

THE COUNTRY LAND & BUSINESS ASSOCIATION

BARKER REVIEW OF LAND USE PLANNING – INTERIM REPORT

HERITAGE ISSUES

Introduction

1. We believe that the heritage protection and consent system is significantly broken and needs fixing: it is not – of your terms of reference – as efficient, quick, flexible, transparent, or predictable as it could be. Moreover, this is not just a small detail in the planning system. As the Initial Report says¹, 30 per cent of planning applications have heritage implications because they involve designated buildings or monuments or Conservation Areas. We therefore feel that the Final Report ought to contain specific recommendations on heritage.
2. The CLA enjoys an unusual position: our 38,000 members share the deep concern for heritage felt by most British citizens, and by overseas tourists, but a high proportion of them also *own* heritage property, and so are the people who have to manage and maintain and – especially – pay for it. We do not want to see a weakening of heritage protection, but we do want to see a system that is efficient and as certain and proportionate as possible.

The protection regime

3. We welcome the Heritage Protection Review (HPR) and the comments on this in s 4.25 in the Initial Report. The changes proposed (subject to detail) meet many of our concerns, and there is widespread support for them among other consultees.
4. This, however, is only part of the story. Although attention has – perhaps because the HPR has been led by DCMS – been focused on protection, most of the problems are in the *consent* system.

The consent regime

5. One of the key problems is *conservation philosophy*. Heritage is expensive to maintain, government willingness to fund it through grants is (very) limited, and it must – wherever possible – earn its keep if it is not to decay. This requires a consent system which allows change.
6. Despite the recognition of this in PPG15, many (not all) of those involved in regulation feel that their job is to protect the historic environment against change. A sentence in the Interim Report² recognises this (“efforts to limit disproportionate regulation may take time to have full effect, as some culture change may be needed at local level”). The evidence is inevitably largely anecdotal (see the 2005-06 CLA heritage survey³), but there is too much bad anecdote to be ignored, and the widely-held perception that there is a problem has, as the

¹ In s 4.25.

² In s 4.25.

³ This can be found at

www.cla.org.uk/policy_docs/CLA_Heritage_Survey_report_060620.pdf?lnkCk=ART_CONTENT_4&statlD=551230

Interim Report acknowledges in other contexts, considerable power to discourage or obstruct change⁴.

7. Part of the problem is a lack of understanding of economic reality, for example demands that redundant agricultural buildings remain in agricultural use when they no longer have any agricultural purpose; or that creating a doorway, which to a regulator may seem a pointless intervention in historic fabric, can make the difference between a viable scheme which would rescue a building and a non-viable scheme. PPG15 recognises this, but the wording is too vague and insufficiently prominent.
8. Further problems are lack of an understanding that some parts of a building may be more significant than others, lack of proportionality, and poor administration. For example, controls which would be appropriate for a Grade I building – the top 5% of listed buildings – are applied without discrimination to a Grade II building in the bottom 5%; or owners who have already spent £10,000 in fees abandon a project which would have saved a redundant traditional barn because they are told, at the end of the process, that consent is conditional on their commissioning a £3,000 full archaeological survey and using contractors from the local authority's approved list, who quote £10,000 more than the next highest tender; or an owner is unable to sell her unmodernised listed house because every prospective buyer is being told by the conservation officer that the changes any reasonable purchaser is likely to require (reopening a doorway, or adding an extra bathroom) are unacceptable.
9. The problem however is not only one of philosophy: there is also a *resourcing* issue. The English Heritage/Institute for Historic Building Conservation *Local Authority Conservation Provision* survey (2003)⁵ paints a picture in which many local authorities have no conservation staff, or have staff who have little or no experience or training, are demoralised by low pay and lack of status, and/or are overworked, so that constructive pre-application advice is not available, and applications become adversarial rather than collaborative. This picture is supported by evidence in 2006 to the Culture Media and Sport Select Committee, *passim*, and the 2005-06 CLA member heritage survey referred to above.
10. Not all those involved in regulation lack competence, of course; some are very good, and there are positive developments, mostly led by English Heritage⁶. A potentially key change is English Heritage's adoption of "Constructive Conservation", "a new philosophy of conservation to ensure sensible, consistent decisions", which seeks to get everyone working together to manage change of the historic environment in a pragmatic way. However, we detect opposition to this inside and outside English Heritage, and its "Conservation Principles" document produced early in 2006, which was supposed to flesh out "Constructive Conservation", instead had become a maze of verbiage which paid little heed to

⁴ It is sometimes said that there is no problem because 85% of listed building consent applications are approved, but this statistic needs to be treated with great caution. It (by definition) takes no account of the high proportion of potentially good proposals which are – because of the perception that consent is unobtainable, or negative feedback from conservation officers – dropped before they even become applications, or are approved but not implemented because attached conditions make them unviable, or because the consent process has taken so long that the occupier or the market has gone away.

⁵ See www.ihbc.org.uk/Papers/LACPreportFULL.pdf

⁶ For example the HELM website at www.helm.org.uk, useful (but inevitably limited) direct support for local authority conservation provision, and the development of Heritage Champions.

economic reality and which, sitting alongside PPG15/16 but unrelated to them, would have caused great uncertainty.

11. The problems set out above obviously have unfortunate consequences for owners and developers, in costs, stress, and delay; but also for the buildings themselves, and for the wider economy. Historic buildings ultimately rely on people being willing to buy and spend money on them, and anything which makes their purchase and ownership less attractive is a problem. Historic buildings are less likely then to play the vital roles they can play in the overall economy, tourism, regeneration, and education⁷.

Suggested recommendations

- (a) The Heritage Protection Review (HPR) needs to be followed through.
- (b) Conservation philosophy needs to be authoritatively restated, in a revision of PPG15/16, including more explicit recognition that viability is of paramount importance, that regulation must be proportionate, and that owners should be permitted to amend and modernise historic buildings in reasonable ways which do not damage their significance. This is needed soon: it must not wait until after new HPR legislation is in place, ie probably well after 2010.
- (c) Resourcing needs to be addressed. This is *already* a major problem, not just a consequence of the HPR changes (which indeed should not be a big problem for those local authorities which already have good conservation provision). A more sophisticated approach is needed than simply throwing permanent funding at the problem: while conservation officers do need to be paid more, this needs to be tied in with changes in conservation philosophy as above, with the development of e-planning, and with other ways of working, for example team structures (perhaps across more than one local authority) giving conservation officers an experienced person to whom they can take difficult cases and a more senior position to which they can aspire. The Planning Delivery Grant, although not perfect, is the most obvious mechanism for implementing these changes.

We may be able to contribute case studies if required.

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⁷ See, for example, the report of the House of Commons Select Committee on Communities and Local Government on the role of historic buildings in urban regeneration at www.publications.parliament.uk/pa/cm200304/cmselect/cmmodpm/47/4702.htm