

PLANNING AND THE HISTORIC ENVIRONMENT

April 1999

Introduction

1. The post-war period has seen successive Governments give high priority to conserving the historic environment. This comprises the tangible built heritage - historic buildings and townscapes, parks and gardens, designed landscapes, ancient monuments, archaeological sites and landscapes. It also includes the wider setting of these features and areas as well as places important for their historic associations. Care of the country's heritage is a fundamental element of environmental stewardship and sustainable development which is at the heart of Government policy.

2. This National Planning Policy Guideline (NPPG) deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens, designed landscapes and their settings. It complements NPPG5 *Archaeology and Planning*, which sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes.

3. This NPPG sets out the Government's planning policies in relation to the historic environment with a view to its protection, conservation and enhancement. Central to the Government's approach is the need to secure preservation whilst accommodating and remaining responsive to present day needs. The guidelines have been prepared on the basis of the existing statutory framework for planning, listed buildings and conservation areas. The primary source of guidance on the Secretary of State's interests and responsibilities in relation to listed buildings and conservation areas is provided in the *Memorandum of Guidance on Listed Buildings and Conservation Areas (revised 1998)* (the *Memorandum*).

4. This Guideline:

- outlines national policy on the historic environment which local authorities should consider in formulating and assessing development proposals;
- explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development;
- identifies a range of planning action designed to achieve conservation objectives, including implications for development plans and development control

The guideline also recognises that the historic environment comprises more than just the physical remains of the past. Social and economic factors contribute significantly to the cultural heritage and help define the character of the historic environment.

the historic environment

5. The historic environment is a fundamental part of Scotland's cultural heritage and exists as an irreplaceable record which contributes to our understanding of both the present and the past. The historic environment also serves as a framework for the evolution and development of our built environment. It has tremendous visual appeal, provides inspiration and enjoyment and helps reinforce a sense of local, regional and national identity. Scotland's historic environment is characterised by its diversity. Elements are also of international significance. They include some of the finest planning and architectural achievements, such as Edinburgh's

New Town and other significant planned communities such as New Lanark. More modest historic buildings, townscapes and landscapes are valued for their distinctive style and character, quality of workmanship, and important archaeological remains. The historic environment is of immense importance for education, recreation, leisure, tourism and the wider economy.

6. Much of Scotland's substantial legacy of historic buildings, townscapes and landscapes are of outstanding quality. There are over 44,000 listed buildings and almost 600 conservation areas in Scotland. The Inventory of Historic Gardens and Designed Landscapes in Scotland identifies historic parks, gardens and designed landscapes regarded as worthy of special attention. There are 275 sites included in the Inventory although consideration is being given to the inclusion of additional sites. Locally significant buildings, townscape, landscape and other areas beyond the confines of formally designated areas are also an important local resource and often merit protection on that basis. The relationship between historic buildings, cultural features and the natural environment can help give an area its particular identity and character. The spaces between buildings, the settings of historic buildings and areas, historic landscapes, urban parks, historic street patterns, historic battlefields and memorials are particularly significant in this respect. It is also important to remember that good quality modern development forms an important part of our heritage.

7. The survival of historic places is no accident. Legislation exists to identify and protect the character of buildings and areas of architectural or historic interest. There are also provisions for the protection of the setting of historic buildings and for grants to be awarded for the repair of buildings of special architectural and historic interest and townscape within outstanding conservation areas. Successful protection, planning and management of the historic environment will also depend upon functional elements such as land use and historic patterns of economic or social activity being considered alongside the commitment to conserve the physical fabric. The Scottish tradition of living in tenements, for example, is representative of a process that contributes to the overall character of the historic environment and influences building type and layout. Another example of this is the predominance of mixed-use development within town and city centres. Land use and patterns of social and economic activity are key components in the character of the historic environment.

8. Despite the application of measures for the protection of the historic environment, as well as greater public awareness and support for heritage issues, the historic environment can still be threatened by inappropriate development. Historic areas are not immune to the effects of economic decline and population change, which can result in obsolescence, neglect and deterioration of the physical fabric and erosion of their character and distinctiveness. Historic places are a product of a process of refinement and change over generations to meet the needs of existing populations. Pressure for change can, however, present difficult issues and planning has a role to play in reconciling the need to protect our heritage with the need to accommodate and promote suitable opportunities for change. Understanding the dynamics of the historic environment is important in securing its future.

policy and legislative framework Planning Policy Framework

9. Following consolidation of planning legislation through the Town and Country Planning (Scotland) Act 1997 separate legislative provision now exists for, amongst other things, the listing of buildings, listed building control and designation of conservation areas. NPPG1 *The*

Planning System indicates the objectives of the planning system and the legislative and administrative framework within which planning policies are formed and implemented. Maintaining and enhancing the quality of the historic environment and preserving the country's heritage are important functions of the planning system. Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

