



# 08

## HISTORIC ENVIRONMENT



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# 08

## HISTORIC ENVIRONMENT

### Introduction

**8.1** Tonbridge and Malling boasts a rich and varied historic environment, offering a unique sense of place and a distinctive character shaped by its diverse heritage.

**8.2** Heritage assets (whether designated or non-designated) are an irreplaceable resource, providing a valuable contribution to the social and economic wellbeing of residents and visitors. Furthermore, all heritage assets, whether designated or not, form a material consideration in the planning process.



**8.3** The [NPPF](#) advises that heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed by both existing and future generations. Significance is defined as an asset's heritage interest, whether archaeological, architectural, artistic or historic, and may be derived from both the asset and its setting.



**8.4** The council has prepared a [Heritage Strategy \(2024\)](#), which provides an evidence-based vision that informs and supports the Local Plan, and which sets out in detail the heritage assets within the borough. Designated heritage assets include Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas. The borough also has a significant number of non-designated heritage assets.



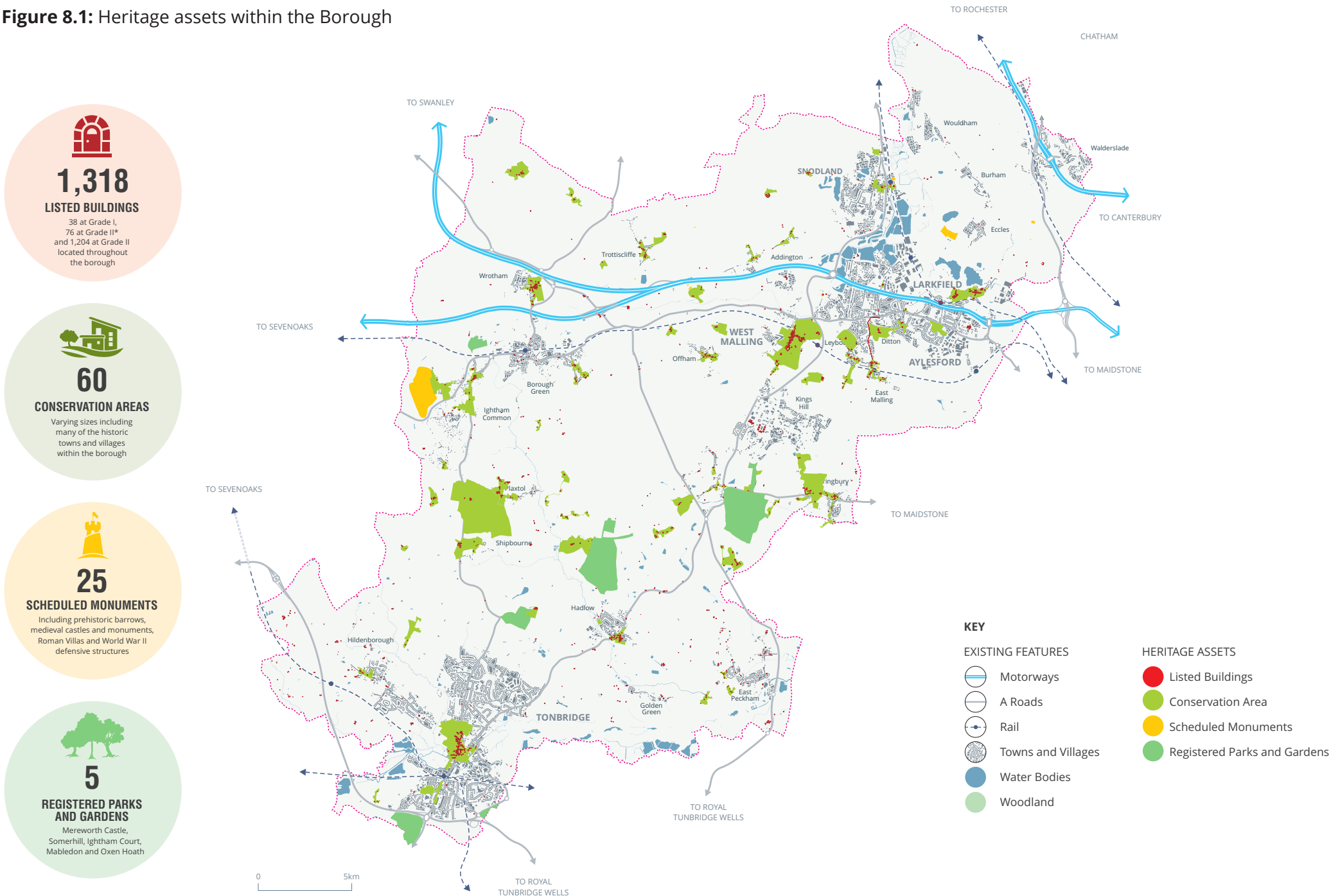
**8.5** National Planning Guidance identifies these as ‘buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.’ These include but are not limited to sites that have been identified in the Kent Historic Environment Record, the TMBC Heritage Strategy, in a Neighbourhood Plan, or in a Conservation Area character appraisal.

