



## Planning Bulletin: March 2021

*This monthly note highlights some of the recent and forthcoming developments in the world of planning from a heritage perspective. For further information about any of the items, please follow the links provided or use the contact information on the last page. Please note that this is not necessarily a complete review of matters and is not intended to provide any legal advice on the issues raised. Unless otherwise stated, it does not comprise the formal position of Historic England on these matters.*

*Current and previous editions of Planning Bulletin (back to September 2017) are now available on-line [here](#).*

### Contents

- Historic England
- Government Departments
  - *Department for Digital, Culture, Media and Sport*
  - *HM Treasury*
- Legislation and Matters Arising
  - *Written Ministerial Statements*
  - *Emerging Legislation*
  - *Heritage Planning Case Database*
- Committees
- Advice
  - *Historic England Advice*
  - *Forthcoming Historic England Advice*
- Training
- Other Initiatives
- Current Consultations
- Recent Consultation Responses
- Calendar
  
- Appendix I: Historic England Planning Advice

### Historic England

In this challenging and difficult time, we are committed to continuing to provide our services and support to everyone as best we can. We are also working closely with heritage sector organisations to ensure that we all offer support for any queries you may have or practical issues that need to be addressed.

Our sites and offices continue to be closed until further notice. Our staff are working from home and will continue to provide advice and grant payments as usual.

Our local teams remain the best first point of call so if you need to contact us, please email your region as normal. For further information, advice, and updates on current Historic England services, please refer to our [website](#).

## Government Departments

### Department for Digital, Culture, Media and Sport

- The responsibility for heritage has moved from Nigel Huddleston MP (Parliamentary Under Secretary) to Caroline Dinenage MP (Minister of State).
- Dr Simon Thurley CBE has been appointed Chair of the National Heritage Memorial Fund and The National Lottery Heritage Fund.

### HM Treasury

#### *Spring Budget 2021*

- The Spring Budget 2021 was delivered by Chancellor of the Exchequer, Rishi Sunak, on 3 March. It is in full [here](#) and the statement is [here](#). Amongst other things the Budget included:
  - £300 million to extend the *Culture Recovery Fund* to continue to support key national and local cultural organisations in England as the sector recovers.
  - 45 new *Towns Deals* with towns across the country, investing in local priorities.
  - A new *UK Infrastructure Bank* which will have an initial £12 billion of equity and debt capital to finance local authority and public sector infrastructure projects. The primary focus will be on sectors covered in HMT's *National Infrastructure Strategy* which includes clean energy.
  - Announcement of the locations of the eight UK freeports: East Midlands Airport, Felixstowe and Harwich, Humber, Liverpool City Region, Plymouth, Solent, Thames and Teeside.
  - Creation of a task force to accelerate delivery of housing building using modern methods of construction (MMC).
  - Publication of the *Levelling-Up Fund: prospectus* with culture and heritage assets identified as the third pillar in the first round of funding (2021 – 22).
  - Publication of the £220 million *UK Community Renewal Fund: prospectus* which includes priorities for investment in communities and place with the regeneration of cultural and heritage assets one of the investment themes, and a new £150 million *Community Ownership Fund* to help community groups buy or take over local community assets at risk of being lost.
  - Publication of *Build Back Better: Our Plan for Growth*.

## Legislation and Matters Arising

### Written Ministerial Statements

- Secretary of State for the MHCLG, Robert Jenrick gave a Written Ministerial Statement on *Planning and Hospitality* to extend some of the Permitted Development Rights including pavement licences to help high streets recover.

## Emerging Legislation

### Government Bills

- *Clean Air (Human Rights) Bill 2019-20*: amongst other things the Bill establishes the right to breathe clean air; requires the Secretary of State to achieve and maintain clean air in England and Wales; and to enhance the powers, duties and functions of the Environment Agency, the Committee on Climate Change, local authorities (including port authorities), the Civil Aviation Authority, Highways England, Historic England and Natural England in relation to air pollution. The Second Reading is still yet to be scheduled.
- *Environment Bill 2019-21*: amongst other things the Bill aims to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection, conservation covenants, and about air quality. The Government has reintroduced the Bill and has said that it demonstrates a 'commitment to tackling climate change and to protecting and restoring our natural environment for future generations'. The Bill received its sixteenth to twentieth sessions in a Public Bill Committee. The Public Bill Committee voted against the proposed amendment to include heritage in the Environment Bill, noting there was recognition of the connection between the natural environment and heritage in the *25-Year Environment Plan*. The Bill was due to have its report stage, but the government announced it will be delayed. It is expected to return early in the next Parliamentary session and become law by Autumn.