10. Other NPPGs are of relevance to the historic environment. NPPG5 *Archaeology and Planning* gives guidance on the role of the planning system in identifying, protecting and recording archaeological remains. This guidance complements NPPG5. Better integration of land-use and transport to reduce the need to travel, may lead to a greater concentration of development in existing centres, including historic urban areas. NPPG17 *Transport and Planning* recognises this and seeks to ensure that transport and related land-use proposals do not undermine the quality of the historic environment. The importance of reinforcing the vitality and viability of town centres, of which the historic environment is often a significant component, is advocated NPPG8 (revised 1998) *Town Centres and Retailing*. NPPG3 (revised 1996) *Land for Housing* seeks to promote the reuse of under-used and vacant land and buildings for new housing. This provides opportunity to breathe new life into historic areas. NPPG14 *Natural Heritage* supports conservation of the historic landscape as an important cultural as well as natural resource. *also see PAN 42 Archaeology also see PAN 57 Transport and Planning*

11. The planning system provides a mechanism for the co-ordination and integration of conservation policies with other land-use, transport and environmental policies affecting the historic environment. Planning also has a positive role to play in enabling development that is appropriate in terms of land-use, location and design. In doing so it can safeguard the historic environment from inappropriate development and provide for change that respects the character of and provides for the needs of people within these areas. Development planning enables community involvement in conservation issues and provides the basis for decisions on planning applications. It also provides a vehicle for justifying the use of additional development control powers.

Statutory Designations 02 Listed Buildings

12. The Secretary of State is required to compile a list of buildings of special architectural or historic interest. The term 'building' is defined broadly and can include, for example, walls and bridges as well as structures falling in the more usual understanding of the term. Protection also extends to the interior of listed buildings and to all buildings within the curtilage of the listed structure. Buildings of special architectural or historic interest are listed by the Secretary of State and divided into three categories: categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the buildings special architectural or historic interest is controlled. *also see chapter I of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and sections 1 and 2 of the Memorandum*

- **In the determination of an application for listed building consent or for planning permission for development affecting a listed building or its setting, the planning authority is required to 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.**

see sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Conservation Areas

13. Conservation areas are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The setting of these areas can also be included within the designation. Unlike listed buildings, selection and designation is carried out by the planning authority, although the Secretary of State does have reserve powers to designate conservation areas. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances, be further extended through the introduction of an Article 4 Direction (see paragraph 40). Designation also introduces control of the demolition of unlisted buildings within conservation areas (see paragraph 48). The character or setting of conservation areas often depends upon individual or distinctive groups of trees. Whilst conservation area designation provides temporary protection over all trees in a conservation area these can be given permanent protection through Tree Preservation Orders. Additional controls over advertisements can also be introduced within conservation areas. *Part II of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and section 3 of the Memorandum*

- **In the determination of any application for planning permission for development affecting a conservation area, the planning authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.**

section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

14. Planning authorities also have a duty to bring forward proposals for the preservation or enhancement of conservation areas. Conservation areas are, therefore, one of the measures available to local authorities in raising the quality of the built environment. The positive management of these areas is vital if their character or appearance is to be protected and enhanced. Various sources of funding are available to local authorities, usually on a partnership basis, from Historic Scotland, and other relevant organisations, to assist with the formulation and implementation of enhancement schemes. The Secretary of State, along with local authorities, has powers to provide grants or loans for the promotion, preservation or enhancement of conservation areas. The designation of conservation areas should not, therefore, simply be used as a way of increasing the level of control exercised over development. *section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*

Non Statutory Designations 05 World Heritage Sites

15. The World Heritage Convention, adopted by UNESCO in 1972 and ratified by the United Kingdom, provides for the identification, conservation and preservation of cultural and natural sites of outstanding universal value for inclusion in a world heritage list. Historic Scotland provides the Secretary of State with advice, on which cultural sites should be included from Scotland on the UK's tentative list, which is the first step in the nomination procedure. Scotland currently has two World Heritage Sites: St Kilda, for its natural value, and the Old and New Town areas of Edinburgh for their cultural value. Responsibility for the

nomination and subsequent protection and management of sites lies with national governments. No additional statutory controls result from designation but a combination of a clear policy framework and comprehensive management plan should be established to assist in maintaining and enhancing the quality of these areas. The impact of proposed development upon a World Heritage Site will be a key material consideration in determining planning applications.

