

Heritage Assessment

Project name: Car Park South of Camp Road, Heyford Park
Date: 15 July 2022
Project number: P22-1611

1. Introduction

- 1.1. This application follows the granting of Planning Permission for the demolition of the remnants of the former Building 457 and associated works to create a public open space under application reference **19/O2337/F**.
- 1.2. As part of that application, a hard and soft landscaping scheme was approved which saw the creation of a new public space, although the detailed design of this was to be controlled by Condition. This culminated in the imposition of Condition 5 of the Planning Permission.
- 1.3. During the assessment of the above application, Officers concluded that:

"The proposal will cause harm to designated and non-designated heritage assets, negatively impact on the environmental dimension to sustainable development. However, in the context of previous assessments and the significant demolition that has already taken place, this harm is considered low. The proposal will deliver modest public benefits in the form of a new area of public open space that will complement the emerging village centre. On balance, and after careful consideration of the merits of the proposals and the lack of harm in other respects, the proposal is considered acceptable. Permission should therefore be granted."
- 1.4. The proposals now see the creation of a car park for a period of five years, which has been constructed in association with the proposed public space.

2. Assessment

- 2.1. The following assessment has been undertaken in accordance with the methodology set out in **Appendix 1** below.
- 2.2. The site is located within the boundaries of the former RAF Upper Heyford Conservation Area, the boundaries of which extend across the wider former airbase. As such, the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 would apply, and in particular section 72(1) which provides statutory protection for Conservation Areas, stating that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

2.3. Conservation Areas are designated heritage assets as defined by the Government's National Planning Policy Framework (NPPF) which was last updated in July 2021. This states that:

2.4. The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."¹

2.5. Paragraph 207 goes on to recognise that "not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance" and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."² (our emphasis)

2.6. Further details of the relevant guidance set out within the NPPF are provided at **Appendix 2**.

2.7. The Council adopted a Conservation Area Appraisal for the Conservation Area in 2006 when the Conservation Area was originally designated, which set out what was considered to be the significance of the Conservation Area at that time. However, since then, the Conservation Area, and in particular the area directly surrounding the application site has seen great change, brought about by the implementation of the various development proposals associated with the redevelopment of the wider former airbase. The area is now a vibrant, mixed use village centre with hotel, residential, retail and other uses and activity.

2.8. As noted above, the principle of the loss of the building which was formerly located within the site (Building 457) has been accepted and the demolition has occurred. This assessment will therefore focus on the change in the proposed landscaping and the impact that this will have on the character and appearance and thus significance of the

¹ DLUHC, NPPF, para 206.

² DLUHC, NPPF, para. 207.

Conservation Area as a whole, when compared to the previously approved position, albeit the detailed design of the landscaping was still to be agreed.

- 2.9. It is noted that both Historic England and the Council's Conservation Officer previously objected to the original permission which this application seeks to amend, however it is clear from their responses that that objection related to the demolition of the remains of Building 457, rather than the design and future use of the proposed public space.
- 2.10. A temporary car park has been constructed on part of the proposed area of public space in order to provide parking for the nearby hotel. This has been constructed of gravel with a timber knee rail to provide a physical, but unobtrusive barrier between vehicles using the car park and the public space. This positively physically and visually contains the car parking in a single area rather than being dispersed ad-hoc across the area.
- 2.11. The landscaping has been designed so as to complement the character of this part of the wider settlement which has evolved as the wider development proposals which have been implemented within the village centre and south of Camp Road. This area, which prior to any of the changes which have occurred, had previously been identified as being of low significance, has fundamentally changed in character since the Conservation Area was designated and the proposed changes to the landscaping scheme are not considered to result in any further impact than that which has previously been accepted to the character of the Conservation Area in this location.
- 2.12. Consent is sought for the car park on temporary basis for a period of five years, after which the land could easily be restored to provide further landscaped public space.
- 2.13. The proposals will not impact on the areas of the Conservation Area which contribute the most to its significance as identified in both the adopted Conservation Area Appraisal and by Officers in their consideration of various development proposals across the wider site, namely the core of the former Flying Field north of Camp Road.