**8.6** Proposed development affecting a heritage asset is assessed against the impact that works would have on the significance of that asset. It is the degree of harm to the heritage asset’s significance, rather than the scale of the development, that is important in the planning process. Furthermore, the more important the heritage asset, the greater the weight will be.

**8.7** The borough’s designated heritage assets are set out in Figure 8.1.



Figure 8.1: Heritage assets within the Borough





## Policy HE1: The Historic Environment

Development proposals will be supported where they conserve or enhance the historic environment, based on the following approach:

- 1 Development will contribute towards the conservation and enjoyment of the borough's historic environment and will make a positive contribution to its character and distinctiveness.
- 2 All designated heritage assets and their settings will be given a high level of protection and should be conserved and enhanced in a manner appropriate to their significance. All non-designated heritage assets including locally listed heritage assets and their settings as relevant will also be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.
- 3 The change of use of heritage assets, including buildings in Conservation Areas, will only be permitted where the proposed use is considered to be the optimum viable use that is compatible with the significance of the heritage asset, its features and setting and will secure the long-term sustainable future of the heritage asset as well as its conservation and enhancement. Development affecting a heritage asset should not compromise future restoration opportunities.
- 4 Where heritage assets are identified to be at risk, from neglect, decay and other threats, a positive pro-active approach will be applied. Landowners shall be expected to engage with the local planning

authority to bring forward proposals to preserve or enhance these assets, to facilitate their successful rehabilitation and seek their viable re-use consistent with their heritage value and special interest.

- 5 Proposals for total or substantial demolition of a heritage asset will only be granted in exceptional circumstances, and where it meets the following specific criteria:
  - a Clear and convincing evidence has been provided that demonstrates viable alternative uses cannot be secured;
  - b Planning permission has been approved for redevelopment that would result in significant benefits for the community which would definitively outweigh the subsequent loss from demolition or major alteration; and
  - c The physical condition of the building has deteriorated, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report shall be provided to support and demonstrate this.
- 6 Development proposals affecting any heritage assets (both designated and non-designated) and /or their setting must demonstrate sufficient understanding of the significance of the heritage asset and / or its setting and for this information to be used at an early stage to inform development proposals in order to avoid or minimise harm, ensuring that heritage is at the heart of place-making. Heritage

statements must provide detail proportionate to the importance of the heritage asset. Such assessments shall demonstrate the following;

- a How the understanding of significance has informed the principles of the proposal and the potential impact of the proposal on the heritage asset and why the works proposed are desirable or necessary. As a minimum, the historic environment record as well as the Tonbridge and Malling Heritage Strategy should be consulted and positively addressed within the heritage statement including referencing the heritage themes of the strategy that apply [if applicable] and the heritage assets assessed using the appropriate expertise where necessary;
  - b Has considered and positively addressed the cumulative impact of incremental change from development on the significance of heritage assets; and
  - c Proposals affecting historic farmsteads within the borough shall be informed by and draw upon the Kent Farmsteads Guidance [2014] or its equivalent replacement.
- 7 Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure that the information is recorded to an appropriate standard and submitted to the Kent Historic Environment Record.