Historic Gardens and Designed Landscapes

16. An Inventory of Historic Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. The effect of proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application. Planning authorities must consult with the Secretary of State and Scottish Natural Heritage on any proposed development that may affect site contained in the Inventory. *see section 5 of the Memorandum and article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992*

The Role of Historic Scotland

17. Historic Scotland is an executive agency of The Scottish Office responsible for discharging the Secretary of State's functions in relation to the protection and presentation of Scotland's built heritage and advising him on built heritage policy. It administers his statutory duties for the listing and protection of historic buildings and for the scheduling and protection of ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979. It considers on his behalf the classification of conservation areas as 'outstanding' for grant purposes and is jointly responsible for the compilation of the Inventory of Historic Gardens and Designed Landscapes. Historic Scotland also administers grant schemes for the repair of buildings of special architectural or historic interest, for buildings and townscape within 'outstanding' conservation areas, and for ancient monuments. The agency is also responsible for producing the Memorandum of Guidance on Listed Buildings and Conservation Areas. A series of Technical Advice Notes (TANs) offer detailed guidance on various issues related to the use and repair of historic buildings and traditional building materials. Historic Scotland is also responsible for the direct management and promotion of over 300 historic properties in State care. Historic Scotland seeks, therefore, to secure the protection and enhancement of the historic environment by working in partnership with local authorities and others in administering their respective powers, in the positive management of the historic environment and by promoting a greater awareness of the need to protect and conserve the built heritage.

The Role of Local Authorities and Others

18. Local authorities have a range of duties and powers with regard to the historic environment. The stewardship of the historic environment is already reflected in many development plans and the key task is to develop the positive aspects of policy and seek the means for implementing them. It is important that, as planning authorities, they adopt suitable policies in their development plans and implement them through development control decisions and other means. Planning authorities should also ensure that they can call on sufficient specialist conservation advice to inform their decision-making and to advise owners of historic buildings and other members of the public.

19. Prime responsibility for the maintenance and upkeep of the historic environment lies with individual owners and users of historic buildings. Partnership between owners, users and public authorities is, however, key to the long-term conservation of the historic environment. National amenity bodies such as The Scottish Civic Trust, The Architectural Heritage Society of Scotland and the Garden History Society, along with local amenity bodies, community councils and building preservation trusts also play a significant role in safeguarding and promoting the historic environment.

Planning for the historic environment- general policy guidelines Conservation and Sustainable Development

20. Sustainable development is an over-arching theme that lies at the heart of Government policy. In pursuit of sustainable development the Government recognises the historic environment as a finite and non-renewable resource and seeks to encourage its preservation and continued use so that it may be enjoyed today and passed on in good order to future generations. Recycling existing buildings will minimise the consumption of materials and energy used in demolition and redevelopment. Traditional building materials and methods of construction are generally robust and can be more widely promoted on the basis that historic buildings normally have a life span well in excess of modern buildings. For this, and in order to ensure that works involving the alteration, maintenance and repair of historic buildings and streetscape can be carried out in a sympathetic manner, appropriate sources of traditional building materials should be identified. Maintaining and enhancing the economic and social fabric of the historic environment is also vital if the variety, quality and special characteristics of this resource is to be sustained for future generations. Avoiding the neglect and loss of built fabric and promoting the efficient use and reuse of land and buildings within the historic environment are two ways in which the planning system can contribute in a practical way towards sustainable development. Down to Earth - a Scottish perspective on sustainable development

21. Although the most appropriate use for an historic building is likely to be the use for which it was designed, new economic uses should be found for historic buildings where they can no longer reasonably be expected to serve their original purpose over the long term. Many historic buildings remain in active use for hundreds of years. The fact that a building is obsolete for a short period is not in itself justification for unsympathetic change.

22. Whilst not all historic buildings can be readily adapted to serve new uses there are many examples where this has been done successfully. With care and design expertise it should be possible to do this in a manner which retains the form, important detailing and historic interest of the structure. There will, however, be cases where the extent or the nature of any proposed works should not be granted planning permission or listed building consent on the basis that it would undermine the special architectural or historic interest of an historic building or area. Also, it may be the case that the nature of any proposed new use is considered detrimental to the established character of the surrounding area. In principle, therefore, the aim should be to identify the best viable use that is compatible with the fabric, setting and character of the historic environment.

Best viable use

The best viable use may not necessarily be the most profitable use. The aim should be to find a new economic use that is viable over the long term with minimum impact upon the special

architectural and historic interest of the building or area. Achieving best viable use may require adaptation of the fabric. This should be undertaken carefully and sensitively having regard to its architectural and historic interest, character and setting.

23. Deciding whether development proposals demonstrate best viable use will require careful judgement. It will require a balance to be found between the economic viability of possible uses against the special architectural or historic interest of the building or area. It will require imagination, co-operation, flexibility, market awareness, technical knowledge and a proper understanding of the relative importance of the different aspects of the historic environment.

24. In some areas the pace and scale of investment may serve to restrict the number of potential uses for historic buildings. In such cases, the role of grant assistance should be investigated. Conservation grants, where available, can help to:

- unlock the development potential of historic buildings or sites
- achieve the highest standards of design, use of good quality materials and quality workmanship
- lever other sources of funding.

