the time of the Roman occupation. Defences dating from that time can be seen within the town, together with two mosaic pavements that can be viewed in their original positions. A museum at the site contains a collection of Roman finds;

**Roelcliffe Fort** (in the area now occupied by Reed Boardall) – Discovered only 20 years ago, this is a group of fortifications built by Roman soldiers around AD 70. The fort was built next to a prehistoric trackway and appears to have been related to the need to guard a bridge over the river Ure. The excavations revealed remains of weapons, armour and cavalry equipment.

## Norman and Medieval Archaeology

Moving on, sometime after the control of the Roman Empire had ended, the Norman Conquest brings about a significant stage in Britain's history. Starting with the Battle of Hastings in 1066, the period continued until 1154. We then reach the Medieval period (or Middle Ages) which can be said to continue until the end of the 15th century. Examples in the district include:

**Ripon City Centre** – Ripon has a rich history, with the cathedral being a key building, present in the centre since the 7th century and then further developed in the 12th and 13th centuries, reflecting a period of growth in the city. An example of archaeology dating from this period is a late medieval lime kiln that was found in the grounds of Ripon House. This was a large industrial structure used for the burning of limestone to make quicklime. It was probably used in medieval Ripon for making mortar for building purposes;

**Knaresborough Castle** – The castle area comprises both below ground remains and standing structures. It is thought that a castle has been present on the site since just after the Norman Conquest, in the 11th century. King John invested in the castle at that time, when works were carried out to the moat. The remains of this can be seen around the southern and northern halves of the castle. In the 14th century, King Edward modernised the castle and the King’s Tower; twin towers of the east gate, sally ports and fragments of the curtain wall survive from this time.

During his reign, King John often visited Knaresborough and hunted in Forest of Knaresborough. The forest was also important for the quarrying of ironstone in the 13th century, which supported an iron working industry in the town.

### Post Medieval/Early Modern Archaeology

Developments in the district that occurred after the end of the Medieval period and will have related archaeological interest are varied. Examples in the district include:

**Parliamentary Enclosures** – During the 18th and 19th centuries, enclosures (of farming land) were by means of local acts of Parliament. They consolidated strips in the open fields into more compact units and enclosed much of the remaining pasture commons. The way that farming land has changed over time can be seen in today’s landscapes and it is an important character of the countryside. More information can be found within the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation, available on the North Yorkshire County Council website;

**Industrial Areas** – Those aspects of our industrial heritage linked to coal, iron, steel, railways, waterways and textiles;

**Parks and Gardens** – Such as the 12 Registered Parks and Gardens in the district, for example, Studley Royal near Ripon, dating from the 18th century;

**Core of Historic Settlements** – Any historic town or village that has a long history is likely to have underground archaeological remains present and also standing buildings that demonstrate change and development over their long lifetime;

**Spa Waters** – Harrogate is famous for its spa waters. These were first discovered in the 16th century when the Tewit Sulphur Well’s waters were recognised as having medicinal properties. The map at end of this appendix shows the locations of all of the mineral wells in Harrogate.

### Archaeology and the Planning Process

Archaeological remains, such as Knaresborough Castle, are designated as Scheduled Monuments and therefore are protected from inappropriate change. However, over 90% of archaeological remains have no statutory protection and therefore it is important to assess the impact of proposed development on any archaeological remains present within a development site. As for other types of non-designated heritage assets, the significance of the heritage asset must be taken into consideration when determining planning applications. The National Planning Policy Framework (NPPF) at paragraph 128 explains there is a requirement for the applicant to identify heritage assets affected by the proposals, and that the level of detail should be proportionate to the asset’s importance, sufficient to understand the potential impact of development on its significance. NPPF states that as a minimum, the relevant Historic Environment Record (see below) should be consulted, and any heritage assets assessed using appropriate expertise.

Less than 3% of planning applications have archaeological implications, but where they do exist, if this identification is carried out at an early stage of the planning process and the relevant degree of assessment is carried out in order to aid assessment of development proposals, fewer problems or delays will occur.

The assessment of archaeology in the planning process is about managing change – only around 100/150 planning applications are refused on archaeological grounds nationally per year and this is often because of the lack of information provided.

If archaeology is identified, the next stage is the provision of an Archaeological Impact Assessment, which is usually desk based.

Where it is advised that further assessment is required, an Archaeological Evaluation will be required prior to determination of an application. Additional information may be obtained on the extent of any known archaeology, or potential archaeological remains, by digging test trenches within the development area, or by the use of geophysical survey, to establish the existence or non-existence of archaeological deposits. The evaluation will inform archaeological mitigation or management planning relating to development proposals.

Work such as the Archaeological Evaluations, should be carried out to the standards set out by the Institute for Archaeologists (IfA), a professional body relating to archaeology. More information can be found at: [www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)

## Mitigation of the Impact of Development

If development is approved, conditions may be placed on the approval relating to the need to mitigate the impact upon the archaeology present on the site. A common condition will require the applicant to submit a written scheme of investigation for approval by the council. The written scheme of investigation should be prepared by a suitably qualified person (such as those who are members of the IfA). Ultimately, the aim of mitigation is to record any archaeology found on a development site before they are removed and may even require the remains to be left in situ. This therefore requires on site fieldwork ('watching briefs' are often used) but also post excavation analysis, report writing, publication of reports and archiving.

## Where to Obtain Archaeological Advice

North Yorkshire Historic Environment team – Part of North Yorkshire County Council (NYCC), the team provides a specialist archaeology service for the whole of North Yorkshire. They provide advice to Harrogate Borough Council on applications submitted that are known to have an archaeological impact and will notify the council if an application is submitted that they consider has archaeological implications.

The North Yorkshire Historic Environment Record (HER) should be used to identify the presence of archaeology. It is a system for recording information about historic sites and monuments, such as archaeological sites and finds, designated sites, historic landscapes and buildings and other landscape features. The HER contains 32,487 records, including items such as:

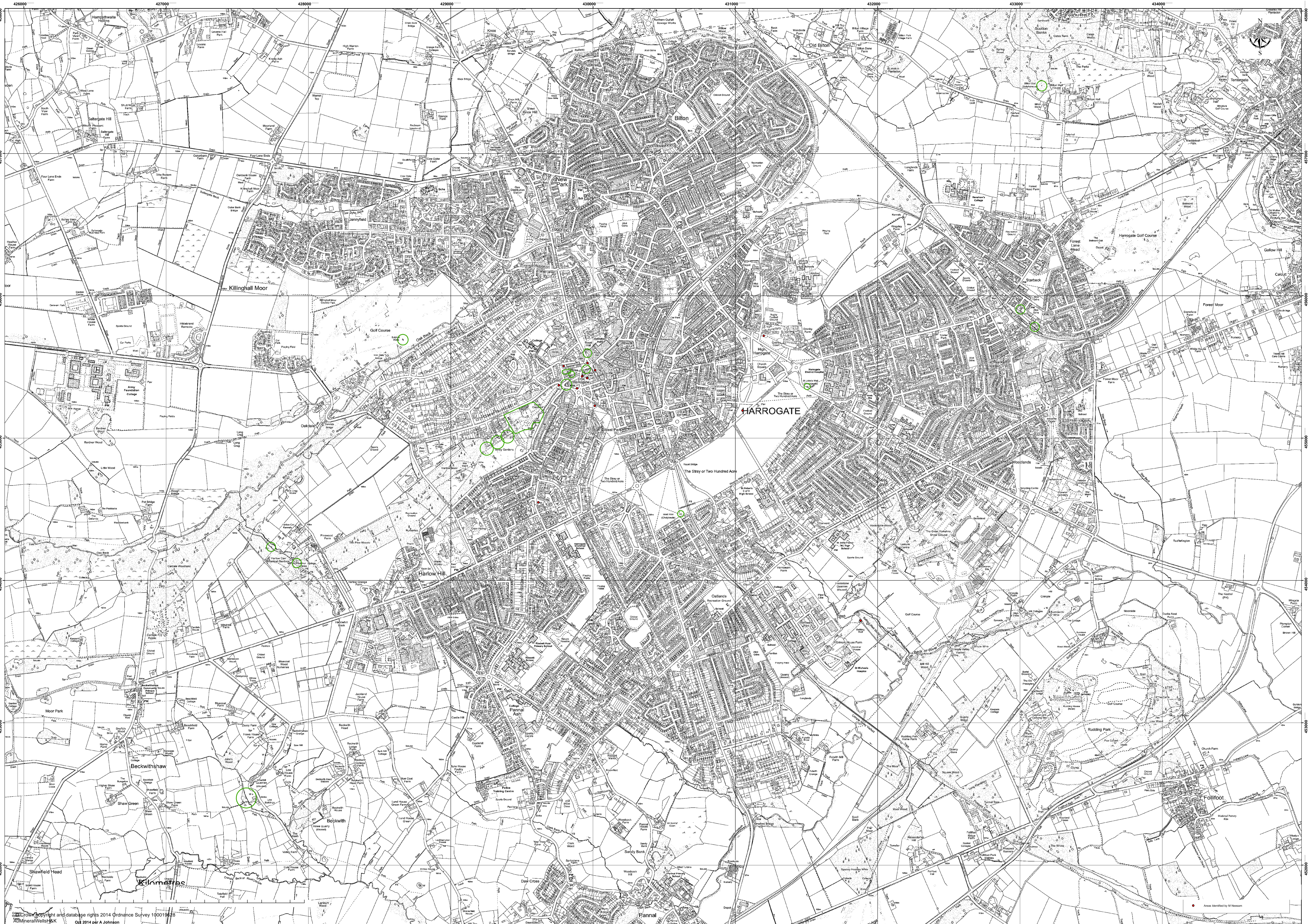
- Parish records and miscellaneous material (e.g. farm buildings studies);
- Library – books, journals and theses;
- Index cards.

The HER is an information service and is used as an evidence base for assessing development proposals. It is managed from the NYCC offices in Northallerton, where requests to see information can be made or can be viewed at: [www.northyorks.gov.uk/article/23824/Historic-environment-record](http://www.northyorks.gov.uk/article/23824/Historic-environment-record)

Information that is archived will be sent to the North Yorkshire County Archive, also located in Northallerton. However as the district was formed in 1974 following a review of administrative areas, certain information relating to some parts of the district are held in other archives; the North Yorkshire Historic team would advise on this, and some information can be found through the Nidderdale AONB website.

Independent archaeological contractors – When archaeological evaluations or fieldwork is required, an archaeological contractor will need to be employed. A good starting point for sourcing a contractor would be to consult the IfA's website which contains a database of accredited members, who work to the standards set by the IfA. However, not all contractors are accredited and an additional resource is the British Archaeological Jobs and Resources website ([bajr.org](http://bajr.org)).

**Next Page:** Map showing the mineral well areas of Harrogate, as recorded by the British Geological Society.



# APPENDIX O: GLOSSARY OF TERMS

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Important Note - As of April 2015, English Heritage changed its name to 'Historic England.' (Pre-name change publications remain as 'English Heritage' below).

## A

**adaptation** – “Modifying a place to suit the existing use or a proposed use.”  
The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter), ICOMOS Australia, 1996

**advertisement consent** – “[Except in limited circumstances,] no advertisement may be displayed unless consent for its display has been granted –

- (a) by the local planning authority or the Secretary of State on an application in that behalf ... or
- (b) ... as ‘deemed consent’”.

Regulation 4, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

**aesthetic value** – “Value deriving from the ways in which people draw sensory and intellectual stimulation from a place.”  
p72, Conservation Principles, English Heritage, 2008

**alteration** – “Work intended to change the function or appearance of a place.” p71, Conservation Principles, English Heritage, 2008

**amenity** – “includes aural and visual amenity”  
Regulation s2(1), The Town and County Planning (Control of Advertisements) (England) Regulations 2007

**amenity value** –

- 1) “Pleasant circumstances or features, advantages.”  
Court of Appeal (FFF Estates v Hackney LBC), 1981
- 2) “That element in the appearance and layout of a country which makes for a comfortable and pleasant life, rather than a mere existence.”  
Parramatta City Council ex p. Tooth & Co, Australia, 1955.

**ancient monument** – “Any scheduled monument, or any other monument, which in the opinion of the Secretary of State, is of public interest by reason of the historic, architectural, artistic or archaeological interest attributed to it.”  
s61(12) Ancient Monuments and Archaeological Areas Act 1979

**archaeological interest** – There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, 2012

**architectural interest** – “To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms.”

Principles of Selection for Listing Buildings, DCMS, 2010

**Area of Outstanding Natural Beauty: AONB** – “Where it appears to [Natural England] that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, [Natural England] may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.”

s82(1) Countryside and Rights of Way Act 2000

**Area of special control for advertisements** – “means an area designated by an order [made by a local planning authority] under regulation 20”  
Regulation 2(1), The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

**Areas of Archaeological Importance** – “The Secretary of State may from time to time by order designate as an area of archaeological importance any area which appears to him to merit treatment as such for the purposes of this Act...”

Local authorities and English Heritage have the same powers in relation to their local authority area and Greater London respectively.

s33, Ancient Monuments and Archaeological Areas Act 1979

**Article 4 Direction** – a direction which withdraws permitted development rights for a

prescribed range of developments under Article 4 of the Town and Country Planning (General Development Order).

**artistic interest** – "... interest in the design and general aesthetics of a place. It can arise from conscious design or fortuitously from the way the place has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture." Planning Policy Statement 5: Planning for the Historic Environment, Department of Communities and Local Government, 2010, p13 (superseded by the National Planning Policy Framework (NPPF))

**associations** – "... means the special connections that exist between people and a place."

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999

**authenticity** – "Those characteristics that most truthfully reflect and embody the cultural heritage values of a place."