## Reasoned Justification

**8.8** Heritage is a powerful driver of social cohesion, wellbeing, sustainability, environmental stewardship, and economic renewal, placing it at the heart of place-making that can enhance our quality of life.

**8.9** The [NPPF](#) defines the conservation of heritage assets as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'. Policy HE1 seeks to support this and sit alongside the national policy requirements at the local level providing a positive, proactive and tailored approach to the uniqueness of the borough's heritage for the overall conservation and enjoyment of the historic environment. Managing change to the borough's historic environment and ensuring that the value of its heritage assets is maintained is a vital part of the council's planning function.

## Policy Implementation

**8.10** This policy refers to all heritage assets across the borough, including designated and non-designated assets. Proposed development affecting a heritage asset, including its setting, shall be assessed against the effect that such development will have on its significance. Any harm to designated heritage assets will require clear and convincing justification.

**8.11** The policy sets out the requirement for a Heritage Statement. Heritage Statements are required for all Listed Building Consent applications and planning applications which affect a heritage asset. The Heritage Statement must include a description of the significance of the heritage asset or assets. Heritage statements should follow best practice and Historic England's advice notes.

**8.12** Understanding the borough's heritage is an important first step to ensuring development is sympathetic to local character and applicants are advised to use resources such as the council's Heritage Strategy, Historic Environment records and Heritage Impact Assessments to fully understand the significance of affected heritage assets.







## Listed Buildings



### Introduction

**8.13** The borough's historic environment includes over 13,000 designated Listed Buildings, reflecting its rich architectural and cultural heritage. The vast majority of these are Grade II listed, but the borough also hosts a small number of Grade II\* and Grade I listed buildings. A Grade I listed building is a structure considered to be of exceptional interest, and a Grade II\* listed building is deemed to be of particularly special interest or national importance.

**8.14** Such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy HE2 sets out how statutory Listed Buildings within the borough will be managed and afforded such protection.

## Policy HE2: Listed Buildings

- 1 Development proposals affecting statutorily listed buildings shall have special regard to the desirability of preserving the asset or its setting. Loss of or harm to a statutorily listed building or its setting will only be permitted in exceptional circumstances, where it can be demonstrated that the loss or harm achieves substantial public benefits.  
  
Proposals affecting statutory Listed Buildings will be required to:
  - a Preserve or enhance the historic character, qualities and special interest of the building;
  - b Not be detrimental to the architectural and historical integrity and detailing of the Listed Building's interior and exterior;
  - c Protect the special interest of buildings of architectural or historic interest; and
  - d Protect, and where possible enhance the setting of the building;
- 2 Proposals will be supported for alternative uses for listed buildings including change of use applications that contribute positively to their conservation either individually or as part of wider strategies for regeneration and must be compatible with, and respect, the special architectural or historic interest of the asset and setting. The Local Planning Authority will support proposals that improve public access where these are not prejudicial to the heritage assets existing character or appearance.
- 3 Proposals to install energy efficiency improvements or improve environmental sustainability will be supported where it can be demonstrated that the proposed measures take a 'whole building approach' and are suitable for the asset, and informed by an understanding of their specific performance, including construction and materials. The suitability of improvements will need to be weighed against the significance of the asset and / or its setting, or any features of special architectural / heritage interest that may be impacted. In accordance with policy HE1(6) above, as part of the application, additional details shall also be submitted in the form of a structural report to demonstrate that the integrity of the building would not be undermined including any proposed internal/external alterations.



## Reasoned Justification

**8.15** The [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) provides specific protection for Listed Buildings and areas of special architectural or historic interest. National Policy within the NPPF also seeks to protect designated assets and requires any harm or loss of the significance of a designated heritage asset to require clear and convincing justification.

**8.16** Development proposals can affect the significance of heritage assets in a range of different ways. Physical impacts can range from minor internal and external alterations, new buildings or to the complete loss of the asset. Other impacts may not physically alter the asset but may affect its setting, which in turn could affect the significance of the heritage asset. As such, proposals require diligent consideration and management.

**8.17** An inappropriate change of use of a heritage asset has the potential to result in long-lasting damage, not only physically but also through a potential loss of a historical past use and its contribution to society through time. A change of use of heritage assets will only be permitted where the proposal is considered to protect its historic significance whilst contributing to enjoyment and improving public access (if appropriate).