Local authorities have discretionary powers to grant aid conservation works. The benefits of these grants can often be optimised by close co-operation with and partnership between the wide range of other organisations able to contribute to heritage projects. These include Government agencies such as Historic Scotland and Scottish Homes, local enterprise companies and lottery fund distributors.

25. The Government's aim is to promote sustainable development by:

- applying the legislative framework to protect, maintain, conserve and promote the continued use of historic property and environments
- promoting economic, social and physical change that respects the character of the historic environment

12 Conservation and Economic Prosperity

26. Historic buildings and townscape are integral parts of the living and working community. Conservation policies should give a high priority to maintaining and enhancing the prosperity and vitality of historic areas. Government policy on social inclusion, economic vitality and growth can be assisted, amongst other things, through the ongoing regeneration of our built environment. Properly maintained, the historic environment can remain in continued use as a valuable resource. Environmental quality is an important factor in investment decisions. The ongoing protection, conservation and enhancement of the historic environment can thus provide the stability and quality that can encourage inward and continued investment and foster economic prosperity. The cultural and environmental value of the historic environment adds to the quality of life of the local community. Additionally, it can help promote an area as a visitor destination which, in turn, can help generate widespread economic benefits through tourism and recreation.

27. Collaborative, conservation-led approaches have been adopted as the basis of a number of successful regeneration initiatives. Careful and sensitive management of the heritage resource to achieve social, economic and environmental benefits can result in high quality, sustainable

and popular solutions to the regeneration of our urban and rural areas. The rehabilitation of vacant or underused housing above shops can, for example, play an important part in revitalising a declining town centre or historic urban quarter. The environmental impact of larger scale conservation initiatives and the rehabilitation of landmark buildings can help to raise confidence in an area, attract investment, and thus contribute to its economic regeneration. A renewed interest in and appreciation of the heritage of a declining town or village can also help rekindle a sense of place, civic pride and local distinctiveness. This can then be used as a catalyst for its more widespread regeneration and the resurgence of local communities. Within declining town or city centres, waterfront areas and other economically declining historic places, the contribution of conservation as an element in the wider process of physical, economic and community regeneration should be identified and promoted.

Action required Survey and Analysis: the Basis for Effective Policy and Consistent Decisions

28. In putting forward policies and proposals for the protection, conservation and positive management of the historic environment, a full and detailed analysis and understanding of the heritage resource contained within our towns, cities and rural areas is vital. This should cover not only characteristics and features within the historic environment itself, but also the relationship of the historic environment to adjoining areas and the significance of the area in terms of townscape or landscape. Equally, the co-ordination of action and the priority to be given towards achieving conservation objectives has to be placed in context. The preparation of townscape audits and conservation area character appraisals can assist planning authorities in carrying out their development planning and development control functions in relation to the historic environment.

Townscape Audits

29. The relationship and function of the historic environment to the wider urban or rural environment is important when considering the potential for its protection, conservation and enhancement. The purpose of a townscape audit is to consider the physical, environmental and land use characteristics of part or all of a town, village, or city and its setting. An audit should identify the key factors that contribute to its character and identity and the issues that must be addressed in efforts to reinforce this.

30. Audits might address urban design, landscape design, urban conservation, transport, archaeological, natural heritage or other issues relevant to local circumstances. It should help to establish the context within which the historic environment is set and enable a better understanding of the overall role, needs and perceived threats to the built environment. Included within an audit could, for example, be a study of brownfield land or vacant floor space, an assessment of existing and potential environmental quality or a survey of circulation patterns. The carrying out of an audit should ensure that planning authorities are better placed to advise on how social, economic and physical change within the historic environment can be accommodated within an agreed planning and urban design framework. They can inform the local planning process. Advice on how to prepare a townscape audit in the context of small towns is provided in Annex A of PAN 52 *Planning in Small Towns*.

- **Planning authorities should consider the need for townscape audits in their area and carry these out on a priority basis.**

13 Conservation Area Appraisals

31. Conservation area appraisals focus upon the areas likely to be included within the boundaries of a conservation area and seek to define the special interest or the area and key elements that contribute to its character and appearance. This will comprise more than simply visual elements. It can include, for example, the:

- archaeological and historical significance of the area
- origins and development of a settlement
- influence of prevailing and former uses within the area upon building type and street layout
- character and relationship of spaces between buildings
- buildings, features and factors that make a positive contribution
- contribution of trees and open space
- landscape or townscape setting and views to and from it
- contribution of local details and design characteristics; including materials
- nature and impact of traffic and movement patterns
- pressures upon the area for change
- buildings, features or factors that have a negative impact

32. The preparation of an appraisal will assist in defining the boundaries of conservation areas. By appraising the character and appearance of each particular area it also becomes easier to assess development proposals in terms of their impact upon character and appearance. When the main findings of the appraisal are integrated into local plans they can be used as a benchmark against which development proposals affecting the designated area can be assessed, thus leading to a more consistent and better informed decision making process. An authority's justification for designation, as reflected in its assessment of an area's special interest and its character and appearance, is also a factor which the Secretary of State will take into account in considering appeals against refusals of planning permission and conservation area consent.

