



**Local Heritage  
Engagement  
Network**

# **Toolkit**

**No. 7**

**A guide to  
heritage in the  
planning  
system**

Last updated: 20 July 2020



## Contents

### **This document will:**

- **Describe what protections for heritage exist in the planning system and how they work**
- **Summarise the National Planning Policy Framework**
- **Provide useful passages for groups to use for:**
  - a) **Advocating against cutting Local Authority archaeology services**
  - b) **Campaigning for local sites under threat of development**
- **Provide information on other layers of planning policy and practice**
- **Give links to other guides/material**



## The historic environment and the planning system

The planning system is a vital axis for the functioning protections of the historic environment in England.

Some heritage assets are protected by national designations; Listed buildings (Grade I, II\* and II), Scheduled Monuments, Conservation Areas, Registers Parks and Gardens, and World Heritage Sites.

Basic information on these designations can be found on the [Historic England website](#).

These designations provide statutory protections and require certain regulation in terms of what can be done to those assets, the types of permissions required, and the nature of the value of those sites. Designated assets are deemed to be of 'national significance'.

Many heritage assets are undesignated (99% of all known archaeological sites). These assets are also protected within the planning system and should be thoroughly understood as part of the decision-making process. They must be treated in a manner proportionate to their significance.

Some undesignated assets are demonstrably of equal value as designated assets and can be considered to be of 'national importance'. This happens in the cases of some assets which, for whatever reason, have escaped scheduling (more common) or listing (less common), or which were previously unknown (e.g. archaeological sites discovered during the development process).

## What to expect from heritage in the planning system

Heritage assets are protected within the planning system and you should expect heritage assets to be identified and given consideration proportionate to their significance by both the developer and the local authority.

Designated assets will be subject to assessments of harm to historic fabric, character, and setting, and should not be adversely impacted upon visually by other developments in their vicinity.

Conservation areas will give special protections to undesignated assets which contribute to the overall character of the area and make it a more pleasant area. Check your council's website for Conservation Area designations. Many authorities will have Conservation Area Appraisals which will help you to understand what is significant about that particular area, with highlighted aspects likely to carry greater weight in decision-making.

Non-designated assets may be identified as being of heritage value as well. In terms of buildings, they may have strong community importance, be aesthetically interesting, or of local historic importance. There are all material considerations which can be weighed as part of a planning judgement.

Some authorities have local heritage lists which may identify assets of local interest, but many do not. You should always look to highlight positive characteristics of existing places or undesignated assets, including general contribution to character, local historic details or associations, or visual characteristics. These are all important to the decision-making process.

You may want to encourage your authority to develop a local heritage list if they do not already have one. You can also find useful guidance from [Historic England](#) and [Civic Voice](#).

For non-designated archaeology it is often difficult to assign a public value to assets about which little information is known. You may be able to assess whether locals know or commonly perceive something about the village at a relevant point in time. For instance;

*'Our village is named in the Domesday book and we are proud of our early-medieval history. The remains of the agricultural field systems dating from this period are of considerable value to the surround rural landscape with ridge and furrow being clearly observable from the main road coming in to the village. The current development proposes to build on an area of the most obvious remains. Whilst not of national significance, this archaeology is an asset to our village which should be preserved from development which would damage the historic character of the landscape and erode the visible connections to the village's valued past.'*

In addition, this type of locally valued asset is also the type of site which can be given extra protections through a *Neighbourhood Plan* (see below).

The planning system includes provision to investigate and record archaeology both prior to determination and after, to propose alterations to existing plans which would be less damaging, and – in a minority of cases - to refuse applications entirely.

You may wish to write to the local authority to express your interest in the archaeology and to ensure that it is carefully considered. If you think that the developer's assessment of archaeology has been insufficient, you may wish to state this, with any evidence you can think of.

The following are a few common questions we receive from people concerned about the effect of development on archaeology:

- **I believe there to be archaeology on a proposed development site, what should I do?**

Local authorities should maintain an up-to-date database, known as a Historic Environment Record (see [here](#) for more explanation) which acts as a repository of all known information relating to the historic environment in the area. Your authority's Archaeology Officer will check the HER on any application that falls in an area of known archaeological activity.

