



PLANNING AND HERITAGE
IN ENGLAND:
KEY REFERENCES TO LEGISLATION,
POLICY AND GUIDANCE

AUGUST 2019

This guide, prepared by members of the Conservation Area Forum, lists the titles of the most important policy and reference documents relating to heritage assets, and includes links (highlighted in blue) to where they can be found on the internet.

Contents

1. **Statutory Legislation for Planning, Heritage and Neighbourhood Planning**
2. **Historic England Guidance**
3. **National Policy**
4. **Regional Policy - London**
5. **Local Policy - Ealing's Local Plan**
6. **Neighbourhood Plans - Central Ealing and West Ealing**
7. **Other Local Guidance - Conservation Areas and the Local Heritage Register**

1. Statutory Legislation

- 1.1. [The Planning and Compulsory Purchase Act 2004](#). This provides the statutory basis for the English planning system. It aimed to reform and speed up the planning system by strengthening the role of area (or spatial) planning. The Act says planning applications must be determined in accordance with the development plan, unless there were good reasons otherwise.
- 1.2. [The Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) is the primary legislation to do with national heritage. The 1990 Act sets out statutory duties and responsibilities in relation to designated heritage assets, their listing and protection. It also outlines the procedures for the designation and management of conservation areas. Part I deals with listed buildings and Part II deals with conservation areas. The website has tabs for the original version of the legislation as enacted in 1990 and for the latest available version incorporating all subsequent revisions.
 - 1.2.1. [Principles of Selection for Listed Buildings](#) This is a government publication which expands on the provisions of the 1990 Act.
 - 1.2.2. [Conserving and Enhancing the Historic Environment](#)
This is online official government guidance on enhancing and conserving the historic environment.
- 1.3. [The Localism Act 2011](#) introduced the concept of **A NEIGHBOURHOOD PLAN** developed by local communities and businesses that would provide a community based framework for how its area can develop and grow. Once adopted, a Neighbourhood Plan has full legal basis alongside the Local Planning Authority's Local Plan.

2. National Policy

National government's planning policies and how they should be applied are set down in a single document called the [National Planning Policy Framework](#). The NPPF is the primary reference for planning in England. First issued in 2012, the NPPF was revised in 2019. The NPPF replaced a large number of earlier planning policy statements and guidance documents.

2.1. [National Planning Policy Framework \(NPPF\)](#)

- 2.1.1. The central theme of the NPPF is a presumption in favour of "**SUSTAINABLE DEVELOPMENT**". The NPPF says that "*the purpose of the planning system is to contribute to the achievement of sustainable development*".

- 2.1.2. **Chapter 12** of the NPPF (paragraphs 124 to 132) sets out policies for achieving **WELL-DESIGNED PLACES**. It stresses the importance of good design and the creation of high-quality buildings.

Paragraph 127 says that planning policies and decisions should ensure that developments “are visually attractive as a result of good architecture, layout and ... landscaping, are sympathetic to local character and history ... and establish or maintain a strong sense of place.”

- 2.1.3. **Chapter 13** of the NPPF (paragraphs 133 to 147) sets out policies for **PROTECTING GREEN BELT LAND**. Paragraph 133 says that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 2.1.4. **Paragraphs 143 to 147** explain how local planning authorities should assess the effects of planning applications on Green Belt land. This is directly relevant to Metropolitan Open Land in the Greater London Area, as the London Plan (see Section 5 below) equates Metropolitan Open Land with Green Belt land.

- 2.1.5. **Chapter 16** of the NPPF (paragraphs 184 to 202) sets out policies for conserving and enhancing the historic environment and the responsibilities of local planning authorities.

It makes the following statement in relation to **HERITAGE ASSETS**: “Heritage ... assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Paragraph 185 says that “[Local] Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.”

Paragraph 186 says that “When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”

Paragraph 187 says that “Local planning authorities should maintain or have access to a historic environment record”, while paragraph 188 adds that “Local planning authorities should make information about the historic environment ... publicly accessible.”

Paragraphs 189 to 202 set out guidance on how local planning authorities should assess the effects of planning applications on heritage assets and their settings.

- 2.1.6. **The glossary** in Annex 2 of the NPPF contains the **FOLLOWING DEFINITIONS**:

Designated heritage asset: “A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.”

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. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”

Some heritage assets have already been identified and assessed as sufficiently important or rare to be designated by statute, so they are referred to as **designated heritage assets**. However, there are many other heritage assets which have local significance but are either not of a standard considered to be worthy of statutory protection or have not yet been assessed, so they are referred to as non-designated heritage assets.

Some non-designated heritage assets are considered to be sufficiently significant to the local community or to the local environment that they are formally identified by the Local Planning Authority. In the Borough of Ealing these non-designated assets, and what is considered special about them, are recorded in the lists in the Local Heritage Register and in the Conservation Area Appraisals (non-designated heritage assets are currently referred to as locally listed buildings and key unlisted buildings). See Section 8 below.