33. Appraisals can serve as an important management tool by identifying opportunities for further action by planning authorities and others in preparing enhancement schemes. Appraisals can also play a role in identifying and promoting development opportunities. They also provide an opportunity for widespread public consultation on the various land-use issues affecting conservation areas and their preparation can assist planning authorities in the formulation, monitoring and evaluation of local plan policies. An appraisal will also be helpful in securing partnership funding through, for example, the current Townscape Heritage Initiative, for projects within conservation areas.

- **Planning authorities should prepare a character appraisal when reconsidering existing conservation designations, promoting further designations or formulating enhancement schemes, and should consider preparing character appraisals for all conservation areas within their area on a priority basis.**

14 Development Plans

34. Development plans have a key role in achieving the Government's objectives relating to the historic environment. They should provide a land use planning and development framework for the protection, conservation and enhancement of the historic environment,

which can serve to complement and reinforce the measures available to Historic Scotland and others.

35. Currently, all structure plans and adopted local plans make some policy provision for conservation of the historic environment. Development plans help to remove uncertainty and, where appropriate, can promote development opportunities. Planning authorities should make comprehensive and integrated policy provision for the protection, conservation and enhancement of the historic environment, thereby providing a planning context against which impacts can be assessed and decisions taken.

Structure Plans

36. A key function of structure plans is to assess the scale of change likely to occur over the plan period and to ensure that new development is accommodated without damaging the character of the historic environment. A partnership approach towards development plan preparation is essential. The nature of the inter-related issues and interests within the historic environment reinforces the need for such an approach to be adopted. *see PAN 37 - Structure Planning*

Structure plans should:

- **indicate the main elements of the historic environment of relevance for strategic planning purposes**
- **set out general policies for their protection, conservation and enhancement of the historic environment**
- **identify priority locations where an integrated approach to the protection, conservation and positive management of the historic environment should be pursued**

see PAN 49 - Local Planning

Local Plans

37. The strategic framework of the structure plan should be supported by more detailed policies in local plans. The preparation of local plans provides local authorities with the opportunity for identifying and clearly specifying their objectives, policies and criteria for protecting, conserving and enhancing historic areas. A partnership approach to policy formulation, including public participation, is equally important to achieving effective local plans. National and local amenity bodies, along with residents and owners of historic property, will have a particularly important contribution to make. Development plans should not be overloaded with detailed guidance on listed building issues that have little or no bearing on determination of applications for planning permission but should clearly and succinctly state the standard of development the planning authority is seeking to achieve in an area.

Local plans should:

- **define the historic environment and where appropriate, its landscape or townscape setting, in proposals maps**

- **include policies for the protection, conservation and enhancement of the historic environment and its setting**
- **outline proposals for designating conservation areas and for reviewing their boundaries**
- **include reference to existing and proposed Article 4 Directions that relate to conservation areas**
- **outline criteria that will be applied to development proposals within conservation areas, within the curtilage of listed buildings and development affecting the setting of scheduled monuments, listed buildings and conservation areas**
- **specify the criteria that will be applied to proposals for the alteration, extension, demolition or reuse of listed buildings and for unlisted buildings within conservation areas**
- **identify priorities for enhancement programmes, including opportunities for regeneration or revitalisation**
- **indicate sites and areas for which development briefs, design guides (see paragraph 53), character appraisals (see paragraph 31) and other relevant guidance has been prepared**

17 Development Control

38. Legislation, along with the policies contained within development plans, provides the context for making development control decisions that affect the historic environment. To assist the process planning authorities should:

- **inform, through development plans and other relevant guidance, developers of the implications of the historic environment for new development**
- **encourage prospective developers to seek early discussion on development proposals affecting the historic environment**
- **highlight the benefits that can result if proposals are formulated and presented in association with an experienced professional adviser, such as an architect, with knowledge, understanding and an appreciation of the historic environment**
- **ensure that applications are accompanied by sufficient information on the historical, architectural, environmental and archaeological significance of the site along with details of the nature of the proposed development so that the impact of the proposals can be assessed and proposals justified**
- **ensure proposals are based upon detailed knowledge of traditional building materials and methods of construction and their performance**
- **have due regard to Government policy and advice contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas**
- **ensure that development is of a high quality in terms of construction and design. It should pay respect to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, local design characteristics and historic character of adjacent buildings and the surrounding area**
- **seek the expert informal advice of The Historic Buildings Inspectorate upon receipt of particularly complex applications**
- **request the views of The Royal Fine Art Commission for Scotland upon the design aspects of significant development proposals as they affect the historic environment.**

- make full use of historic photographs, archive material (including the collection of the National Monuments Record, local Sites and Monuments Records and Burgh Surveys) and other relevant information when considering development proposals both within or adjacent to the historic environment

SODD Circular 30/1996 Consultation with the Royal Fine Art Commission

39. Planning authorities should also have regard to the possible consequences for designated areas of inappropriate development which may adversely affect their setting.