Definition based on The Nara Document on Authenticity (ICOMOS 1994)

## B

**buffer zone** – "A buffer zone is an area surrounding [a] property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms."

p25 Operational Guidelines for Implementation of the World Heritage Convention, UNESCO, 2005

**building** – "'Building' includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building."

s336 Town and Country Planning Act 1990

**Building Preservation Notice** – A notice served under Section 3 of the Planning (Listed Building and Conservation Areas) Act 1990 that affords temporary protection to a building as if it were a listed building whilst it is considered for listing as a building of special architectural or historic interest.

**business premises** – For the sake of advertisement consent purposes means any building in which a professional, commercial or industrial undertaking is being carried on, or any commercial services are being provided for the public and includes office buildings, banks and building societies, shops and shopping arcades, supermarkets and hypermarkets, theatres, cinemas and dance-halls, bingo halls and amusement arcades, vehicle showrooms and garages, privately owned factories and works, restaurants and cafés.

## C

**Certificate of Immunity (from listing)** – "The Secretary of State may, on the application of any person, issue a certificate stating that the Secretary of State does not intend to list a building situated in England."

"The issue of such a certificate in respect of a building shall –

(a) preclude the Secretary of State for a period of 5 years from the date of issue from exercising in relation to that building any of the powers conferred on him by section 1; and

(b) preclude the local planning authority for that period from serving a building preservation notice in relation to it."

s6 Planning (Listed Building and Conservation Areas) Act 1990

**Certificate of Lawfulness of Proposed Works (for Listed Buildings)** – A means of obtaining formal confirmation that proposed works of alteration or extension (not demolition) do not require listed building consent because they are deemed not to affect the character of the listed building as a building of special architectural or historic interest.

Brought in under the provisions of the Enterprise and Regulatory Reform (ERR) Act 2013.

**communal value** – "Value deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory." p71, Conservation Principles, English Heritage, 2008

**conservation** –

1) "The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance."

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government 2012



- 2) “The process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.”  
p71, Conservation Principles, English Heritage, 2008
- 3) “All efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement.”  
Nara Document on Authenticity, ICOMOS, 1994

**conservation area** – An area “of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”  
s69(1)(a) Planning (Listed Building and Conservation Areas) Act 1990

**conservation area consent** – Formerly, a means of applying for consent for the demolition of certain types of building located within a conservation area. Under the provisions of the Enterprise and Regulatory Reform (ERR) Act 2013, this has now been replaced with the requirement to obtain planning permission. It applies to the same types of building and circumstances as previously.

**Conservation Principles** – An English Heritage (now 'Historic England') document which aims to set out a logical approach to making decisions and offering guidance about all aspects of England’s historic environment. It also aims to ensure consistency in carrying out English Heritage’s role as the government’s statutory adviser on the historic environment.  
Conservation Principles, English Heritage, 2008

**context** – “Any relationship between a place and other places, relevant to the values of that place.”  
p71, Conservation Principles, English Heritage, 2008

**cultural heritage** – “Inherited assets which people identify and value as a reflection and expression of their evolving knowledge, beliefs and traditions, and of their understanding of the beliefs and traditions of others.”  
p71, Conservation Principles, English Heritage, 2008

**cultural heritage site** – “A place, locality, natural landscape, settlement area, architectural complex, archaeological site, or standing structure that is recognized and often legally protected as a place of historical and cultural significance.”  
ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites, ICOMOS, 2008

**curtilage** – An area of land around a listed building within which other buildings pre-dating July 1948 may be considered listed. Some buildings have no curtilage. For some the extent will be clear (such as the garden boundary) but for others, assessing the curtilage may be difficult.

## D

**de minimis** – Having such limited impact that consent is not required for such an alteration or addition.

**Department for Communities and Local Government (DCLG)** – Central government department that “sets policy on supporting local government; communities and neighbourhood; regeneration; housing; planning; building and the environment; and fire. Its key aim is to end an era of top-down government by giving new powers to councils, communities, neighbours and individuals.”  
Department for Communities and Local Government, accessed July 2012

**Department for Culture, Media and Sport (DCMS)** – Government department whose aim is “to improve the quality of life for all through cultural and sporting activities, to support the pursuit of excellence and to champion the tourism, creative and leisure industries.” The department has responsibility for designation, some heritage sites, such as listed buildings, and for making scheduled monument consent decisions.  
DCMS

**Department for the Environment, Food and Rural Affairs (DEFRA)** – Government department that makes policy and legislation concerning: the natural environment, biodiversity; plants and animals; sustainable development and the green economy; food, farming and fisheries; animal health and welfare; environmental protection and pollution control; and rural communities.  
DEFRA

**designated heritage asset** – “A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or conservation area designated as such under the relevant legislation.”  
Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

**designation** – “The recognition of particular heritage value(s) of a significant place by giving it formal status under law or policy intended to sustain those values.”  
p71, Conservation Principles, English Heritage, 2008

**development** – "... the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Building operations in this context includes: "demolition of buildings; rebuilding; structural alterations of or additions to buildings; and other operations normally undertaken by a person carrying on a business as a builder."

s55(1) Town and Country Planning Act 1990

**development consent** – "Consent under this Act ('development consent') is required for development to the extent that development is or forms part of a nationally significant infrastructure project."

s31 Planning Act 2008

"To the extent that development consent is required for development, none of the following is required to be obtained for the development or given in relation to it:

- (a) planning permission
- (f) [scheduled monument consent]
- (i) [listed building consent]
- (j) [conservation area consent]"

s33 Planning Act 2008

**development plan** – "For the purposes of any ... area in England [except Greater London] the development plan is:

- (a) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area [known as the Local Development Plan, but also including, until the abolition, the Regional Spatial Strategies]; and
- (b) the neighbourhood development plans which have been made in relation to that area."

s38 Planning and Compulsory Purchase Act 2004

"This includes adopted Local Plans, neighbourhood plans and the London Plan ... (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's policy intention to revoke the regional strategies outside of London, subject to the environmental assessments that are currently being undertaken.)"

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, March 2012

## E

**ecclesiastical building** – No statutory definition, but to include:

Anglican, free churches and Roman Catholic churches;

Now vacant buildings which were used as churches and have never had any other use.