2.1.7. A useful list of policy documents superseded by the original 2012 version of the NPPF can be found in the now out-of-date [2012 NPPF](#) at Annex 3 on pages 58 and 59.

2.2. [Planning Practice Guidance](#) is online official government guidance on planning policy which supports the NPPF and is arranged by category.

2.3. [The Planning Portal](#) describes itself as “*the national home of planning and building regulations information and the national planning application service.*” It includes:

2.3.1. a link to the government’s [Plain English Guide to the Planning System](#)

2.3.2. [The interactive house](#) A user friendly guide that explains permitted development rights and other regulatory requirements for minor household and small business developments.

2.4. [Environmental Impact Assessment Regulations](#) provide the regulations for undertaking EIA assessments. These operate under the EU’s [Environmental Impact Assessment Directive](#), although this is likely to change after Brexit.

3. [Historic England Guidance](#)

On 1 April 2015, the former English Heritage separated into two organisations. Historic England took over English Heritage’s planning and heritage protection responsibilities, while the English Heritage Trust (a registered charity) has responsibility for the English Heritage Collection which consists of over 400 properties, sites and monuments held on trust for the nation. Historic England is also the guardian of the [Register of Statutorily Listed Buildings](#) (Grade I, II* and II).

Historic England has published a series of informative Advice Notes and other guidance documents, including the following:

3.1. [Conservation Area Appraisal, Designation and Management](#)

3.2. [Local Heritage Listing](#)

3.3. [Statutorily Listed Buildings](#)

3.4. [Tall Buildings](#)

3.5. [Managing Significance in Decision-Taking in the Historic Environment](#)

3.6. [The Setting of Heritage Assets](#)

3.7. [Conservation Principles, Policies and Guidance](#) (Currently being updated and therefore subject to change. Issued by English Heritage (now Historic England) in 2008, it sets out the underlying

principles of heritage listing and the management of change, and introduces and explains what was at the time new key heritage terminology.

- 3.8. [Heritage Protection Guide](#) This link leads to a series of documents which Historic England describes as “the most comprehensive online guide to heritage protection in England”
- 3.9. In addition to these documents, [Historic England’s website](#) provides online guidance on a wide variety of heritage topics.
- 3.10. [Heritage Definitions](#)

4. [Regional Policy - The London Plan.](#) Londonwide development policies are set out in the London Plan.

4.1. [The current version of the London Plan](#) was published in 2016.

4.1.1. **Chapter 3 - [London’s People](#)** - includes policies on housing and increasing housing supply.

Policy 3.3 sets out the housing targets for each London Borough for the period from 2015 to 2025. The minimum 10-year target for the London Borough of Ealing is an increase of 12,972 net additional homes, ie an average of 1,297 a year.

4.1.2. **Chapter 7 - [London’s Living Places and Spaces](#)** - includes the following policies which are particularly relevant to the determination of planning applications affecting both designated and non-designated heritage assets:

- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.16 Green Belt
- 7.17 Metropolitan Open Land. Paragraph 7.56 says that “*The policy guidance ... of the NPPF on Green Belts applies equally to Metropolitan Open Land (MOL). MOL has an important role to play as part of London’s multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility.*”

4.2. [The Draft Revised London Plan](#) A revised London Plan is at an advanced stage of preparation and has already passed through an Examination in Public. This is the [draft text of the revised London Plan](#). The revised Plan differs greatly from that of the current (2016) version. It has been examined by Inspectors and is already a material consideration in planning decisions.

4.2.1. **Chapter 4** sets out policies for housing. The most significant change is that the 10-year housing target for the London Borough of Ealing has increased from 12,972 net additional homes in the current London Plan to 28,070 net additional homes over 10 years in the revised London Plan, of which 10,740 homes will be on “small sites” which are defined as being below 0.25 hectare (about 0.6 acre) in size.

4.2.2. **Chapter 7** sets out policies for heritage and culture, and

4.2.3. **Chapter 8** sets out policies for green infrastructure and the natural environment.

4.3. [Supplementary Planning Guidance](#) Supplementary Planning Guidance (SPGs) and Planning Practice Notes (PPNs) give further detail of specific policies in the London Plan. They include:

4.3.1. [Mayoral SPG on Town Centres \(2014\)](#)

- 4.3.2. [Culture and Night-Time Economy \(2017\)](#)
- 4.3.3. [Housing \(2016\)](#)
- 4.3.4. [Affordable Housing & Viability \(2017\)](#)
- 4.3.5. [Social Infrastructure \(2015\)](#)
- 4.3.6. [The control of dust and emissions during construction and demolition \(2014\)](#)
- 4.3.7. [Character and Context SPG](#)
- 4.3.8. [Practice note on the threshold approach to affordable housing on public land](#)

4.4. **Annual Monitoring Reports** are published annually and assesses the effectiveness of the London Plan and its policies. [London Plan AMR 14](#) is the most recent was published in September 2018

5. [Local Policy - Ealing's Local Plan](#) gives a brief overview of the Local Plan.