Article 4 Directions

40. In 1992, the Government introduced stricter controls over development within conservation areas and within the curtilage of listed buildings. In light of this, planning authorities are strongly encouraged to review and, where appropriate, withdraw or amend existing Article 4 Directions. In many circumstances it should be assumed that existing controls over development within conservation areas are considered adequate. The objectives of conservation areas can, for the most part, be met through establishing a development plan policy framework, including positive proposals for encouraging suitable developments, and by the rigorous application of existing development control powers. Directions may, nonetheless, have a particular role to play in helping to protect important unifying elements (e.g. doors, windows and street furniture) and in arresting the incremental erosion of the character and appearance of some areas. This is particularly important in designated areas where resources have been invested in enhancement schemes; particularly where these involve maintaining or introducing elements normally outwith the scope of planning control. However, any Article 4 Directions that may be sought are not likely to be confirmed unless a positive policy framework is in place and clear justification put forward for restricting permitted development rights. Article 4 Directions within conservation areas will need to be supported by a statement of an authority's reasons for making a Direction. This should include: *see Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) and SOEnvD Circular 5/1992*

- an appraisal of the area's special interest and its character and appearance
- clear indication of the characteristics and features that the proposed Direction is intended to conserve
- indication of the nature of any existing or proposed threats to the special architectural and historic interest of the area
- details of the authority's proposals for preservation or enhancement
- evidence of a robust conservation policy framework complemented with supplementary planning guidance on the quality the planning authority is seeking from new development.
- an indication of the level of consultation carried out with those likely to be affected and the consideration given to responses received
- an indication of damage caused, or likely to be caused, by the exercise of permitted development rights

41. Article 4 Directions normally require the approval of the Secretary of State, although this is not the case where they relate to a listed building, to a building notified by the Secretary of State as such, or to development within the curtilage of a listed building.

Listed Building Control

42. It is a requirement of planning legislation that applications for planning permission shall be determined in accordance with the plan unless material considerations indicate otherwise. Where a planning proposal affects a listed building or its setting an important material consideration is the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The primary consideration in the determination of applications for listed building consent, is however, the statutory requirement to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest. Development plan policies that relate to listed buildings, along with relevant supplementary guidance, should still be taken into account when determining applications for listed building consent but should not be afforded as much weight as the statutory requirement.

43. Issues generally relevant to the consideration of all applications for listed building consent and applications for planning permission affecting listed buildings include:

- the impact of development proposals upon particular physical features of the building that justify its listed status. Whilst list descriptions are useful in identifying individual buildings, they are not intended as exhaustive lists of features worth preserving
- the building's setting and its contribution to the townscape or landscape, having particular regard to the impact of development upon the views to and from the listed building
- the extent to which the proposed works would bring benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings)

There should be a presumption against development that adversely affects the character of a listed building or its setting. Appendix 1 of the Memorandum sets out guidelines for the treatment of historic buildings. These should be used by planning authorities to help establish the impact of development proposals upon their character. Technical guidance in support of the Memorandum is available from Historic Scotland in the form of TANs and Research Reports. section 15 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and SODD Circular 4/1998 The Use of Conditions in Planning Permissions

44. Planning authorities may attach conditions to any grant of listed building consent. However, these must be necessary, relevant to preserving the building or its setting or any features of special architectural or historic interest, enforceable, precise and reasonable in all other respects.

45. All applications for listed building consent for the alteration and extension of category A and B listed buildings, and all applications for demolition works to listed buildings require to be notified to the Secretary of State before any consent is issued by the planning authority. Prior to determining applications for planning permission affecting a category A listed building or its setting the planning authority must consult with the Secretary of State (Historic Scotland). Where the planning authority is minded to approve the application and the Secretary of State has advised against the granting of planning permission, or has recommended conditions which the planning authority do not propose to attach to the permission, the Secretary of State is required to be formally notified. This provides him with

the opportunity to call in the case for determination. *see Circular 4/1997 Notification of Planning Applications*

Conservation Area Control

46. In considering development proposals that affect the character or appearance of a conservation area the planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. Planning authorities should give this a high priority. In considering applications for planning permission affecting conservation areas, planning authorities should have regard to the following: *section 63 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997*

- notwithstanding the acceptability of the proposals in terms of other planning issues, if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of the designated area there should be a presumption against granting planning permission
- if a proposed development would have a neutral effect upon the character or appearance of the area (i.e. does no harm) then it should be treated as being one which preserves the area's character or appearance
- proposals should be assessed in terms of their impact upon the character or appearance of the whole conservation area. Character appraisals may, however, be able to demonstrate that parts of individual areas are of a different character. Where this is the case proposals can be assessed in terms of the character of these individual areas.
- If a proposed development would have negative and positive impacts then these will have to be weighed against each other and the proposals considered as a whole

Planning authorities should also consider the likely impact of development proposals for sites which lie outwith the conservation area but which would impact upon its appearance, character or setting.