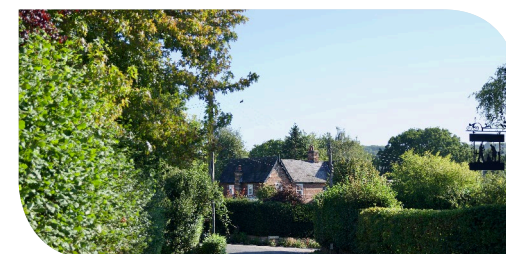
**8.18** Overall, development proposals must demonstrate that they have given special regard to preserving the asset or its setting. It is important to consider the character and significance of listed assets in a holistic manner, whereby the character of the interiors can be just as important as external appearance. The protection and enhancement of all aspects of significance should be considered and great weight will be given to their preservation and, where appropriate, their restoration to optimal condition.



**8.19** The setting of a heritage asset is normally the surroundings in which a heritage asset is situated. Its extent is not fixed and can alter over time as the environment evolves. The importance of setting lies in its contribution to the significance of the heritage asset or to the ability to appreciate that significance. Failure to consider and subsequently preserve the setting may result in the council refusing planning and listed building consent.

**8.20** It is important that any energy improvement proposals demonstrate a 'whole building' approach that is based on an understanding of the construction, history and evolution of the building to ensure a balance is achieved in protecting the special historic character and setting, whilst ensuring worthwhile energy savings. Historic England have produced advice on the '[Whole Building Approach for Historic Buildings](#)' which relies on an understanding of a building in its context to find balanced solutions that save energy, whilst sustaining heritage significance and maintaining a comfortable indoor environment.

**8.21** Furthermore, it should be acknowledged that historic/ traditional buildings are generally very sustainable, having mostly been built of local, traditional, natural materials via local labour and therefore having an inherently low carbon footprint. These are also quite often located within very sustainable locations such as market towns and mixed-use settlements. The removal and replacement of traditional buildings and materials with modern buildings/ materials is considered likely to use more energy and carbon than retention and repair using traditional, local materials.



## Policy Implementation

**8.22** Policy HE2 refers to all designated Listed Buildings and sets out more detailed criteria for development proposals affecting Listed Buildings. It does not cover non-designated assets.

**8.23** In accordance with policy HE1, all development proposals affecting a designated Listed Building must be supported by a Heritage Statement. Applications without an accompanying statement will not be validated. The Heritage Statement should identify the significance of the asset and set out the impact of the development. The applicant should consult the relevant Historic Environment Record (HER). The level of detail required to support the application should be proportionate to the significance of the heritage asset and the impact of the development. In some cases, depending on the nature of the works, a structural report to demonstrate that the integrity of the building will not be undermined, covering both internal and external areas of the building, may be needed. This must be carried out by a

suitably qualified structural/building engineer. The Heritage Statement should be prepared by a conservation professional with appropriate qualifications and experience.

**8.24** There are many measures that can be applied to traditionally built historic buildings to improve energy performance whilst ensuring protection of heritage significance. Many do not require planning permission/listed building consent and would be permitted development, such as loft insulation or draft excluders. For proposals that require planning permission and/or Listed Building Consent, the council will take into consideration the nature, character and scale of the proposed measures and the subsequent public benefits gained, and weigh these against the scale of harm to the significance of the heritage asset.









# Conservation Areas



## Introduction

**8.25** Conservation Areas are designated and maintained by the local authority for their “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”<sup>1</sup>. Designation provides recognition in the planning process of the special character of an area and ensures that preservation or enhancement of this character is a priority in decision making.

**8.26** There are 60 Conservation Areas in the Borough, with the majority of these covering historic village cores, hamlets, parkland, and areas of historic townscape. Conservation Areas in the borough are of varying scales and sizes. 16 of the Borough’s Conservation Areas have published appraisals that detail the aspects of their character which make them significant. In addition, the council has recently progressed work on an additional four Conservation Area Appraisals.

**8.27** These appraisals provide an understanding of the special interest of a Conservation Area to ensure that development or changes are sensitive and appropriate to the character of the area. Conservation Area Character Appraisals are a consideration when considering planning applications.