5.1. [Development \(or Core\) Strategy](#) (issued in April 2012) This main policy document of Ealing Council's Local Plan sets out a vision for the future development of the borough up to 2026.

5.1.1. **Policy 1.1(h)** is *"To care for the borough's historic character and enhance the significance of heritage assets in regeneration proposals, ensure excellence in urban design and design out crime to make Ealing's environment safe, attractive and accessible for all."*

5.1.2. **Policy 1.2(g)** is *"To support the proactive conservation and enjoyment of Ealing's heritage assets and their significance. In this regard the Council will continue to update and revise its evidence relating to the Borough's designated and undesignated heritage assets. In particular, we will regularly review our Conservation Area Appraisals and Management Plans and review and update our Local List of heritage assets to ensure that local assets are identified and their significance properly understood during the planning process. In addition to promote heritage-led regeneration, ensure a balanced approach to climate change measures, encourage greater understanding and access to heritage assets and reduce the number of assets at risk."*

5.2. [Development Management Development Plan Document \(DPD\)](#) (issued in December 2013) follows the chapter sequence and layout of the London Plan which it supplements by adding

- local variations of London Plan policies, and
- new local policies where the London Plan does not provide enough detailed guidance.

The DPD contains a number of policies directly relevant to heritage and design.

5.2.1. **Policy 7C Ealing Local Policy - Heritage** states:

- A. *"Development of heritage assets and their settings should*
 - a) *be based on an analysis of their significance and the impact of proposals upon that significance;*
 - b) *conserve the significance of the asset in question;*
 - c) *protect and where appropriate restore original or historic fabric;*
 - d) *enhance or better reveal the significance of assets."*
- B. *"Development within or affecting the setting of Conservation Areas should*
 - a) *retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the Conservation Area;*
 - b) *retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area."*

- C. *“The significance of heritage assets should be understood and conserved when applying sustainable and inclusive design principles and measures.”*
- D. *“Harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.”*

The explanatory text which supports this policy explains that *“Significance is defined in the glossary of the NPPF and includes an asset’s setting as well as its physical presence.”*

5.2.2. Policy 7.4 Ealing Local Variation - Local Character states

“Development in Ealing’s existing built areas should complement their

- a) *street sequence;*
- b) *building pattern;*
- c) *scale;*
- d) *materials;*
- e) *detailing.”*

The explanatory text which supports this policy explains each of these in more detail.

5.2.3. Policy 7B Ealing Local Policy - Design Amenity states:

A *“New development must achieve a high standard of amenity for users and for adjacent uses by ensuring*

- a) *high quality architecture;*
- b) *good levels of daylight and sunlight;*
- c) *good levels of privacy;*
- d) *coherent development of the site;*
- e) *appropriate levels of development on site;*
- f) *positive visual impact;*
- g) *legibility and accessibility.*

The explanatory text which supports this policy explains each of these in more detail.

B *“External treatments, fittings and materials must complement the building and context and must not impair the visual amenity of surrounding uses.*

C *“Extensions to existing development should ensure that the resulting development as a whole meets design standards.”*

5.3. [Development Sites Development Plan Document \(DPD\)](#) issued in December 2013 sets out the planning requirements for key sites in the Borough with significant development potential.

5.4. [Adopted Policies Map Booklet - Schedules and Map Sheets](#) issued in December 2013, this booklet illustrates all site-specific policies in all the Local Plan documents in map form, and gives lists of all the sites and areas to which the policies apply.

5.5. [Interactive Maps](#) this link leads to a map of the Borough with useful planning information.

5.5.1. [This map shows Conservation Areas](#) in the Borough. The solid red lines show the boundaries of the Conservation Areas. Clicking on an area outlined with a solid red line brings up the name of the Conservation Area.

6.6 [Supplementary Planning Documents \(SPDs\)](#) provide further guidance and assist in the interpretation and application of planning policies.

Ealing Council has produced a number of SPDs to supplement Local Plan policies. They are listed as Adopted SPDs, and include a 2015 SPD on [Planning New Garden Space](#)

As a temporary measure, some of the [Previous Supplementary Planning Documents](#) from the Council's now-superseded Unitary Development Plan (UDP) have been retained as interim guidance until replacement SPDs are prepared.

6.7 [SPD 4 \(Residential Extensions\)](#) is one of the previous SPDs retained as interim guidance. It lists criteria to be considered in any proposal for a residential extension of any kind, and includes a short section on development in Conservation Areas.