Demolition

47. In all cases of demolition prior consideration should be given to the scope for recycling buildings which have clear historic or architectural significance. With respect to the demolition (meaning total or substantial destruction) of listed buildings, it is Government policy that no such building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping them. Ultimately however, consideration of applications for the demolition of a listed building should be based upon the;

- importance of the building,
- condition of the building
- the adequacy of efforts made to retain the building in use
- the extent to which the community would benefit from redevelopment.

All applications for the demolition of a listed building will need to be supported by a report on the condition of the building along with a feasibility study which explores the viability of retaining the building in active use. Any proposed replacement of a demolished listed

building should be of comparable quality in terms of its construction and design. In order to establish this, details of the proposed scheme of redevelopment will require to be submitted to the planning authority and the associated applications for planning and listed building consent considered together. The main source of guidance on Government policy in operating control over demolition works to listed buildings is contained within paragraphs 2.10-2.14 of the Memorandum.

48. Conservation area designation introduces a need to obtain conservation area consent for the demolition (meaning total or substantial destruction) of unlisted buildings within conservation areas. There are, however, a number of exemptions from the need for conservation area consent. The Secretary of State is required to be notified of all applications for conservation area consent. *Annex IV of SDD Circular 17/1987 New Provisions and Revised Guidance Related to Listed Buildings and Conservation Areas*

49. Determining what constitutes substantial destruction is generally a matter of fact and degree and will need to be determined by the planning authority on an assessment of the circumstances in each case. Demolition works that result in the demolition of three out of four external walls would normally require conservation area consent. Partial demolition is, for the purposes of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, to be interpreted as an 'alteration'¹. Partial demolition of an unlisted building within a conservation area will not, therefore, normally require conservation area consent. If such works fall within the meaning of 'development', are not exempted by virtue of any Direction made by the Secretary of State and do not benefit from permitted development rights, then an application for planning permission will be required. Planning authorities will be able to advise on the necessary procedures prior to carrying out demolition works within conservation areas. *section 26 of the Town and Country Planning (Scotland) Act 1997*

50. In considering proposals for the demolition of unlisted building within conservation areas, planning authorities should bear in mind the statutory requirement to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of conservation areas, particularly where it can be demonstrated that the building is able to support a new viable use. The main guidance on Government policy and the procedures relating to control over the demolition of unlisted buildings within conservation areas is contained within paragraph 4.26 - 4.32 of the Memorandum.

51. In cases of demolition or significant alteration of historic buildings and townscape planning authorities, should, wherever practicable, seek to ensure that as many fixtures, fittings and architectural details are salvaged from the works as possible. Planning authorities should inform applicants of the importance of the construction materials and details such as doors, windows, shop-fronts, ashlar and fireplaces prior to the application being determined. Planning authorities should also consider attaching conditions to any consent to ensure their long-term preservation and re-use. 22

Recording Buildings

52. The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) must be formally notified of all proposals to demolish listed buildings, and also unlisted buildings where these lie within conservation areas. This provides them with an

opportunity to compile an archaeological or architectural record. Notification may also be appropriate in cases of significant alteration. In all cases of demolition or significant alteration of historic buildings, structures and streetscape, planning authorities are also encouraged to make it a condition of consent that applicants arrange suitable programmes of recording features that would be destroyed in the course of the proposed works. Planning authorities should inform RCAHMS of such conditions and of all recording works carried out in their area. Archaeological or architectural surveys should be deposited in the National Monuments Record of Scotland or within local sites and monuments records where these exist. Where important hidden features or buried remains may be revealed during the course of the works, planning authorities should ensure that suitable arrangements can be made for their retention or recording. *see paragraph 2.55 and 2.66 of the Memorandum.*

Supplementary Action

53. This guideline has highlighted the role that new development and reuse of buildings can play in ensuring the long-term future for the historic environment. Contemporary architecture and innovative new design can also contribute significantly to its character and appearance. The formulation and publication of development briefs and design guides will help to secure new development that is suitable in terms of use and location. They will also help foster high quality design solutions. A collaborative and cross-disciplinary approach should be taken to preparing these. *see paragraph 37 of NPPG 1 The Planning System*

- **Planning authorities should formulate and publish development briefs and design guides for key development opportunities within the historic environment in order to facilitate and promote high quality and well designed new development.**

24 Development Briefs

54. Development briefs are generally site specific and seek to highlight any physical, technical and other design constraints and considerations along with a statement of preferred land use types in order to guide development. They should be detailed enough to enable prospective developers to make an early assessment of the viability of development proposals. Generally, it is useful if the information contained within development briefs is presented in diagrammatic form.