This 'screening' is a skilled operation and involves good knowledge about the archaeology and geology of the area, as well as a good understanding of ancient settlement patterns and other signs which may give a site potential to contain archaeology.

Provided that your authority has a well maintained and up to date HER and a specialist Archaeological officer to provide advice this mechanism should identify known archaeology or areas of archaeological potential should be picked up as a matter of course.

However, if you are unsure whether archaeology you are aware of is known about you should contact the Archaeology Officer and let them know. At the very least this will ensure that they are aware of the application and its potential and can investigate further if necessary. Any evidence you can provide to them will be helpful.

Historic England launched a new project to 'Enrich the List' in mid 2016. Details about how to contribute can be found [here](#).

In a minority of cases local authorities do not have any archaeological specialists on staff. In these cases it is imperative that you raise your concerns with the planning department as they may not otherwise know to search the HER or contract specialist advice. We would request that in these cases you also contact the CBA for advice and support using our email [cbacasework@archaeologyuk.org](mailto:cbacasework@archaeologyuk.org) .

- **How can I make sure that the archaeology will be taken account of?**

Once identified both the developer and the local authority have an obligation to ensure that the archaeology on a development site is carefully considered for both harmful impacts and any positive potentials.

You can examine the information submitted by the developer in respect of historic environment on the authority's online planning portal. If the information is missing or is of poor quality you may wish to write to the council to provide comment. If you are not sure but suspect what has been submitted is poor quality, contact us and we will be able to advise you.

Look out for the comments of the local authority advisors. These will be given considerable weight in the process. Additionally, if you feel that the case should be looked at by the CBA or by another body, for instance, the Association of Industrial Archaeologists, Georgian Group, Victorian Society, 20<sup>th</sup> Century Society, or Society for the Protection of Ancient Buildings, you can find lots of information and contact details on their websites.

- **There are archaeological remains on this land, the development can't go ahead now, right?**

This is not correct. Many people think that the presence of buried archaeology on a site will stop a development. This is possible but is not usually the case.

Much buried archaeology can be '*preserved in situ*' without affecting the overall outcome of a development application. With adequate mitigation, development can be changed slightly to avoid major archaeological deposits and thus preserve them in the ground.

Some degree of damage is also often acceptable. The local authority can require any archaeology which will be harmed by foundations, for instance, can be excavated as a condition to the development proceeding. Information and material will be recorded, extracted and archived, and may end up in a museum or publication and information will add to the knowledge of the site. Other types of mitigation are also available. This type of activity aims to increase knowledge of the archaeology to a sufficient level to off-set any harm.

If archaeological sites are prominently visible there may be more expectation that they can be treated as being already of value to people who see them and may deserve greater mitigation.

If archaeology is discovered during the course of a development, hopefully at plan stage, and it is deemed to be worthy of *scheduling*, then there is a chance that development will not be able to proceed. This, however, will be a rare occurrence.

Alternatively, if there is significant archaeology on a site and the authority requires a large amount of mitigation (e.g. large excavations) to take place prior to development, the developers costs may rise to a point where the development will no longer be profitable. Archaeology should always be seen by the developer as a factor which influences the cost of development and should be factored in at an early stage.

- **How can we use archaeology to stop this development?**

Some people contact the CBA asking for advice on how to prevent an undesirable application from going ahead. While we understand that people will want to use any means necessary to present a case to stop an application which they oppose, archaeology is never likely to be an effective way to stop a development.

Proper consideration of archaeology is important, but it is part of a much wider process of consideration and it is not something which exists for the purpose of preventing development.

- **Can we be involved in the process of investigation of heritage on the site?**

The historic environment is identified in the planning system as being of value to people increasing public 'knowledge and understanding' used to be an explicit aim of planning policy and is now described within national good practice guidance. There may be opportunities within the process to become involved in the excavation of archaeology on a site, have a tour of the site, or create an exhibit of the finds.

You should write to the Case Office to state your interest in such things during the consultation process. The planning case officer or planning committee have the power to ask the developer to engage in public engagement as a 'condition' of planning permission, although in practice this is under-used in many areas.