Attorney General, ex rel Bedfordshire CC v Howard United Reformed Church Trustees, Bedford, 1976 [1974] QB 332, [1973] 3 All ER 878

**Ecclesiastical Exemption** – An exemption from various statutory restrictions and powers affecting listed and conservation area ecclesiastical buildings for those religious bodies that have in place satisfactory internal systems of control approved by the Secretary of State for Culture, Media and Sport. It is not an exemption from designation as a listed building or conservation area, or from the need to apply for planning permission. Those religious bodies currently exempt are called the exempt denominations which are currently: Church of England; Roman Catholic; Methodist Church; Baptist Church (under the Baptist Union); United Reform Church. Paragraph 4, The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994

**enabling development** – "Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved." Summary section 1, Enabling Development and the Conservation of Significant Places, English Heritage, 2012

**enforcement notices** – "The local planning authority may issue a notice (in this Act referred to as an 'enforcement notice') where it appears to them –

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations."

s172 Town and Country Planning Act 1990

**English Heritage** - An organisation responsible for the care of the national heritage collections, including over 400 historic properties and millions of documents and artefacts, all available to the public. Formerly also the government's advisor on the historic environment; in 2015, the former English Heritage split into two organisations - this one and also 'Historic England,' the latter having become the government's advisor.

**evidential value** – “Value deriving from the potential of a place to yield evidence about past human activity.”  
p71, Conservation Principles, English Heritage, 2008

## F

**fabric** – “The material substance of which places are formed, including geology, archaeological deposits, structures and buildings, and flora.”  
p71, Conservation Principles, English Heritage, 2008

General Permitted Development order (GPDO) – The Town and Country Planning (General Permitted Development) Order 1995 sets out a number of classes of more minor development that are granted planning permission subject to the exceptions, limitations and conditions mentioned in the Order. Provided development is carried out in accordance with the terms of the Order no application for planning permission needs to be made. Under the Order, local planning authorities can remove permitted development rights using what is called an Article 4 Direction. The GPDO does

not affect the need for consents other than planning permission, such as listed building consent.

The Town and Country Planning (General Development Procedure) Order 1995

## G

**Grade I** – For listed buildings, Grade I (one) indicates that the building is of “exceptional interest.”  
Principles of Selection, DCMS, 2010

For Registered Parks and Gardens Grade I (one) indicates that the site is of “exceptional interest.”  
English Heritage accessed August 2011

**Grade II\*** – For listed buildings, Grade II\* (two star) indicates that “buildings are particularly important ... of more than special interest.”  
Principles of Selection, DCMS, 2010

For Registered Parks and Gardens, Grade II\* (two star) indicates that the site is “particularly important, of more than special interest.”  
English Heritage website

**Grade II** – For listed buildings, Grade II (two) indicates that buildings are “of special interest, warranting every effort to preserve them.”  
Principles of Selection, DCMS, 2010

For Registered Parks and Gardens, Grade II (two) indicates that the site is of “special interest, warranting every effort to preserve [it].”  
English Heritage accessed August 2011

**grain** – Comprises building lines, orientation, the pattern of buildings and spaces between them, and the ratio of building to plot size.

## H

**harm** – “Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.”  
p71, Conservation Principles, English Heritage, 2008

**heritage** –

- 1) “All inherited resources which people value for reasons beyond mere utility.”  
Conservation Principles, English Heritage, 2008
- 2) “Heritage is a broad concept and includes the natural as well as the cultural environment. It encompasses landscapes, historic places, sites and built environments, as well as bio-diversity, collections, past and continuing cultural practices, knowledge and living experiences. It records and expresses the long processes of historic development, forming the essence of diverse national, regional, indigenous and local identities and is an integral part of modern life. It is a dynamic reference point and positive instrument for growth and change. The particular heritage and collective memory of each locality or community is irreplaceable and an important foundation for development, both now and into the future.” International Cultural Tourism Charter, ICOMOS, 1999

*See also: Cultural Heritage*

**heritage asset** – “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, 2012

**Heritage Gateway** – A collaborative project between English Heritage, Association of Local Government Archaeological Officers (ALGAO) and Institute of Historic Building Conservation (IHBC) to create a single online gateway to England’s local and national historic environment records.

Heritage Gateway, accessed July 2012

**heritage value(s)** – An aspect of the worth or importance attached by people to qualities of places, categorised as aesthetic, evidential, communal or historical value. Conservation Principles, English Heritage, 2008

**Historic England** - ‘The Historic Buildings and Monuments Commission for England’, established in 1984 by the National Heritage Act 1983. Historic England is the government’s adviser on the historic environment in England. Originally called ‘English Heritage,’ the name change having occurred in 2015.

**historic environment** –

1) “All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.”

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, 2012

2) “All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried, and deliberately planted or managed flora.”

p71, Conservation Principles, English Heritage, 2008,

**Historic Environment Record (HER)** – “Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.”

Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

“A public, map-based data set, primarily intended to inform the management of the historic environment. p71, Conservation Principles, English Heritage, 2008

**historic garden** – “A historic garden is an architectural and horticultural composition of interest to the public from the historical or artistic point of view. As such, it is to be considered as a monument. It is an architectural composition whose constituents are primarily vegetal and therefore living, which means that they are perishable and renewable. Thus its appearance reflects the perpetual balance between the cycle of the seasons, the growth and decay of nature and the desire of the artist and craftsman to keep it permanently unchanged. The term ‘historic garden’ is equally applicable to small gardens and to large parks, whether formal or ‘landscape’.”

The Charter on Historic Gardens (the Florence Charter), ICOMOS, 1981

**historic interest** – “To be of special historic interest a building must illustrate important aspects of the nation’s social, economic, cultural, or military history and/ or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.”

p4 Principles of Selection for Listed Buildings, 2010, DCMS

**historic(al) value** – “Value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present.”

p72 Conservation Principles, English Heritage, 2008

**I**

**integrity** – “Wholeness, honesty.”

p71 Conservation Principles, English Heritage, 2008

**interpretation** – “The full range of potential activities intended to heighten public awareness and enhance understanding of cultural heritage site. These can include print and electronic publications, public lectures, on-site and directly related off-site installations, educational programmes, community activities, and ongoing research, training, and evaluation of the interpretation process itself.”

ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites, 2008

**intervention** – “Any action which has a physical effect on the fabric of a place.”

p71, Conservation Principles, English Heritage, 2008

**L**

**listed building** – “... means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act –

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building.”

s1(5) Planning (Listed Buildings and Conservation Areas) Act 1990

**Listed Building Consent (LBC)** – Consent from the local planning authority (or in some circumstances the Secretary of State) for the demolition of a listed building or the

carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed may be a criminal offence. s8 Planning (Listed Buildings and Conservation Areas) Act 1990

**listed building enforcement notices** – “Where it appears to the local planning authority –

- (a) that any works have been or are being executed to a listed building in their area; and
- (b) that the works are such as to involve a contravention of section 9(1) or (2) [which in effect require listed building consent and compliance with conditions on any consent]

they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section (in this Act referred to as a ‘listed building enforcement notice’)

A listed building enforcement notice shall specify the alleged contravention and require such steps as may be specified in the notice to be taken –

- (a) for restoring the building to its former state; or
- (b) if the authority consider that such restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent; or
- (c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.”

s38 Planning (Listed Buildings and Conservation Areas) Act 1990

**Listed Building Heritage Partnership Agreement** – A means of allowing listed building consent to be granted for works of alteration or extension, (not demolition), to individual or groups of listed buildings. This allows works which would otherwise require a series of grants for listed building consent to be dealt under a single consent. Brought in under the provisions of the Enterprise and Regulatory Reform (ERR) Act 2013.