Design Guides

55. Design guides aim to identify local design characteristics and set out policies, supported, where appropriate, by illustrative examples, in order to promote their retention. Design guides can play a role in influencing the overall quality of development proposals in an area. They can also help to ensure that new development preserves or enhances the established character or appearance of conservation areas. When subject to public consultation supplementary planning guidance can be an important material consideration in the determination of applications for planning permission.

Historic Buildings at Risk

56. At any time, many historic buildings are at risk from neglect. The loss of the built heritage in this way not only constitutes an unnecessary waste of environmental and material

resources, but also represents a failure to protect the cultural heritage for future generations to enjoy. Planning authorities are encouraged to work with The Scottish Civic Trust (who produce the *Buildings at Risk Register*) in identifying historic buildings at risk in their area. A survey and analysis of the fabric of the listed building stock along with an understanding of the reasons why buildings fall into disrepair will enable planning authorities to determine priorities for action. Planning authorities are also strongly encouraged to use their powers to enforce Building Preservation Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repairs Notices and compulsory purchase procedures, as appropriate, where listed buildings are at risk from neglect and where all other means of conserving the building have been exhausted. Early intervention is vitally important if irreversible damage is to be avoided and the cost of repair and rehabilitation is to be minimised. Building preservation trusts have advantages of charitable status as well as access to higher rates of grant from certain funds and are often willing to consider taking ownership of listed buildings with a view to repair and subsequent management or disposal. see Section 3 of the Memorandum

Where a building is seriously at risk from neglect as a result of the inability of all concerned to stabilise its decay or to find an appropriate new use then the planning authority should consider the merits of some new development. The principal purpose of enabling development should be to rescue historic buildings from imminent collapse or further decay. High quality, innovative new architecture and design may, in certain locations, serve to enhance the character of the historic environment. The settings and interiors of some buildings, however, have been designed and laid out to complement their form or function. These locations are extremely sensitive to any amount of new development and will need to be safeguarded. Enabling development should, in all cases, be regulated so that the funds raised from the sale of the enabling development are successfully channelled into the conservation of the building or buildings to which the enabling development relates. This is normally possible by means of a planning agreement *enabling development*

This should be the minimum necessary to unlock the development potential of buildings or sites and enable their restoration. It should be located and designed to have minimum impact upon the architectural and historic interest, character and setting of the historic environment.

see Circular 12/1996 Planning Agreements

Conclusions

The planning system has a role to play in identifying, maintaining and improving the quality of Scotland's historic environment. Inappropriate development does not just make an area less attractive to look at. It can also erode important cultural heritage assets and undermine efforts to attract new investment. Achieving sustainable development involves reconciling the protection of the historic environment with the identification and promotion of acceptable opportunities for change. The planning system can greatly assist in this process. Structure and local plans can provide the basis for an integrated approach to the protection, conservation and enhancement of the historic environment. The development control process offers a means of ensuring that new development, including redevelopment, rehabilitation and alteration, respects its character and setting and generates added value. Conservation should not be backward looking. The NPPG advocates a positive approach and emphasises the need to find ways in which the active life of historic buildings and the wider historic environment can be sustained. Maintaining and enhancing the vitality, viability and vibrancy of some areas

is closely linked to maintaining the quality of the historic environment. A positive approach to conservation can, therefore, result in wider economic, social and environmental benefits.

Notes

Enquiries about the content of this NPPG should be addressed to David Leven, Planning Services Division (0131 244 7148) or by e-mail to david.leven@scotland.gov.uk. Further copies of this NPPG may be obtained by telephoning David Love 0131 244 7066. This NPPG as well as other planning series documents are available within the Scottish Office web-site at www.scotland.gov.uk/planning/

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NPPG 8 (revised 1998) Town Centres and Retailing

NPPG 14 Natural Heritage

NPPG 17 Transport and Planning

Other Government Guidance

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Planning Advice Notes

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TAN 3 Performance Standards for Sash and Case Windows

TAN 4 Thatch and Thatching Techniques

TAN 5 The Hebridean Blackhouse

TAN 6 Earth Structures and Construction in Scotland

TAN 7 Access to the Built Heritage

TAN 8 Historic Scotland Guide to International Conservation Charters

TAN 9 Stonecleaning of Granite Buildings

TAN 10 Biological Growth on Sandstone Buildings: control and treatment

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