**8.28** In the absence of Conservation Area Appraisals for other Conservation Areas, the council is progressing work to ensure that information is available to support the plan-making process. Conservation Area Statements are being progressed as an interim measure to support plan-making and the development management function. The council is committed to progressing and reviewing Conservation Area Appraisals and has set a firm commitment to progress these also.

**8.29** Once an area is designated as a Conservation Area, additional controls are introduced to preserve and enhance the identified special historic character and interest, for example, control over works to trees and control over demolition of unlisted buildings.

**8.30** One of the biggest threats to Conservation Areas is the gradual erosion of their special architectural or historic character through inappropriate development. However, not all change within Conservation Areas is detrimental, and the right development of a high-quality design or removal of a visually harmful building can provide an opportunity to enhance the character and appearance of the Conservation Area and ‘uplift’ the environment visually.

**8.31** The setting of a Conservation Area can also have significance, as can views both into and out of the area. Where these are important, an analysis should form part of any Heritage Statement.

**8.32** Policy HE3 sets out the council’s approach to managing change within Conservation areas.

<sup>1</sup> [Section 69 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990.](#)

## Policy HE3: Conservation Areas

- 1 Development proposals within or affecting a Conservation Area will be supported where it is demonstrated to preserve or enhance the character or appearance of the Conservation Area and its setting taking into account cumulative impact.
- 2 All new development and alterations within or affecting Conservation Areas and their settings shall:
  - a Be of an appropriate land use that respects the origins and development of the settlement, historic functioning, character and appearance of the area;
  - b Be sensitively designed to respect the physical form, layout, scale, massing, architectural features, materials, height, building lines, roofscapes, relationships between buildings and the spaces and enclosures between them;
  - c Preserve trees and landscaping, open spaces, historically significant boundaries, boundary treatment including historic walls and railings that positively contribute to the character and appearance of the Area;
  - d Preserve traditional features such as shop fronts, signage, street furniture and lighting and surface treatment including the absence of kerbstones in some areas that positively contribute to the character and appearance of the Area;
  - e Preserve important views and vistas into and out of the Conservation Area including views of surrounding landscapes; and
  - f Take into consideration and positively address any recommendations set out in the applicable Conservation Area Appraisal (where one is adopted).
- 3 Proposals involving demolition or substantial demolition will only be granted, subject to conditions, if it can be demonstrated that:
  - a The structure to be demolished makes no material contribution to the special character or appearance of the Conservation Area; or,
  - b It can be demonstrated that the structure is beyond repair or incapable of an alternative suitable use; or
  - c The removal of the structure and its subsequent replacement would enhance the area; and
  - d Redevelopment of the site that would make an equal or greater contribution to the character and appearance of the conservation area.
- 4 Proposals for energy efficiency and/or measures to mitigate climate change will be supported, as appropriate, where they preserve or enhance the character or appearance of the Conservation Area and its setting and are easily reversible.
- 5 The council will review its Conservation Areas and update conservation area appraisals and management plans and these will be used to assess relevant applications. Applications will be supported where recommendations are implemented.



## Reasoned Justification

**8.33** The policy sets out the council's approach to the management of change within Conservation Areas and seeks to promote enhancement, protection of significance and to ensure that new development is sympathetic to the character and appearance of the Conservation Area.

**8.34** Conservation Areas are designated for their special architectural or historic interest in accordance with [Section 69 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). Areas are a heritage asset and therefore considered to be an irreplaceable resource which should be conserved in a manner appropriate to their significance. The vast majority of the borough's statutory listed buildings are also contained within Conservation Areas, further adding to their historic significance.





## Policy Implementation

**8.35** The council will support proposals that demonstrates that they preserve or enhance the special character of a Conservation Area and its setting, including where relevant, views into and out of the area. Policy HE3 lists the planning considerations that are important in relation to Conservation Areas and development proposals are expected to have full regard to these. New development will be expected to respect, and where appropriate, positively contribute to the character of the Conservation Area.

**8.36** Planning applications which directly or indirectly affect the significance of a Conservation Area should be informed by and respond to the Conservation Area Appraisal or the Conservation Area Statement.