### Private Members' Bills

- *Climate and Ecology Bill 2019-21*. The Bill requires the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement those objectives; to establish a Citizens' Assembly; and to give duties to the Committee on Climate Change regarding the objectives and strategy. The Bill was presented to Parliament on 2 September. The date of its Second Reading in the House of Commons is yet to be announced.
- *Desecration of War Memorials Bill 2019-21*. The Bill aims to create the offence of desecrating a war memorial. It was introduced to Parliament on 23 June under the *Ten Minute Rule*. The Bill was withdrawn on 23 March 2021.
- *Planning (Proper Maintenance of Land) Bill 2019 – 21*. The Bill makes provision for increased fines for failures to comply with a notice under section 215 of the Town and Country Planning Act 1990. Jonathan Gullis MP made positive reference to historic buildings and Historic England. It was introduced to Parliament under the *Ten Minute Rule*. The date of its Second Reading in the House of Commons is yet to be announced.

### Private Bills

- *Highgate Cemetery Bill*: The Bill needed a 'Wharnclyff' Examination to comply with certain standing orders concerning the consents of owners, members and directors of companies. The Bill was found compliant on 9 March. The Lords Committee took evidence on 2 and 3 March. The revised Bill has been published and is awaiting a date for Report stage.

## Heritage Planning Case Database

- Historic England tweets planning decisions of heritage interest, via [@HeritageAdvice](#), and these are then collated into the [Heritage Planning Case Database](#). This is a

searchable online database of appeal and call-in decisions relating to planning permission (that affects a heritage asset) and listed building consent. Cases have been summarised using a [standard list of search terms](#), for ease of use; searches can also be carried out by address, date or decision reference.

### *Case Alert*

- [\*City and Country Bramshill Ltd v Secretary of State and others 2021\*](#) - Numerous planning applications and listed buildings consent applications were submitted for residential development at Bramshill (a grade I Jacobean house in a grade I Jacobean registered park and garden). They were refused by the Hart District Council and appeals lodged. The Inspector refused some of the main appeals, and her decision was challenged in High Court with the matter then going on to the Court of Appeal.
- The Court of Appeal focused on the questions of interpretation and application of policies in the NPPF against the development of “*isolated homes in the countryside*” and on the assessment of harm and benefit to heritage assets. The appeals were dismissed with the court concluding that the Inspector had correctly dealt with the issue of isolated homes in the countryside; and that there was nothing in legislation, caselaw or in the NPPF requiring a “net” or “internal” heritage balance to be undertaken. The Inspector’s methodological approach to the proposals identifying significance, then assessing the impact to that significance, and considering whether harm was outweighed by public benefits could not be faulted. Details of the court judgement can be found [here](#).

## **Committees**

### **Homes, Communities and Local Government Committee**

#### *Permitted Development Rights Inquiry*

- The HCLG Committee has opened a [call for evidence](#) on permitted development rights. The aim of the inquiry is to examine the Government’s recent and proposed changes to permitted development rights in respect of large-scale development, commercial to residential conversions and change of use between different types of commercial and retail premises.

### **BEIS Select Committee**

#### *Decarbonisation of Heat in Homes*

- On the 16 March the BEIS Select Committee held the second session on [decarbonisation of heat in homes](#). It heard that the Government should prioritise homes that are easier to decarbonise than others as the solutions were already available; decarbonising heat currently presented as a major project for consumers and this needed to be made easier and; the decarbonisation of heat in homes requires cross-industry thinking, which needs to be driven by the Government.

## **Advice**

### *Historic England Advice*

- Good Practice Advice notes (GPAs) and Historic England Advice Notes (HEANs) are all available on the Historic England [website](#), and are listed in Appendix I to this Bulletin for ease of reference.

- The annual *Heritage Counts Research* has been published and provides useful evidence on how carbon emissions can be reduced in our pre-1919 homes. Further details can be found [here](#).

#### *Forthcoming Historic England Advice*

- Following public consultation, publication of a new HEAN on Listed Building Consent is expected shortly.
- Following public consultation last year, further revision to HEAN 4 on Tall Buildings is progressing, taking account of the feedback we received. We anticipate publishing the updated HEAN in the spring/summer this year.

## Training

#### *Historic England Training*

- In response to Covid-19 restrictions, Historic England is increasing its e-learning and remote CPD provision.
- HE has turned the HELM courses into webinars, including topics such as *Enabling Development*, *Industrial Heritage* and *Design and Place-shaping*. They can be accessed [here](#).
- *Technical Tuesdays*; a series of webinars delivered by its Technical Conservation Team is made available online, generally about a week after the event. Registration is open for the following webinars:
- Please visit the HE online training web pages [here](#) for the latest on our webinar programme. For webinar booking please visit [here](#).
- To be added to the mailing list for training events and webinars, or if you would like to suggest topics for courses, webinars or online training, please email [helmbookings@historicengland.org.uk](mailto:helmbookings@historicengland.org.uk).