**Local Development Order** – Local Development Orders are made by local planning authorities and give a grant of planning permission to specific types of development

within a defined area. The defined area can be of any size as long as it is within the authority’s area. They are intended as a means to simplify and speed up local planning. They do not remove the need to gain other consents, such as listed building consent.

**local development plan or local plan** – “The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.”

Annex 2: Glossary, National Planning Policy Framework, Communities and Local Government, March 2012

**Local Listed Building Consent Order** – Made by a local planning authority, a means of granting listed building consent for works of any description for the alteration or extension (not demolition) of listed buildings in the local planning authority’s area. Brought in under the provisions of the Enterprise and Regulatory Reform (ERR) Act 2013.

**Listed Building Consent Order (national)** – Made by the Secretary of State, a means of granting listed building consent in respect of works of any description for the alteration or extension (not demolition), of listed buildings of any description in England. Brought in under the provisions of the Enterprise and Regulatory Reform (ERR) Act 2013.

**local planning authority (LPA)** – “The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London Borough Council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.”

Annex 2: Glossary, National Planning Policy Framework, Department for Communities and Local Government, March 2012

## M

**maintenance** – “Routine work regularly necessary to keep the fabric of a place in good order.”  
p71, Conservation Principles, English Heritage, 2010

**material (consideration)** – “Relevant to and having a substantial effect on; demanding consideration.”

p71, Conservation Principles, English Heritage, 2008

**monument** –

1) “(a) any building, structure or work, whether above or below the surface of the land, and any cave or excavation;

(b) any site comprising the remains of any such building, structure or work or of any cave or excavation; and

(c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a) above;

and any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.”

s61(7) Ancient Monuments and Archaeological Areas Act 1979

2) “The concept of an historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or an historic event. This applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time.”

International Charter for the Restoration and Conservation of Sites (the Venice Charter), ICOMOS, 1964

## N

**National Amenity Societies** – The following amenity societies are identified in a government circular 09/2005 as being the National Amenity Societies. This means that they must be notified by the local planning authority of any application to demolish all or part of a listed building.

They are:

- The Ancient Monuments Society
- The Council for British Archaeology
- The Georgian Group

- The Society for the Protection of Ancient Buildings
- The Victorian Society
- The Twentieth Century Society

Circular 09/2005 Office of the Deputy Prime Minister

**National Heritage List for England** – The National Heritage List for England is Historic England's official database of nationally designated heritage assets.

Available on the Historic England website, it provides public access to the following designation records:

1. Listed buildings
2. Scheduled monuments
3. Protected wreck sites
4. Registered parks and gardens
5. Registered battlefields
6. World Heritage Sites
7. Applications for Certificates of Immunity
8. Current building preservation notices

**national importance** – “... the Secretary of State may on first compiling the Schedule [of monuments] or at any time thereafter include therein any monument which appears to him to be of national importance.”

s1(3) Ancient Monuments and Archaeological Areas Act, 1979

**National Planning Policy Framework (NPPF)** – The National Planning Policy Framework sets out the government’s planning policies for England and how these are expected to be applied. It sets out the government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Paragraph 1, National Planning Policy Framework, Department for Communities and Local Government, March 2012

**natural change** – “Change which takes place in the historic environment without human intervention, which may require specific management responses (particularly maintenance or periodic renewal) in order to sustain the significance of a place.”

p71, Conservation Principles, English Heritage, 2008

### **natural heritage –**

- (1) “Inherited habitats, species, ecosystems, geology and landforms, including those in and under water, to which people attach value.”

p71 Conservation Principles, English Heritage, 2008

- (2) “For the purpose of this Convention, the following shall be considered as “natural heritage”:

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.”

The World Heritage Convention 1972

**Neighbourhood Development Order** – Used in designated neighbourhood areas to grant planning permission for development specified in such an order. Intended as a means to allow communities the opportunity to bring forward proposals for development in their area. They must be proposed by qualifying bodies such as parish or town councils.

**Neighbourhood Plan** - A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004). A plan will ‘give communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.’ NPPF.

### **O**

**optimum viable use** – “If there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear likely future changes.”

Paragraph 89 PPS Planning for the Historic Environment: Practice Guide, DCMS and English Heritage (2010)

**Outstanding Universal Value:** OUV – “Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.”

Paragraph 49 Operational Guidelines for Implementation of the World Heritage Convention, UNESCO, 2005

### **P**

**permitted development** – development (such as certain building works or change of use) that is allowed to be carried out without the need to gain planning permission under the provision of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any such amendments to that schedule thereafter).

### **place –**

- 1) “Any part of the historic environment, of any scale, that has a distinctive identity perceived by people.”

p72 Conservation Principles, English Heritage, 2008

- 2) “... site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.”

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999

**planning permission** – The granting of consent for works which meet the statutory definition of ‘development’ as set out in s55 of the Town and Country Planning Act 1990. It may be granted by the local planning authority or by the Secretary of State. Certain classes of minor works can be carried out without planning permission because they are deemed as permitted development.

**Planning Policy Statement 5 (PPS5)** – Published on 23.03.2010, PPS5 set out the government’s planning policies on the conservation of the historic environment and replaced the earlier PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology and Planning). It was replaced by the National Planning Policy Framework in March 2012 and cancelled in March 2015, the Planning Practice Guide taking its place from that date.

**Planning Practice Guidance (PPG)** – Published online by the Department for Communities and Local Government (DCLG); accompanying the NPPF to give further information on how national policy is to be interpreted and applied locally and underlines the support for sustainable development required by the NPPF.

## R

**Principles of Selection** – “This guidance sets out the general principles that the Secretary of State [for Culture, Media and Sport] applies when deciding whether a building is of special architectural or historic interest and should be added to the list of buildings compiled under the Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State cannot take any other factors into account when considering his decision.”

**Principles of Selection, Department for Culture, Media and Sport, 2010 p3**

**public** – “Of, concerning, done, acting, etc. for people as a whole.”

**p72 Conservation Principles, English Heritage, 2008.**

**reconstruction** – “Returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.”

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter), ICOMOS Australia, 1996

**recording** – “The capture of information which describes the physical configuration, condition and use of monuments, groups of buildings and sites, at points in time, and it is an essential part of the conservation process.”

ICOMOS Principles for the Recording of Monuments, Groups of Buildings, and Sites, ICOMOS, 1996

**Register of Historic Battlefields** – The Register is held by English Heritage and comprises the sites of 43 of the most important military battles on English soil.

**Registered Battlefield** – A site included on the non-statutory Register of Battlefields in England, maintained by English Heritage.

Registered battlefields are designated heritage assets and subject to the planning policies within the NPPF.

**Registered Park and Garden** – A site included on the Register of Historic Parks and Gardens in England. Registered parks and gardens are designated heritage assets and subject to the planning policies within the NPPF.