In addition, you may wish to write to the developer. For instance:

*'We generally support the application to build new houses on this site, subject to proper consideration being given to the archaeological remains of the site. We would be most interested to have an opportunity to be involved in the process of engagement so as to better understand the archaeology of the site. We would be happy to work with the developer's contractor and local museum service to create a community exhibit about the site, involving local school groups. We think that this would create a positive community outcome and provide extra value to the development.'*

Many archaeological contractors will offer such outreach and public engagement services, and can be explicitly levered as a result of planning conditions, if sufficient response from local groups can be organised. Developers may also be keen to pursue these kinds of benefits for goodwill purposes.





## The National Planning Policy Framework

The National Planning Policy Framework (NPPF) is the current government document which sets out the principles of the planning process in England.

The document is vital to the decision making processes in planning and influences local authorities and developers

The 'historic environment' is a central part of the NPPF, and its importance to the planning system should consequently not be underestimated.

There are a number of useful existing guides to the NPPF, for example:

- [The Department for Communities and Local Government's Plain English Guide to the planning system](#)
- [Historic England's guide to understanding the planning system](#)

### **Why is the NPPF important?**

The NPPF contains information on the obligations of local authorities to protect the historic environment, including articles relating to local authority specialists and historic environment records.

These articles can be used to highlight responsibilities to councils which fail to deliver these services to expected standards.

In addition, those wishing to comment on planning applications will likely need to understand the basics of the planning system in order to make their arguments.

The NPPF informs and dictates the shape of 'Local Plan' policies which are produced by local authorities and must be 'NPPF compliant'. There are also supplementary documents which councils will prepare to cover detailed matters.

In some areas councils have failed to put in place an NPPF compliant local plan. In these cases, older development plan documents may still have force, although if they are not NPPF compliant then the extent to which they can be assigned weight in the system will be reduced. In areas without a local plan which has passed inspection, the NPPF is the overriding document for making planning judgements. This can mean that it is more difficult to refuse permission for developments due to such things as not being able to demonstrate a 5-year supply of land for housing (See NPPF para. 47).



## Key concepts in the NPPF

### Sustainability

Sustainability is the key concept underpinning the NPPF. Essentially sustainability means “Meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

The five guiding principles of sustainable development are:

- 1) Living within the planet’s environmental limits
- 2) Ensuring a strong, healthy and just society
- 3) Achieving a sustainable economy
- 4) Promoting good governance
- 5) Using sound science responsibly.

### Presumption in favour of Sustainable Development

The NPPF was designed by the Conservative-led Coalition government with the specific aim of maximising ‘growth’. They introduced the ‘presumption in favour of sustainable development’ to facilitate this goal.

Essentially, in principle all development should be granted, provided that it is sustainable in terms of the **economic**, **social**, and **environmental** roles of the planning system.

Paragraph 7 and 8 of the NPPF states:

“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:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These three roles are **equally important** and all must be fulfilled for development to be considered sustainable.

The ‘presumption’ means that Local Authorities have an obligation to:

- ‘positively seek opportunities to meet the development needs of their area’
- ‘meet objectively assessed needs’

### **The importance of local plans**

The NPPF strongly communicates the importance of local decision taking. The most important element of delivery of this is the local plan.

The document stresses that the local plan is where the place-based and context specific detail of the planning system are controlled. Local plans are therefore absolutely crucial to the maintenance of high quality places.

Because of this, local authorities put themselves in a position where they are less able to exercise local determination if they do not have a suitable, NPPF compliant, local plan in place.

Adverse impacts from not having a plan, or if they fail to meet standards expected in terms of dealing with planning applications include an increased likelihood that applications will be allowed on appeal, or possibly of greater threat, that sub-standard applications will be ushered through by planning authorities due to the fear of sustaining legal costs if they attempt reject applications.

A sound local plan is a defence against inappropriate development, an opportunity to develop positive local strategies to deal with environmental issues such as how to preserve and enhance local character, protect heritage assets, and ensure complimentary types of development in terms of design, scale, etc.