3. Summary

- 3.1. The development proposals see the amendments of the previously approved scheme for the site. The demolition of the building which previously stood within the site has previously been accepted and the character of the Conservation Area in this location has also fundamentally changed through the implementation of the wider redevelopment scheme for the area such that the revised scheme will sit comfortably within the new established character of the locality, physically and visually containing the car parking.

Appendix 1: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”³

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.⁴

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.⁵ These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.⁶

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** *As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*
- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.⁷

Significance results from a combination of any, some, or all of the interests described above.

³ DLUHC, *NPPF*, pp. 71–72.

⁴ Historic England, *GPA:2*.

⁵ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

⁶ DLUHC, *NPPF*, p. 71; DLUHC, *PPG*, Annex 2.

⁷ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.⁸

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the *NPPF*;⁹
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);¹⁰ and
- **Non-designated heritage assets.** Non-designated heritage assets are defined within the *PPG* as “*buildings, monuments, sites, places, areas or landscapes identified by planning bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*”.¹¹

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the *NPPF*.

⁸ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

⁹ DLUHC, *NPPF*, para. 200 and fn. 68.

¹⁰ DLUHC, *NPPF*, para. 200.

¹¹ DLUHC, *PPG*, paragraph 039, reference ID: 18a-039-20190723.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”;¹² and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”¹³

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, “*preserving*” means doing “*no harm*”.¹⁴

Preservation does not mean no change, it specifically means no harm. GPA:2 states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”.¹⁵ Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in GPA:3, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.¹⁶ Of particular relevance is the checklist given on page 13 of GPA:3.¹⁷

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”¹⁸

¹² Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

¹³ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

¹⁴ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

¹⁵ Historic England, GPA:2, p. 9.

¹⁶ Historic England, GPA:3, p. 8.

¹⁷ Historic England, GPA:3, p. 13.

¹⁸ Historic England, GPA:3, p. 4.

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.¹⁹

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.²⁰

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

The *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.²¹

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.²²

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***²³

¹⁹ Historic England, *GPA 3*, p. 8.

²⁰ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

²¹ DLUHC, *NPPF*, paras. 201 and 202.

²² Including – *Kay, R* (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.

²³ MHCLG, *PPG*, paragraph O20, reference ID: 18a–O20–20190723.

Any "*heritage benefits*" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

Appendix 2: Heritage Policy Framework

The National Planning Policy Framework (July 2021)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in July 2021. This replaced and updated the previous *NPPF 2019*. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or***
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or**
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”²⁴**

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”²⁵ (our emphasis)

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

“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).”²⁶

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”²⁷

As set out above, significance is also defined as:

²⁴ DLUHC, NPPF, para. 11.

²⁵ DLUHC, NPPF, para. 11, fn. 7.

²⁶ DLUHC, NPPF, p. 67.

²⁷ DLUHC, NPPF, p. 66.

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²⁸

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”²⁹

Paragraph 197 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”³⁰***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”³¹

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;***
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II****

²⁸ DLUHC, NPPF, pp. 71-72.

²⁹ DLUHC, NPPF, para. 195.

³⁰ DLUHC, NPPF, para. 197.

³¹ DLUHC, NPPF, para. 199.

registered parks and gardens, and World Heritage Sites, should be wholly exceptional.³²

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and***
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and***
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and***
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.***³³

Paragraph 202 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”³⁴

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”³⁵

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

³² DLUHC, NPPF, para. 200.

³³ DLUHC, NPPF, para. 201.

³⁴ DLUHC, NPPF, para. 202.

³⁵ DLUHC, NPPF, para 206.

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”³⁶ (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”³⁷

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”³⁸

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the

³⁶ DLUHC, NPPF, para. 207.

³⁷ DLUHC, NPPF, para. 203.

³⁸ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.³⁹ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape."⁴⁰

"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way."⁴¹

It goes on to state that:

"Well-designed places and buildings are influenced positively by:

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***
- ***the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;***
- ***the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details - see Identity.***

Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."⁴²

³⁹ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁴⁰ DLUHC, NDG, para. 46.

⁴¹ DLUHC, NDG, para. 47.

⁴² DLUHC, NDG, paras. 48-49.