**renewable energy** – energy that is not derived from the use of fossil fuels.

**renewal** – “Comprehensive dismantling and replacement of an element of a place, in the case of structures normally reincorporating sound units.”

Conservation Principles, English Heritage, 2008, p72

**repair** – “Work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving restoration or alteration.”

p72 Conservation Principles, English Heritage, 2008

**repairs notice** – “The compulsory purchase of a building under section 47 [of the Planning (Listed Buildings and Conservation Areas) Act 1990] shall not be started by the appropriate authority or by the Secretary of State unless at least two months previously the authority or, as the case may be, the Secretary of State has served on the owner of the building a notice under this section (in this section referred to as a “repairs notice”) –

(a) specifying the works which the appropriate authority or, as the case may be, the Secretary of State considers reasonably necessary for the proper preservation of the building; and

(b) explaining the effect of sections 47 to 50, and the repairs notice has not been withdrawn.”

s48 Planning (Listed Buildings and Conservation Areas) Act 1990

**restoration** –

1) “To return a place to a known earlier state, on the basis of compelling evidence, without conjecture.”

p72 Conservation Principles, English Heritage, 2008

2) “Returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.”

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter), Australia ICOMOS, 1996

**reversible** – “Capable of being reversed so that the previous state is restored.”  
Conservation Principles, English Heritage, 2008, p72

## S

**scheduled monument** – “... ‘scheduled monument’ means any monument which is for the time being included in the schedule [compiled and maintained by the Secretary of State for Culture, Media and Sport]”.

s1(11) Ancient Monuments and Archaeological Areas Act 1979

**scheduled monument consent** – Consent given by the Secretary of State for Culture, Media and Sport (administered by Historic England) for:

“(a) any works resulting in the demolition or destruction of or any damage to a scheduled monument;

(b) any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto; and



**(c) any flooding or tipping operations on land in, on or under which there is a scheduled monument.”s2 Ancient Monuments and Archaeological Areas Act 1979.**

**Secretary of State** – The monarch appoints various Secretaries of State to form the government. Each of them heads a government department. Although the secretarial duties are divided amongst the Cabinet, the office of Secretary of State is one and in law each Secretary of State is capable of performing the duties of all or any of the departments. In this guide the current allocation of departmental responsibility has been indicated, e.g. the Secretary of State for Culture, Media and Sport is responsible for listing buildings.

**setting** –

- 1) “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”  
Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012
- 2) “The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape.” Conservation Principles, English Heritage, 2008, p72
- 3) “The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context.”  
Xi’an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas, ICOMOS, 2005

**significance** –

- 1) “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”  
Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

2) “The sum of the cultural and natural heritage values of a place, often set out in a statement of significance.”

p72 Conservation Principles, English Heritage, 2008

**significant place** – “A place which has heritage value(s).”

p72 Conservation Principles, English Heritage, 2008

**site** – “Works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.”

p2 Convention Concerning the Protection of World Cultural and Natural Heritage, UNESCO, 1972

**Sites and Monuments Record (SMR)** – The name previously given to Historic Environment Records.

**special interest** –

- 1) “... in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings ...”  
s1(1) Planning (Listed Buildings and Conservation Areas) Act 1990
- 2) “Every local planning authority ... shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and ... shall designate those areas as conservation areas.”  
s69 Planning (Listed Buildings and Conservation Areas) Act 1990
- 3) “This section applies where [English Heritage] compile a register of gardens and other land situated in England appearing to them to be of special historic interest.”  
s8C(1) Historic Buildings and Ancient Monuments Act 1953

**sustain** – “Maintain, nurture and affirm validity.” Conservation Principles, English Heritage, 2008, p72

**sustainable** –

- 1) “Capable of meeting present needs without compromising ability to meet future needs.”  
Conservation Principles, English Heritage, 2008, p72

2) “For a policy to be sustainable, it must respect all five [shared UK principles of sustainable development]. We want to live within environmental limits and achieve a just society, and we will do so by means of sustainable economy, good governance and sound service.” Department for the Environment, Food and Rural Affairs website.

3) Meeting “the needs of the present without compromising the ability of future generations to meet their own needs.” Report of the World Commission on Environment and Development, United Nations 1987.

**sustainable communities** – This term was defined by the Egan Review 2004 as communities which “meet the diverse needs of existing and future residents, their children and other users, contribute to a high quality of life and provide opportunity and choice. They achieve this in ways that make effective use of natural resources, enhance the environment, promote social cohesion and inclusion and strengthen economic prosperity.”

**sustainable development** – “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” UN Brundtland Commission, 1983.

## T

**Tree Preservation Order (TPO)** – A means of affording protection to a tree or group of trees. “If it appears to a local planning authority that it is expedient in the interests of amenity to make provisions for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.”

“A tree preservation order may, in particular, make provision [amongst other things]

–

(a) for prohibiting (subject to any exemptions for which provisions may be made by the order) the cutting down, topping, lopping, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

(b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order.”

s198 Town and Country Planning Act 1990

## U

### **United Nations Educational, Scientific and Cultural Organisation (UNESCO)** –

“UNESCO works to create the conditions for dialogue among civilizations, cultures and peoples, based upon respect for commonly shared values. It is through this dialogue that the world can achieve global visions of sustainable development encompassing observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of UNESCO’S mission and activities.” UNESCO website

**Urgent Works Notice** – A notice served by a local authority (or English Heritage) under s54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to authorise the execution of works considered urgently necessary to preserve a listed building.

s54 Planning (Listed Buildings and Conservation Areas) Act 1990

## V

**value** – “An aspect of worth or importance, here attached by people to qualities of places.”

Conservation Principles, English Heritage, 2008, p72

**vernacular** – “Examples of the vernacular may be recognised by:

- a) A manner of building shared by the community;
- b) A recognisable local or regional character responsive to the environment;
- c) Coherence of style, form and appearance, or the use of traditionally established building types;
- d) Traditional expertise in design and construction which is transmitted informally;
- e) An effective response to functional, social and environmental constraints;
- f) The effective application of traditional construction systems and crafts.”

ICOMOS Charter on the Built Vernacular Heritage, 1999.

**village design statement (VDS)** - a document that describes the distinctive characteristics of a place and that provides design guidance to inform future development and improve the physical qualities of the area.

## W

**World Heritage Site** – A site on a list of properties maintained by the World Heritage Committee of UNESCO and called the World Heritage List “forming part of the cultural heritage and natural heritage ... which it considers as having outstanding universal value in terms of such criteria as it shall have established.”  
UNESCO World Heritage Convention (1982), Article 11(2).