**8.37** Development within Conservation Areas can result in positive, negative and neutral impacts. Proposals that include the restoration of original details, historic fabric or preservation of special features of interest that make a positive contribution to the character and appearance of a Conservation Area will be supported.

**8.38** The council will look favourably upon applications that replace or renovate buildings that make a negative or neutral contribution to a Conservation Area, for example if a building has been identified as having such an effect within an adopted Conservation Area Appraisal. For new buildings and extensions within or affecting Conservation Areas, the council will expect a high standard of design that positively responds to special architectural or historic interest, which does not exclude innovative, modern and contemporary design.

**8.39** For applications involving demolition within Conservation Areas, the council will assess the condition of the building or structure and the contribution it makes to the character or appearance of the Conservation Area. Where it is considered that the building or structure makes a positive contribution, the total or substantial demolition of the building or structure will be resisted.

**8.40** A programme of reviewing the existing Conservation Area Appraisals and preparing new Conservation Area Appraisals for the remaining areas which currently do not have an appraisal in place is underway and will continue over the Plan period. significance of the heritage asset.

## Historic Parks and Gardens



### Introduction

**8.41** As a rural borough within the Garden of England, TMBC is fortunate to accommodate a number of designated (registered) and non-designated Historic Parks and Gardens.

**8.42** Historic Parks and Gardens are a precious part of the borough's historic environment, comprising gardens, grounds and open designed spaces. Quite often they are associated with historic houses such as Mereworth Castle and Oxen Hoath and frequently located within historic areas such as Conservation Areas.

**8.43** These gardens quite often have traditional features and structures such as historic walls, sculptures, follies, landscaping and veteran trees. They are also a multi-faceted resource, being part of the borough's open space asset as well as providing benefits for biodiversity, tourism, recreation and education.

**8.44** Policy HE4 seeks to ensure that development proposals affecting Historic Parks and Gardens do not adversely impact upon these irreplaceable historic assets and seeks to protect them for future generations to enjoy. The policy is relevant to both designated (registered) Historic Parks and Gardens and non-designated Parks and Gardens.

### Policy HE4: Historic Parks and Gardens (Designated and Non-Designated)

Development proposals affecting Historic Parks and Gardens on the national register or of local significance (as listed within the Kent Gardens Compendium and Annex 3) will be supported where they maintain, conserve or enhance the character, appearance, historic interest and setting, significance, design and layout of the landscape and views into and from the historic park or garden.

## Reasoned Justification

**8.45** Historic Parks and Gardens are considered to be valuable heritage assets and the council must consider the impact that development proposals may have on their special character.

**8.46** The borough currently has 5no. registered historic parks and Gardens listed on the national register. These are Mereworth Castle, Oxan Hoath, Somerhill, Mabledon and Ightham Moat. In addition to the national register, within the borough there are 45no. Historic Parks and Gardens (non-designated) listed within the Kent Gardens Compendium which are also relevant and worthy of protection. The Kent Gardens Compendium is a comprehensive Register of Parks and Gardens of historic, horticultural, amenity or other value in the County of Kent, produced by KCC and the Kent Gardens Trust.

## Policy Implementation

**8.47** This policy refers to both designated (registered) Historic Parks and gardens which are listed on the [national register](#) and non-designated Historic Parks and Gardens which are contained within the [Kent Gardens Compendium](#).

**8.48** Development proposals which are considered to affect these assets will only be supported where they maintain, conserve or enhance their historic interest.

**8.49** For registered Historic Parks and Gardens of national importance, great weight will be given to their conservation, in similarity to designated listed buildings. For non-designated Historic Parks and Gardens (that are not of national

importance) a balanced judgement will be applied that has regard to the scale of the harm/loss posed by the development and the significance of the heritage asset.

**8.50** It is considered that one of the biggest threats posed to Historic Parks and Gardens is the pressure for new development within their setting and also through views, which may have a detrimental impact on their significance. Development proposals affecting the setting and/or views into and out of Historic Parks and Gardens should have particular regard to detrimental effects, including the ability to access them.