Local plans should:

- Provide a framework for local authorities to meet the 'objectively-assessed development needs' of their area, following the presumption in favour of sustainable development.
- Include a positive strategy on conservation and enhancement of the historic environment.
- Have similar strategies for business development, growth, town centres, housing (including a demonstrable 5-year land supply against housing targets), design, communities, the protection of green spaces, green belts, climate change. All of these things may have potential impacts upon the historic environment.
- Have an allocation of sites or areas for particular kinds of development, regeneration, or investment opportunities.
- Seek to enable neighbourhood planning.

There are many types of planning policy which may be employed in the achievement of these goals in respect of the historic environment, some of which may be laid out in supplementary planning policy documents:

- Local heritage listing/identification of assets may support a more community-centred vision for the importance of local assets.
- Community/village design statements may be utilised to identify specific local character and may be community-led.
- Historic landscape characterisation is a tool that authorities use to describe places and focus specific types of development or institute specific protections.
- Conservation area policy and green space policies can be used to apply policies to specific areas.
- Important views or key historic assets may be important in the setting of other policies. For example, no building should be taller than the city Cathedral and views of the Cathedral should be preserved or enhanced where possible.

- A perspective on the character or significance of a place and what elements of that place which should be protected or developed. For examples, riverfront strategies, historic 'quarters', museums, parks.



## National Planning and Policy Framework

The latest NPPF can be viewed or downloaded on the Government website [here](#). The CBA, in partnership with other heritage organisations will comment on changes to the NPPF and these statements will be on the website alongside the toolkits.



## Guidance and Good Practice

The NPPF is supported by layers of 'guidance' which expands upon the content of the policy and then further by 'good practice advice'.

Guidance exists in the form on the [National Planning Practice Guidance](#) (NPPG) and includes a section of the historic environment. This guidance is a material consideration in planning and developers have a responsibility to ensure they meets the standards it sets.

Historic England produced the third tier 'Good Practice Advice' notes.

- [GPA 1: Local Plan Making](#)
- [GPA 2: Managing Significance and Decision-Taking in the Historic Environment](#)
- [GPA 3: Setting and Views](#)
- [GPA 4 : Enabling GPA 4 : Enabling Development and Heritage Assets](#)

These four each develop further some of the issues of the policy. These documents have less weight and are worded in such a way that means that they are not hard and fast rules, but 'good practice' suggestions. Nonetheless, the documents do still carry weight, and developers will need to explain why if they have not conducted their activities in accordance with the advice.





## The planning system and advocacy

There are a number of reasons why you may wish to engage with the planning system as part of local advocacy.

1. *Where a site you wish to protect is directly subject to a development proposal/or will be affected by a development proposal*

It is not strictly necessary to have knowledge of the NPPF in order to comment on planning applications. It is more valuable to understand planning principles such as setting, character, and design (see below). Making reference to the NPPF can help to underpin principles of your argument or assist when you feel an authority or a developer is not respecting principles of the system.

2. *When advocating for the preservation of a local historic environment service or HER*

As explained above, heritage protections rely heavily on having a functioning HER and specialist advisors to interpret data and assess conditions on applicants. For more information, see our [other toolkit documents](#).

3. *When attempting to influence the creation of a local plan or supplementary planning policy (e.g. local listing procedures)*

What gets included in a local plan or in supplementary planning policies can have important effects on a local authority area. Ensuring that the plan is both consistent with national policy will be a priority, but members of the public may wish to lobby for particular inclusions and will be better able to do this with a sound understanding of the planning system.

### Constructing a valid planning argument

There are a number of arguments which are legitimate to use when contesting an application through the planning process. It is important to know how to phrase your argument in relation to valid planning principles, many of which can be found within the NPPF and NPPG.

There is much value in knowing how to phrase particular arguments. For instance calling a building an 'eyesore' is less likely to be an impactful argument than describing an 'adverse impact upon the character of the neighbourhood, inappropriate design'.

Likewise, the loss of a view – whilst carrying no legal right, in absolute terms – can be phrased in reference to 'residential amenity'. A prominent public view may have significant impact upon the character of a place and be successfully argued.