**written scheme of investigation** – “Where development will lead to loss of a material part of the significance of a heritage asset, policy HE12.3 [of PPS5, now paragraph 141 of the NPPF] requires local planning authorities to ensure that developers take advantage of the opportunity to advance our understanding of the past before the asset or the relevant part is irretrievably lost. As this is the only opportunity to do this it is important that:

1. Any investigation, including recording and sampling, is carried out to professional standards and to an appropriate level of detail proportionate to the asset’s likely significance, by an organisation or individual with appropriate expertise.
2. The resultant records, artefacts and samples are analysed and where necessary conserved.
3. The understanding gained is made publicly available.
4. An archive is created, and deposited for future research.

The steps to be taken by the developer to achieve these aims can be controlled through a written scheme of investigation, usually drafted by the applicant. The local planning authority can advise as to what the scheme should cover. Conditions can then be applied to the consent or a Section 106 Agreement entered into to secure the implementation of the written scheme of investigation.”  
Paragraph 130 and 131 of PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide.

# APPENDIX P: BIBLIOGRAPHY

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Important Note - As of April 2015, English Heritage changed its name to 'Historic England.' It continues to publish new and revised guidance; the latest publications can be found online at [historicengland.org.uk/advice/latest-guidance/](http://historicengland.org.uk/advice/latest-guidance/) (previous change publications remain as 'English Heritage' below).

## Architectural History

Pevsner, 'Buildings of England' series.

The Georgian Group, various publications – more information can be found online at: [www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)

The Twentieth Century Society, various publications – more information can be found online at: [www.c20society.org.uk](http://www.c20society.org.uk)

The Victorian Society, various publications – more information can be found online at: [www.victoriansociety.org.uk/](http://www.victoriansociety.org.uk/)

English Heritage (2014), 'National Farm Building Types.'

## Conservation Guidance

English Heritage (2008), 'Conservation Principles, Policies and Guidance.'

English Heritage (2010), 'New Uses for Former Places of Worship'.

English Heritage (2006), 'The Conversion of Traditional Farm Buildings: A Guide to Good Practice.'

English Heritage, various publications on farm buildings can be found online at: [helm.org.uk/regeneration-and-design/living-and-working-countryside/historic-farm-buildings/](http://helm.org.uk/regeneration-and-design/living-and-working-countryside/historic-farm-buildings/)

English Heritage (2014), 'Traditional Windows; their care, repair and upgrading.'

British Standard 7913 (2013), 'Guide to the Conservation of Historic Buildings.'

## Design Related

CABE/DETR (May 2000), 'By Design – Urban design in the planning system: towards better practice.'

Department for Transport, and Department of Communities and Local Government (2012), 'Manual for Streets 1 and 2.'

The Housing Corporation and English Partnerships (first published 2000), 'Urban Design Compendium.'

English Heritage, Department for Transport (2005), 'Streets for All – Yorkshire and Humber.'

## Energy Efficiency Related

DECC Government Guidance (1st Nov 2013) – Letter to Local Authorities – Solar Energy.

English Heritage (2006), 'Biomass Energy and the Historic Environment.'

English Heritage (2008), 'Climate Change and the Historic Environment.'

English Heritage (2008), 'Energy Conservation in Traditional Buildings.'

English Heritage (2008), 'Micro Wind Generation and Traditional Buildings.'

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English Heritage (2008), 'Small Scale Solar Electric Energy (Photovoltaics) and Traditional Buildings.'

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Historic Scotland (2010), 'Thermal Performance of Traditional Windows' Technical Paper 1.

The Prince's Regeneration Trust (2010), 'The Green Guide for Historic Buildings.'

Sustainable Traditional Building Alliance (STBA) (2015), 'Planning Responsible Retrofit of Traditional Buildings.'

Changeworks (2008), 'Energy Heritage: A Guide to Improving Energy Efficiency in Traditional and Historic Homes,' available online at: [changeworks.org.uk/uploads/83096-EnergyHeritage\\_online1.pdf](http://changeworks.org.uk/uploads/83096-EnergyHeritage_online1.pdf)

### Online resources related to saving energy

[climatechangeandyourhome.org.uk](http://climatechangeandyourhome.org.uk)  
[energysavingtrust.org.uk](http://energysavingtrust.org.uk)

Sustainable Traditional Building Alliance (STBA), 'Interactive Guidance Wheel' for the retrofitting of buildings of traditional construction.

Historic England's series of publications on historic buildings and energy efficiency, available online at: [historicengland.org.uk/advice/your-home/saving-energy/guidance/](http://historicengland.org.uk/advice/your-home/saving-energy/guidance/):

- Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to historic and traditionally constructed buildings.
- Energy Efficiency and Historic Buildings: Open fires, chimneys and flues.
- Energy Efficiency and Historic Buildings: Insulating pitched roofs at ceiling level – cold roofs.
- Energy Efficiency and Historic Buildings: Draught-proofing windows and doors.
- Energy Efficiency and Historic Buildings: Early cavity walls.
- Energy Efficiency and Historic Buildings: Insulating dormer windows.
- Energy Efficiency and Historic Buildings: Insulating flat roofs.
- Energy Efficiency and Historic Buildings: Insulating solid ground floors.
- Energy Efficiency and Historic Buildings: Insulating solid walls.
- Energy Efficiency and Historic Buildings: Insulating thatched roofs.
- Energy Efficiency and Historic Buildings: Insulation of suspended timber floors.
- Energy Efficiency and Historic Buildings: Secondary glazing for windows.
- Energy Efficiency and Historic Buildings: Insulating timber-framed walls.
- Energy Efficiency and Historic Buildings: Insulating pitched roofs at rafter level – warm roofs.

### Harrogate Borough Council Guidance

Harrogate Borough Council (various dates), 53 conservation area appraisals (see Appendix G for the full list).

Harrogate Borough Council (2005), 'House Extensions and Garages Design Guide.'

Harrogate Borough Council (2004), 'Landscape Character Assessment.'

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Harrogate Borough Council (1999), 'Residential Design Guide.'

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Harrogate Borough Council (1992), 'The Re-use of Rural Buildings.'

Harrogate Borough Council (2013), 'Draft Green Infrastructure Guide.'

The above are available online at: [harrogate.gov.uk](http://harrogate.gov.uk)

### Information Resources

Historic England 'National Heritage List for England,' online at: [historicengland.org.uk/listing/the-list/](http://historicengland.org.uk/listing/the-list/)

North Yorkshire County Council – Heritage Environment Record (HER), located at NYCC County Hall in Northallerton, or online at: [northyorks.gov.uk/article/23824/Historic-environment-record](http://northyorks.gov.uk/article/23824/Historic-environment-record)

HELM – Historic Environment Local Management, available online at: [helm.org.uk/](http://helm.org.uk/)

The Society for the Protection of Ancient Buildings, online resource, available at: [spab.org.uk/](http://spab.org.uk/)

Building Conservation, online resource, available at: [buildingconservation.com](http://buildingconservation.com)

British Geological Survey (2012), 'Strategic Stone Study – A Building Stone Atlas of North Yorkshire East and York' and 'Strategic Stone Study – A Building Stone Atlas of North Yorkshire West.' Additional information available online at: [bgs.ac.uk/mineralsUK/buildingStones/StrategicStoneStudy/EH\\_project.html](http://bgs.ac.uk/mineralsUK/buildingStones/StrategicStoneStudy/EH_project.html)

## Landscape/Natural Environment Related

Institute of Lighting Engineers (2000), 'Guidance Notes for the Reduction of Light Pollution.'