# Archaeology

## Introduction

**8.51** Tonbridge and Malling's archaeological sites shape local identity, uncovering the borough's past and enriching its sense of place. Archaeology is an irreplaceable and fragile resource which is vulnerable to damage or degradation over time and that requires specialised management and recording. Archaeology can include both below ground as well as above ground assets. The [Kent County Council Historic Environment Record](#) is the definitive record of all known archaeology in the County.

**8.52** Within the borough, archaeology is a significant and rich heritage asset that includes area of both national and local significance ranging from Palaeolithic rock shelters at Oldbury Hill, to World War II remains at Kings Hill, West Malling. Whilst there are a number of Scheduled Ancient Monuments (SAM) identified throughout the borough, the majority of archaeological sites are not SAM's and are locally important non-designated assets. There can also be sites where there are currently no records of archaeological value but which can later be revealed before or during development works.

**8.53** Should significant archaeological finds occur during development, the council will seek specialist advice and encourage appropriate action. In some instances, permitted schemes may need to be amended to avoid damage to archaeological remains.

**8.54** Policy HE5 sets out detailed criteria for development proposals affecting all archaeological assets.

## Policy HE5: Archaeology

- 1 The borough's archaeology and historic integrity of Scheduled Monuments and other important archaeological assets, as well as their settings, will be conserved and where possible enhanced.
- 2 Where it is considered that a development could either directly or indirectly impact on a heritage asset with archaeological interest (above or below ground), development will only be permitted where it can be justified in the archaeological interest (significance) of the heritage asset or its setting. This includes direct impacts on designated sites e.g. Scheduled Monuments, indirect impacts on the setting of designated sites and impacts on sites of archaeological interest.
- 3 Development proposals on sites where there is, or is the potential for, an archaeological asset, shall include an appropriate desk-based assessment of the asset. Where the assessment reveals that important or potentially significant archaeological assets may exist, developers will be required to, where necessary, undertake field surveys/ evaluations by an appropriately qualified person prior to the determination of the planning application. Such an evaluation shall determine;
  - a The character, significance and condition of any archaeological deposits or structures within the application site; and
  - b The likely impact of the proposed development on the archaeology, its significance and setting; and
  - c Measures to mitigate the effect of the proposed development including a statement setting out the impact of the development.
- 4 All stages of archaeological fieldwork shall be subject to a Written Scheme of Investigation approved by the local planning authority. No development shall take place on the proposed development site until the applicant, or their agents or successors in title, is in receipt of a Written Scheme of Investigation that has been approved by the Local Planning Authority.
- 5 In circumstances where development proposals affect non-designated heritage assets within an archaeological setting, the council will expect the archaeological deposits to be preserved in-situ. On sites where this is not possible, clear justification will be required. Where the justification is accepted, a programme of archaeological excavation and recording is likely to be required to be carried out. The fieldwork will be proportionate to the significance of the archaeological asset and must be carried out by an appropriately qualified contractor following a written specification agreed by the Borough Council. The programme will include all phases of desk-based and fieldwork, post-excavation analysis, publication of the results and deposition of the site archive in an appropriate repository.

## Reasoned Justification

**8.55** National Policy advises that ‘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’ ([NPPE Annex 2 Glossary](#)). Archaeology is therefore a material planning consideration with the key objective to conserve and enhance the historic environment of any development proposal.

**8.56** Our archaeological heritage is rich and diverse and includes 25no. nationally important Scheduled Monuments of archaeological significance. In addition to this, it is estimated that there is approximately 12,500 hectares of land with archaeological potential including within Conservation Areas and Listed Buildings. Such land may hold archaeological remains that require appropriate investigation, recording and preservation.

**8.57** Planning decisions will therefore take account of the significance of remains, including the wider advantages that conservation of the historic environment can deliver. Development proposals that affect heritage assets of archaeological significance should include a desk-based assessment and where appropriate, archaeological fieldwork.



## Policy Implementation

**8.58** This policy refers to all archaeological assets, both designated and non-designated, and seeks to conserve and where possible enhance all assets including their setting.