The following are examples of valid planning arguments:

- visual impact
- effect on the character of a neighbourhood
- possible noise and disturbance
- overlooking
- loss of privacy
- effects on residential amenity
- impact on the setting of a listed building
- impact of the character of a conservation area/Area of Natural Beauty/World Heritage Site
- impact upon significant views (i.e. from a vantage point to a monument, for example from a bridge to a cathedral)
- position in relation to 'settlement boundaries'
- impact upon 'green belt'
- Over-development (e.g. too high density, 'garden grabbing'/infilling – these relate to character)
- Out-of-scale, out-of-keeping/character in terms of use/appearance
- Design (bulk, massing, details, materials)

Examples of **NON-RELEVANT** arguments:

- Detrimental effect of property prices
- Personal factors relating to the applicant (e.g. 'We like Waitrose but we don't like Tesco's' or 'this applicant has history of leaving plots vacant')
- Aspersions on the business intentions of the applicant (e.g. greed, profit margins)
- Behaviour of individuals

The likely effect of the development on the residential amenity of neighbours is clearly an important consideration. On the other hand, a possibly adverse impact on property values is not a relevant planning consideration and so there is no point in mentioning it.

## **Stages of the process:**

### ***Pre-application:***

Some applicants will consult with an authority prior to making a formal application. This process can be relatively cursory or very in depth and can discuss specific information or be largely a discussion in principle.

This process is usually a charged service provided by the local authority and should involve historic environment specialists where appropriate.

The process is not public, and you cannot request information about pre-application discussions.

Applicants for large, complex, or potentially controversial developments may consult local communities at this stage. Effective dialogue can be had with developers if they choose to invite community comment at this stage. See [Toolkit 1](#) for advice on how to effectively comment.

### ***Application:***

Formal applications are made to the council and documentation provided to support the application. The application will be checked and 'validated' by a planning Case Officer.

Applications must include certain documents in order to be validated. For applications which affect heritage this will include:

- A statement of significance (for any heritage asset)

There are many approaches to this, but it should attempt to note any relevant sources of information and make judgements on the historical, architectural, archaeological, and communal significance of the site and give a proportionate level of detail.

- An archaeological assessment (for buried archaeology)

This may be 'desk-based' where research from archival resources such as HER takes place or, if archaeological potential is known to be high, or information lacking, may include 'field investigation' as well.

It is relatively common for archaeological officers within the council to refer the application to provide more information if the submission has insufficient documentation.

For medium to large developments applicants will usually employ specialist contractors to undertake historic environment elements of the application. An accredited specialist is likely to provide better quality and impartial advice.

There is a large disparity in the quality of applications and in the level of information provided for heritage assessments. It is definitely worth commenting if you think that the application has not met the requirements of assessment of heritage significance.

### **Decisions:**

Planning applications are considered, firstly, by the Case Officer at the local authority. This 'lead' officer will consult with relevant colleagues (e.g. the specialist officer or teams for archaeology, conservation, environment, transport/infrastructure, etc.) who will provide advice on each specific impact of the application.

The specialist advisor will likely recommend any required actions, i.e. if more information is required, and if they recommend approval or refusal of the application. They will also advise a list of '**conditions**' to apply e.g. conduct a full photographic survey of any asset to be lost/damaged, employ archaeological investigation.

The Case Officer will then collate all the planning arguments and advice and 'recommend' a decision to the Planning Committee of elected Councillors.

Most decisions are '**delegated**' – this means that they are not considered by elected members but automatically follow the Officer's recommendation.

Some decisions, however will be '**referred to committee**' – to be discussed by Councillors on the Planning Committee. Different authorities have different rules concerning when an application can be referred to committee. Referral usually happens at the request of one or more Councillors. You may contact your ward Councillor to request that an application be referred to committee. They are not obliged to do so, but usually, where your reasons are adequately explained, they will do so. This allows an application to be properly debated.

**Appeals:**

Appeals to the planning system can be made through the courts by developers. Members of the public have no right to appeal applications which are granted.

Smaller applications (on a domestic scale) are dealt with via a 'fast-track' appeal process. These applications are closed to the public.

Larger applications may be conducted by public inquiry, or may be based upon written submissions of evidence. These processes will allow another chance to submit additional representations. The processes will be overseen by an Inspector from the Planning Inspectorate (see below)

Anyone who has written to the Planning Inspector as part of the appeal will be notified of the date and location of the public hearing. You will have the opportunity to speak. Unlike committee hearings there is no time limit for speaking, although, as with most matters, brevity is still advisable. You will also be permitted legal representation and may be allowed to have your representative question the Appellant's witnesses, although you will not be able to ask questions yourself.