## Other Initiatives

#### *Levelling Up Fund*

- The Government published the [Levelling-Up Fund: prospectus](#) on 3 March 2021.
  - The prospectus for the £4.8 billion Levelling Up Fund will “invest in infrastructure that improves everyday life across the UK, including town centre and high street regeneration, local transport projects, and cultural and heritage assets.” (Spring Budget Statement 2021, paragraph 59).
  - The first round of the Fund in 2021-22 will focus on three themes including “support for maintain and expanding the UK’s world-leading portfolio of cultural and heritage assets.” (Levelling-Up: prospectus, paragraph 4.1).

#### *Community Renewal Fund*

- The [UK Community Renewal Fund: prospectus](#) will provide £220 million additional funding to help places across the UK prepare for the introduction of the UK Shared Prosperity Fund. Heritage assets are included under “Exploring opportunity for promoting culture-led regeneration and community development”, one of the four investment areas promoted through the fund.

### *Build Back Better*

- The Government published *Build Back Better: Our Plan for Growth* on 3 March 2021. This sets out the Government's plans to support growth through investment in infrastructure, skills and innovation, the levelling up agenda, and enable transition to net zero.

### *Growing Back Better*

- The *Growing Back Better report* was published by the Environment Audit Committee in February. The report is on how to grow back better after covid-19 to create a greener, healthier and more resilient economy. Recommendations include:
  - Front loading investment in energy efficiency, the circular economy, climate adaptation and mitigation.
  - VAT reductions to encourage energy efficiency, use of recycled materials and repair services.

## **Current Consultations**

- MHCLG launched a consultation on changes to the *National Planning Policy Framework (NPPF)* and a new *draft National Model Design Code (NMDC)*. The consultation closes on **27 March 2021**.
- The Government is consulting on the *Future of Building Standards* – Part L and Part F of the Building Regulations. The consultation is seeking views on standards and draft guidance for conservation of fuel and power, ventilation and overheating. This is applicable for non-domestic buildings, dwellings and new residential buildings. The consultation closes on **13 April 2021**.
- HCLG Committee is inviting evidence for the *Permitted Development Rights Inquiry*. The call for evidence closes on **30 April 2021**.
- The consultation on Historic England's *draft Industrial Heritage Strategy* is open and further details including how to respond can be found here. The consultation closes on **7 June 2021**.

## **Recent Consultation Responses**

- Historic England responded to the MHCLG consultation on *Right To Regenerate*. The consultation response can be found here.

## **Calendar**

### *March*

- 22 Consultation on Historic England's draft Industrial Heritage Strategy opens.
- 27 Consultation on changes to the National Planning Policy Framework and draft National Model Design Code closes.

### *April*

- 13 Future of Building Standards consultation closes.
- 30 Call for evidence closes for HCLG Committee Permitted Development Rights Inquiry.

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*29 March 2021*

*If you did not receive this edition of Planning Bulletin direct from Historic England, you may find the current edition online [here](#). If you would like to sign up for notifications when a new edition is issued, please contact [governmentadvice@HistoricEngland.org.uk](mailto:governmentadvice@HistoricEngland.org.uk).*

# APPENDIX I: HISTORIC ENGLAND PLANNING ADVICE

## *Good Practice Advice Notes (GPAs)*

- The GPAs provide information on good practice, particularly looking at the principles of how national policy and guidance can be applied. They are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum, and have been prepared following public consultation:
  - *GPA1: The Historic Environment in Local Plans* (March 2015)
  - *GPA2: Managing Significance in Decision-Taking in the Historic Environment* (March 2015)
  - *GPA3: The Setting of Heritage Assets* (December 2017)
  - *GPA4: Enabling Development and Heritage Assets* (June 2020)

## *Historic England Advice Notes (HEANs)*

- The HEANs include detailed, practical advice on how to implement national planning policy and guidance. They have been prepared by Historic England following public consultation:
  - *HEAN 1: Conservation Areas: Designation, Appraisal and Review (Second Edition)* (February 2019)
  - *HEAN 2: Making Changes to Heritage Assets* (February 2016)
  - *HEAN 3: Site Allocations* (October 2015)
  - *HEAN 4: Tall Buildings* (December 2015)
  - *HEAN 5: Setting up a Listed Building Heritage Partnership Agreement* (November 2015)
  - *HEAN 6: Drawing up a Local Listed Building Consent Order* (November 2015)
  - *HEAN 7 (2nd ed): Local Heritage Listing* (January 2021)
  - *HEAN 8: Sustainability Appraisal and Strategic Environmental Assessment* (December 2016)
  - *HEAN 9: The Adaptive Reuse of Traditional Farm Buildings* (October 2017)
  - *HEAN 10: Listed Buildings and Curtilage* (February 2018)
  - *HEAN 11: Neighbourhood Planning and the Historic Environment* (October 2018)
  - *HEAN 12: Statements of Heritage Significance* (October 2019)
  - *HEAN 13: Minerals Extraction and Archaeology* (January 2020)
  - *HEAN 14: Energy Efficiency and Traditional Homes* (June 2020)
  - *HEAN 15: Commercial Renewable Energy Development and the Historic Environment* (February 2021)