6.8 Revision of the Local Plan

Ealing Council's Local Plan is due to be revised in line with the revised London Plan. Although work has already started, it cannot be completed until the new London Plan has been adopted.

The Council has set up a Local Development Plan Advisory Committee. The purpose of this committee is for Council officers to report progress on the draft revised Local Plan and for Councillors to advise and make recommendations on the content of the revised Local Plan.

The agenda for and minutes of the [Local Development Plan Advisory Committee's meetings](#) from 19 July 2018 onwards are relevant to the new Local Plan.

7. Neighbourhood Plans - Central Ealing and West Ealing

7.1 [The Localism Act 2011](#) introduced the concept of a neighbourhood plan developed by local communities and businesses. The aim of a neighbourhood plan is to provide a framework, drawn up by a local community, for how its area can develop and grow. A Neighbourhood Plan has full legal basis alongside the Local Planning Authority's Local Plan.

7.2 [The Central Ealing Neighbourhood Plan](#) was prepared by the [Central Ealing Neighbourhood Forum](#) and adopted after a local referendum. The referendum version of the plan, dated 12 October 2017, is also the adopted version.

The area covered by this plan is shown outlined in green on the accompanying map (Map of Central Ealing neighbourhood and referendum area), and is shown outlined in purple on the Council's interactive [Planning Applications](#) map.

7.3 [The West Ealing Centre Neighbourhood Plan](#) was adopted after a local referendum on 3 May 2018. Although the version of the Plan on Ealing Council's website is referred to as the submission version, it is understood that this is also the adopted version of the plan.

The area covered by this plan is shown outlined in blue on the accompanying map (Map of the referendum area and the West Ealing Centre neighbourhood area), and is shown outlined in dark red on the Council's interactive [Planning Applications](#) map.

8. Other Local Guidance - Conservation Areas and the Local Heritage Register

8.1 Conservation Area Character Appraisals and Management Plans

There are 29 conservation areas in the London Borough of Ealing. Each conservation area has a character appraisal, which describes the history and main characteristics of the conservation area, and a management plan which sets out guidance in relation to planning applications and development proposals.

The link above leads to the individual character appraisals and management plans for each Conservation Area, arranged by location within the Borough (Acton, Ealing, Hanwell, Northolt, NW10 and Southall).

At the time of writing, a strategic review of all the Borough's Conservation Areas is underway. The aim is to survey the Conservation Areas and update the character appraisals and, in particular, the management plans.

8.2 Local Heritage Register

Ealing Council's Local Heritage Register was revised comprehensively in 2013/14. The updated version was issued in July 2014.

All the entries on the Local Heritage Register are classified as non-designated heritage assets and have a local significance which should be taken into account when planning applications affecting these heritage assets are assessed. Their architectural or historic interest is regarded as a material consideration in planning terms.

The Local Heritage Register currently comprises two separate lists:

- the Local Heritage List (previously known as the "Local List") – individual heritage assets of local historic, cultural or architectural significance
- the List of Buildings of Façade or Group Value – local buildings of façade or group interest

These lists were approved by [Ealing's Cabinet on 22 July 2014](#) (see item 19, the accompanying report, and appendices 2 and 3):

The report in item 19 also explains that the Council recognises "Positive Contributors" to Conservation Areas. They are buildings of special note within Conservation Areas which were previously described as "*key unlisted buildings*" that make "*a positive contribution to the special character and appearance of the Conservation Area.*"

"Positive Contributors" derive their status from paragraph 49 of Historic England's Advice Note about [Conservation Area Appraisal, Designation and Management](#) (see Section 2.1 above).

At present, there is no up-to-date list of Positive Contributors to Conservation Areas although they are mentioned in individual Conservation Area character appraisals. It is expected that the current strategic review of Conservation Areas (see Section 8.1 above) will include an updated list of Positive Contributors.

8.3 Listed Buildings

Ealing has nearly 600 statutorily listed buildings. Statutorily listed buildings are designated heritage assets as set out in the glossary of the [National Planning Policy Framework \(NPPF\)](#) (see Section 3.1 above).

There are three categories of statutorily listed buildings:

- **Grade I** – Buildings of exceptional interest (2.5% of statutorily listed buildings)
- **Grade II*** – Particularly important buildings of more than special interest (5.8% of statutorily listed buildings)

- **Grade II** – Buildings of special interest, which warrant every effort being made to preserve them (91.7% of statutorily listed buildings)

Ealing Council has not published a comprehensive list of statutorily listed buildings within the Borough. However, the Council's interactive maps (see Section 6.5 above) relating to [Conservation Areas](#) and [Planning Applications](#) show the location of many of these buildings.

August 2019