Some appeals will be dealt with in a less formal hearing where a discussion will be conducted by an inspector with the Appellant and any objectors or witnesses.

**Judicial Review:**

Applications for Judicial Review should only be pursued where there is strong evidence of legal or procedural error in the Council's practice. For instance where the demolition of a listed building has been granted without proper assessment of consultation of the conservation officer or statutory partners (e.g. Historic England).

Judicial Review ruling can 'quash' decisions based upon any failure in the process. However, a quashed decision will be re-determined, and may come to the same decision as previously made. However, almost always the best approach will be one that stops short of judicial review.

Always ensure appropriate legal advice is taken before considering judicial review. It is not recommended to seek this advice for free, as you will be potentially liable for recovered costs if you file a claim which is turned down.

Being mindful of an approach to judicial review is, however, potentially useful in the process of fighting an application. Knowledge of the process can, for instance, help you to make sure that authorities or developers do not cut corners in the process and will ensure a fair decision.

### ***Call-in:***

It is possible in unusual cases to get applications called-in by the Planning Inspectorate (on behalf of the Secretary of State). This will only usually happen for very large applications and the Secretary of State will exercise discretion as to which cases are called in.

### ***Local Government Ombudsman:***

Cases of maladministration can be referred to the Local Government Ombudsman. For example, if it can be shown that the authority failed to consult the appropriate specialist advisor, or not presenting particular report to planning committee. It is necessary to first seek to resolve the issue through the local authority grievance procedure.

The Ombudsman will be able to advise on whether they will be able to take your case. The Ombudsman has no power to overturn a planning decision, but they can recommend ways to rectify

The Ombudsman will only investigate your case if you have been personally affected by a particular mistake and consider you to have 'suffered an injustice'. They will not investigate all cases.

The Institute of Historic Buildings Conservation has [a list of examples on its website](#).

### ***Lobbying:***

*'Active' planning cases;*

'Lobbying' on active planning applications can be quite tricky. Councillors on the committee are instructed in impartiality. You are not allowed to interfere with their judgements either in person on site visits or via written communications. They will, most likely, ignore any letters sent on active planning applications.

The best way to contribute your views is through commenting on the application, or by attending the planning committee. You may give notice of an intention to speak at the planning committee meeting in advance. Check with your local authority regarding the procedures for this. You will

have a tight time limit to speak (usually 3 minutes) and will not be allowed to go over.

Some tips for speaking to planning committee:

- Prepare in advance. Time your script and try to stick to it.
- Don't make long introductions.
- Don't get slowed down refuting points made by others (unless they are factually incorrect)

Equally MPs have no jurisdiction over planning committee and so their input is not likely to hold much weight. They are unlikely to get involved, even if they would like to. However, there are a number of avenues that an MP can use to take up a case at a national level, for example, by asking a question of a Government Minister, by placing an early day motion, or by raising the example case in a national debate on a relevant legislative issue.

*Local plans and policies:*

Lobbying for specific inclusions for the historic environment in the local plan can lead to significant benefits for local heritage. Recognising specific local character and important historic elements of place as well as local wishes are both within the power of local plans to set.

Check what heritage assessments are included in your authority's local plan. Making an assessment of whether it would be valuable to include one or more of the following could form part of wider pressure put on your local authority to invest in these measures. Particularly if your authority is in the process of designing its local plan there may be opportunities to campaign on these issues.

Plans should set out a 'positive strategy' for the historic environment. Things that this could include are:

- How to enhance the historic environment to generate tourism or regeneration
- How to ensure a healthy town centre
- How to encourage adaptive re-use of historic buildings
- What design principles are appropriate for the town/areas of the town
- Opportunities for community involvement
- Specified uses for developer levies such as the community infrastructure levy and 'section 106 agreements' (e.g. repair or



maintenance of heritage assets, increased public access and enjoyment, provision for archive storage for heritage collections, museum exhibits, etc).

Supplementary planning documents (SPDs) dealing specifically with heritage may also be useful to support the local plan, particularly where explicit policies exist for things like local heritage lists, regeneration plans, or community engagement.