**8.59** Where development proposals are likely to impact upon known assets, developers are advised to consult the Historic Environment Records (HER) to gain a clear understanding of the asset's significance. Applicants are expected to undertake a heritage assessment which should accompany any such application with a full Heritage Statement. It is also recommended that pre-application advice is sought prior to the submission of an application at the earliest stages. Development which affects a scheduled monument, and its setting will require permission from the Secretary of State.

**8.60** Applicants proposing development on sites where there is, or is the potential for archaeology to be found will be required to undertake an appropriate desk-based assessment of the area. Where the assessment reveals that important or potentially significant archaeological assets may exist, developers will be required to, where necessary, undertake field surveys/evaluations by an appropriately qualified person prior to the determination of the planning application. This fieldwork must be informed by a Written Scheme of Investigation and approved by the council.

**8.61** However, in some circumstances, the council may decide to impose a condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which should be in accordance with the professional standards of the Chartered Institute for Archaeologists (CfIA).

**8.62** The conservation of an archaeological asset in its original location (preservation in situ) is the council's preferred approach where possible. Quite often this can be achieved by avoiding sensitive areas. If this cannot be done, a clear justification must be provided to the council. Where this justification is agreed by the council, a programme of archaeological excavation and recording will be required. The fieldwork will be proportionate to

the significance of the archaeological asset and must be carried out by an appropriately qualified contractor following a written specification agreed by the council. The result of all field work phases must be recorded, and this record shall be publicly accessible, being placed in an appropriate repository such as a record office or accredited museum.

**8.63** As well as physical impacts on archaeology, development proposals can also affect the setting of archaeological assets. This could be from the loss of important views, vantage points or the introduction of new and visually harmful development to the area. The setting forms part of the significance of the asset and will be assessed as part of any application.

## Enabling Development for Heritage Assets



### Introduction

**8.64** In some instances, development proposals are submitted which do not accord with national or local policy but may be regarded as acceptable to secure the long-term conservation of a heritage asset. Such development is referred to as 'enabling development'.

**8.65** Such development is an exception to policy and seeks to ensure that the heritage asset can be preserved in the public's interest for future generations to enjoy.

**8.66** Policy HE6 seeks to support enabling development for heritage assets where it is justified and it is the last option to secure a heritage asset's preservation.

### Policy HE6: Enabling Development for Heritage Assets

- 1** Applications proposing enabling development to a heritage asset where there is no other alternative option available, which may conflict with policies in this Plan and/or national planning policies but would secure the future conservation of a heritage asset will be supported where it is demonstrated to meet the following criteria:
  - a** The proposal will not demonstrably harm the heritage values of the asset or its setting;
  - b** It can be demonstrated that alternative solutions were unsuccessful;
  - c** The proposed development is the minimum necessary to protect the significance of the heritage asset;
  - d** The proposal complies with the guidance set out in the Historic England Enabling Development and Heritage Assets GPA4 (2020) or its equivalent replacement;
  - e** A legal agreement to secure the restoration of the asset is agreed and signed; and
  - f** It facilitates public appreciation of the saved heritage asset.

## Reasoned Justification

**8.67** This policy is required in the interests of the conservation of a small minority of heritage assets at risk.

**8.68** National Planning policy advises that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

## Policy Implementation

**8.69** Enabling development should only ever be regarded as a last choice in conserving heritage assets once all other options have been considered. Development should form the minimum required to cover the conservation needs only.

**8.70** The proposed works should not harm the historic significance of the asset or its setting and should result in public benefits that outweigh the dis-benefits of conflicting with key policies.

**8.71** The need for enabling development normally occurs as a result of the difference between the costs of renovating the asset in an appropriate manner and the final end value. This is known as the 'conservation deficit' and the proposed development should be the absolute minimum required to cover this deficit.

**8.72** Any such application should be accompanied with a full heritage assessment set out in a heritage statement as well as a fully costed conservation management plan that refers to the conservation deficit. As part of the supporting information, the applicant needs to be able to demonstrate that they

have explored all alternative ways of securing the asset, including sources of public and private investment. The enabling development must follow the guidance set out in the [Historic England Enabling Development and Heritage Assets GPA4 \(2020\)](#) document or its equivalent replacement. To secure the long-term conservation benefits, a Section 106 legal agreement will be used.



