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Heritage Planning Toolkit

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How to use this toolkit

This toolkit sets out the primary legislation relevant to heritage planning and suggests where planning or listed building consent may be needed. Understanding this context should help you develop applications for consent, which is then considered. The toolkit should be read alongside the RISE planning constraints article, as this contains important information about using the local planning documents relevant to your area.

Key Legislation

The General Permitted Development Order 2015

This sets out when planning permission is and is not needed. Establishes that most works to alter or improve a house are a 'permitted development right', as long as the materials used are similar in appearance to the existing. Some local authorities interpret this to mean that planning permission is needed to install external wall insulation where it will alter the appearance of existing buildings.

The Ancient Monuments and Archaeological Areas Act 1979

This provides for the Government to schedule sites of archaeological interest. Although most of these heritage assets are underground, some of them are above ground and lived in. The Act specifies that scheduled monument consent is needed for any alteration or repair work to a monument, which means permitted development rights do not apply.

The Planning (listed building and conservation areas) Act 1990

This enables the Government to list buildings of special interest. Listed buildings do not enjoy permitted development rights, which means listed building consent is needed for most works that do not constitute a 'like-for-like' repair. The Act also enables local planning authorities to identify areas and buildings of local interest, which are known as conservation areas and locally listed buildings. Although local authorities can withdraw permitted development rights through an article 4 direction, most conservation areas and locally listed buildings enjoy the permitted development rights established in the GDPO. Where normal planning permission is needed (such as for external wall insulation, as set out above), conserving any

special character is normally an important material consideration in determining the application.

Historic Buildings and Ancient Monuments Act 1953

This allows Historic England to create a register of parks and gardens of special historic interest. Like with conservation area buildings, buildings in a registered park or garden continue to enjoy the permitted development rights established in the GDPO. Where planning permission is required for development, protecting the special historic character is normally a material consideration in determining the application.

Enterprise and Regulatory Reform Act 2013

This enables local authorities to take steps to approve listed building consents across a series of properties, through a local listed building consent order or a heritage partnership agreement.

Localism Act 2011

This allowed local communities to create neighbourhood plans to guide development in their area. This tool has been used to approve solar panels in a heavily protected heritage area.

Consent requirements for work to heritage assets

All the areas, buildings and structures that are included on a heritage schedule, list or register are known as heritage assets. The RISE planning constraints article explains that the constraints affecting these assets can be quite restrictive, as they remove many permitted development rights. Although there is no one size fits all answer to how these constraints apply in a specific property, it is generally the case that consent will only be required for internal works in very specific contexts:

Example table heading	Permission needed for internal works?	Permission needed for external works?
Scheduled monuments	Yes	Yes
Listed buildings	Yes	Yes

Conservation areas (with article 4)	No	Yes
Conservation areas (no article 4)	No	Possibly, if materials used are different to the existing
Locally listed buildings (with article 4)	No	Yes
Locally listed buildings (no article 4)	No	Possibly, if materials used are different to the existing
Registered parks and gardens	No	Possibly, if materials used are different to the existing
World heritage sites	No	Possibly, if materials used are different to the existing

Applying for consent

The National Planning Policy Framework (NPPF) directs local authorities to attach 'great weight' to the conservation of heritage assets. This does not mean preserving them exactly as they are at a point in time, but taking steps to ensure that their special interest is conserved while other development takes place.


The NPPF context means that local authorities need two key pieces of information in order to make decisions about the development affecting heritage assets:

1. The need to understand the asset's special interest
2. They need to understand the development proposals

This means they can make a judgment about how far the proposed development would harm the asset's special interest. In planning terms, the need to define special interest is quite unusual and you may not have done it before.

Defining special interest or significance

Although the 1990 Act cited above talks about special interest, since 2008 this has been known as 'significance'. This is when Historic England, the Government advisor on the historic environment, published its Heritage Values. This policy document introduced a new and inclusive approach to defining a heritage



asset's significance, as opposed to the expert view of special interest that often favoured the building's fabric. Heritage Values meant that a heritage asset's significance could be defined much more broadly, which led to real changes in the way some assets were conserved.

The assessment of significance of several London Underground stations found that the design of the listed tile panels was more significant than the fabric itself. Previous conservation approaches that had preserved as many tiles as possible, but altered the panel's overall appearance, were then superseded. The new approach involves more tile replacement but conserves the overall appearance. It is therefore protecting what is most significant.

The ability of a planning applicant to define heritage significance is therefore quite a powerful tool. By taking steps to understand significance, you can plan specific approaches to conserve it.



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