Wider efforts to better understand and develop the significance of the historic environment may come as a result of historic landscape characterisation programmes or local heritage lists. *Historic Landscape Characterisation* (HLC) aim to thoroughly define an area's significance in order to guide development and change in each area. A positive approach to this would involve a high level of community involvement.

*Local heritage listing* is where local authorities create a register of local buildings, sites, and places, of local community or historic value. These may be sites which do not reach the necessary levels for national designation, but which have significance locally.

*Conservation Area Appraisals* most authorities will have done conservation area appraisals for all designated areas. These appraisals apply up to date assessments of heritage significance to the areas and help to define relevant planning strategies and guide development. Lobbying to press for councils to complete or update these appraisals helps the designation to be valuable. A local group may be able to offer to assist in the research or community engagement required to undertake a conservation area appraisal using tools such as ['Placecheck'](#).

*Neighbourhood plans, conservation area committees, design forums:*

Broadly speaking, the more proactive you can be about lobbying your local authority to take account of historic environment issues, the greater chance you have of being influential when bad examples arise. There are a number of local tools to do this:

Place/Design Forums and Conservation Area Advisory Committees are local independent panels, facilitated by local authorities who provide advice on planning issues and often have representation from local civic groups as well as local experts such as architects, archaeologists, and conservators.



The CBA supports groups to lobby local authorities to set up these forums.

Neighbourhood plans are also a positive way for communities to influence the planning system, advice on setting up a Neighbourhood Planning Forum can be found [here](#).



## The Planning Inspectorate (PINS)

### What is the Planning Inspectorate?

The Planning Inspectorate (PINS) is a government agency which oversees the implementation of the planning system in England and Wales.

It has a number of roles. It is responsible for:

- Planning appeals
- National Infrastructure planning
- Examining local plans
- Reporting on applications which are 'called in' by the Secretary of State
- Other casework (including compulsory purchase orders, rights of way and environmental protection)

Information on these functions can be [PINS website](#).

The work of the inspectorate is likely to be relevant to community groups for a number of reasons:

### **1. Where a local authority does not have a compliant local plan in place**

In these cases, development proposals are subject to the NPPF and any applications rejected can be appealed by the developer to PINS.

In these situations, it is common for PINS to overturn the decision to deny permission based on a number of key factors, but chiefly that the authority has not demonstrated an adequate 5-year supply of land for housing.

Under this circumstance, the decision-making power of local authorities is substantially undermined, and all applications are judged with primary reference to the NPPF and judged centrally.

For this reason, authorities who do not have an up to date local plan have much less control over shaping where development can take place and dictate details of what is acceptable.

Before a local plan can come into force it has to be assessed by a PINS Inspector. The process therefore has to meet exacting standards of compliance with the NPPF and other requirements.

## **2. Where an application is 'called-in'**

The Secretary of State for Communities and Local Government (in England) and Welsh Government Planning Minister (in Wales) have the power to direct a local authority to refer an application to him/her (to 'call it in') an application to be assessed by central government.

Information from the NPPG on call-in can be found [here](#) and a longer guide can be found [here](#).

*Anyone can write to the Secretary of State to request that she/he calls in an application.*

Once an application has been called-in, a PINS Inspector will examine the case. *Any public representations previously made to the local authority have to be made again to the Inspector.* Interested parties can also apply to give evidence at an inquiry. Rules and procedures for this can be found [here](#).

## **3. Where an application is appealed**

Appeals can only be made by the person making the planning application, so this may not be relevant to community groups or heritage organisations directly, other than to say that there is a possibility that an application successfully fought at local level can be overturned if an appeal shows that the planning processes were not properly followed by local authority officials or elected representatives.

There are a number of different [appeal types](#), and the forms, plus full guidance on how to complete the forms, can be found [here](#).

You can access all appeal which has been accepted as valid on the [planning portal website](#). You can search by reference number or by site address.



## Sources of information

1. [Martin Goodell's Planning blog: 'How to Object'](#)
2. [Planning Aid England](#)
3. [Planning Aid Scotland](#)
4. [Planning Aid Wales](#)
5. [Heritage Advice and the Local Government Ombudsman \(IHBC\)](#)