Landscape Institute (2009) Position Statement, 'Green Infrastructure: connected and multifunctional landscapes.'

Nidderdale AONB (2009), 'Heritage Strategy.'

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Nidderdale AONB, 'Traditional Farmsteads and their Buildings in the Nidderdale AONB.'

North Yorkshire County Council (2010), 'Historic Landscape Character – North Yorkshire, York and the Lower Tees Valley.'

## Listed Building Selection Guides

The following selection guides can be found online at:

<https://historicengland.org.uk/listing/selection-criteria/listing-selection/>

Agricultural Buildings / Commemorative Structures / Commerce and Exchange Buildings / Culture and Entertainment / Domestic 1: Vernacular Houses / Domestic 2: Town Houses / Domestic 3: Suburban and Country Houses / Domestic 4: The Modern House and Housing / Education Buildings / Garden and Park Structures. /Health and Welfare Buildings / Industrial Structures / Law and Government Buildings / Maritime and Naval Buildings / Military Structures / Places of Worship/ Sport and Recreation Buildings /Street Furniture / Transport Buildings / Utilities and Communication Structures.

## Policy Related

Department for Communities and Local Government (March 2012), 'National Planning Policy Framework.'

Department for Communities and Local Government, 'Planning Practice Guide,' available online at: [gov.uk/guidance/conserving-and-enhancing-the-historic-environment](http://gov.uk/guidance/conserving-and-enhancing-the-historic-environment)

Harrogate Borough Council (2001), 'The Harrogate District Local Plan.'

Harrogate Borough Council (2009), 'The Harrogate District Core Strategy.'

Historic England Historic Environment Good Practice Advice Notes (which provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be applied):

Historic England (2015), 'Historic Environment Good Practice Advice Note 1 –The Historic Environment in Local Plans.'

Historic England (2015), 'Historic Environment Good Practice Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment.'

Historic England (2015), 'Historic Environment Good Practice Advice Note 3 -The Setting of Heritage Assets.'

Historic England Historic Environment Good Advice Notes (include detailed, practical advice on how to implement national planning policy and guidance):

Advice Note 1 (2016) –Conservation Areas.

Advice Note 2 (2016) - Managing Changes to Heritage Assets.

Advice Note 3 (2015) – The Historic Environment and Site Allocations.

Advice Note 4 (2015) – Tall Buildings.

Advice Note 5 (2015) – Heritage Partnership Agreements.

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# APPENDIX Q: CONSULTATION ON DRAFT HERITAGE MANAGEMENT SPD

On 1st May 2013, the Cabinet Member for Planning, Transport and Economic Development approved the Draft Heritage Management Guidance for consultation purposes. A letter was sent to all those who have had involvement in the preparation of the guidance and the other stakeholders and statutory consultees. There was a press release to publicise that a consultation is taking place and where the document may be seen on the website or hard copies obtained. The consultees included NYCC, English Heritage (now 'Historic England'), Natural England, the Environment Agency, the parish councils, amenity associations, agents and the like, as well as other sections and departments of the council. The consultation was carried out in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) and in line with the adopted Statement of Community Involvement. The consultation took place at the same time as that for the Sites and Policies DPD for six weeks closing on 21st June 2013.

Comments were made on the draft SPD. A table of the comments, together with officers' responses is at Appendix 2 of the report to the Cabinet Member dated 22nd January 2014. In general, the overall form and content of the draft document met with approval, although some changes were sought. The principle issues raised were as follows:

- Non-designated Heritage Assets – Only one agent on behalf of a developer raised concern. He considered the presumption in favour of the asset would be contrary to NPPF. Officers do not agree because NPPF states Local Planning Authorities (LPAs) should take account of the desirability of sustaining and enhancing the significance of heritage assets, and if an asset is significant enough to be a non-designated heritage asset, it therefore should be conserved;
- Principles of conservation should be included in the Local Plan, not guidance – English Heritage (EH) has particularly objected to policy EQ4 and requested policies for different designation types. Additionally EH considers that there should be a series of SPDs, one for each theme. This is not agreed by officers because for example, separating Non-Designated Assets would serve to reduce their apparent significance and lessen the understanding that all heritage assets contribute to Local Distinctiveness;

- Significance – EH consider the list of significances should better reflect NPPF. Officers agree to add "Artistic" to the list, which would enable non-building assets to be better assessed;
- Townscape Improvement Areas – Ripon Civic Society considered the proposed enhancements should not be included in the guidance, the Ripon City (Neighbourhood) Plan may address some concerns. (See 5.5 below);
- Archaeology – The county archaeologist considers undesignated archaeological remains are not treated as fully as built environment, and has concerns that Harrogate Borough Council (HBC) has insufficient expertise to implement DPD/SPD/NPPF. Officers agree the document does focus on above-ground heritage assets, and guidance on archaeology is limited to supporting the NPPF on protection of assets and advising where information is held, the requirements for research, and that investigation and recording may be required. HBC does not have archaeological expertise and will continue to rely on its partners. It is intended that further information will be provided in the Appendix following liaison with NYCC;
- Pre-historic Landscape – a resident considered that there is inadequate consideration of historic landscape. Whilst the document does refer to designed landscape, officers accept that some additional text could offer greater clarity.

The text of the draft document was changed only in consideration of the consultation responses, and on 22nd January 2014 the text document was approved by the Cabinet Member for Planning, Transport and Economic Development for development control purposes as a temporary measure before the final edited version with illustrations could be prepared and adopted as supplementary planning guidance.

It had been the intention to adopt the Heritage Management SPD at the same time, or just after the Sites and Policies DPD. However, the council withdrew from

the Examination, and is currently preparing a new Local Plan. The text in the SPD regarding planning policy has been updated to recognise this fact, and Appendix B has been substantially altered to include saved policies, in place of the proposed policies of the DPD.

Any new text in the guidance document has been limited to fact and no further guidance is added. Photographs and plans have been added to illustrate the guidance that was consulted upon during May and June 2013. As the necessary screening under the Environmental Assessment of Plans and Programmes Regulations and the Habitats Regulations has taken place as reported in Appendix M, and full consultation took place on the guidance content of this document, it was adopted as SPD by the Cabinet Member for Planning, Transport and Economic Development on 19th November 2014.

The Appendices take the form of a “living document” and will be updated on a regular basis. Generally the updates will be, for example, adding reference to future guidance of other agencies, or new policy or government guidance, which would not require any further consultation of the SPD. However, when written, Appendix K will be consulted upon at the same time as the council’s forthcoming change to the validation criteria.