

Chapter 7

Historic Environment



Introduction

7.1 Wealden's historic environment is one of its greatest assets. The district's historic environment is rich and varied across both urban and rural contexts, ranging from its historic landscapes and high-quality historic places to its historic buildings and features, some of which have formed part of the landscape and built environment for centuries. The range of landscapes within Wealden have influenced the pattern of settlements and the materials available for construction in the area. The geography and geology of the district have also influenced historic economic and agricultural uses such as agriculture and the iron and hop industries. These industries have had a particular impact on the historic environment, not just through the use and division of land, but with the High Weald having one of the highest concentrations of surviving early farmsteads anywhere in Europe¹⁰⁵. In the 18th and 19th centuries, the hop industry was significant in Wealden, resulting in the scattered distinctive oast buildings within the High and Low Weald areas, which are a particular historic feature of the district.

7.2 A heritage asset is 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*'. There is a great variety in both the age and type of heritage assets in Wealden, which range from Stately Homes to Second World War pillboxes, from Roman roads to historic farmsteads.

7.3 Within Wealden District¹⁰⁶ there are many designated heritage assets (heritage assets designated under legislation) including over 2,200 Listed Buildings, 105 Scheduled Monuments and 20 Registered Historic Parks and Gardens. There are also 33 Conservation Areas¹⁰⁷.

7.4 Non-designated heritage assets can also be found within Wealden, which the NPPG identifies 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 non-designated heritage assets therefore include buildings and monuments and in Wealden also include a large number of sites of archaeological interest¹⁰⁸. Recent development-led archaeological work in the district has revealed new and important evidence for settlement development during the prehistoric, Romano-British, and subsequent periods.

7.5 The historic environment in Wealden is facing challenges to its future, including the impacts of climate change and the potential for negative impacts from an increase in housing and employment development. This chapter sets out our strategy for protecting our local identity and heritage by addressing these challenges, thereby protecting and enhancing the historic environment, which plays such a key part in forming our local identity.

What you have previously told us?

7.6 As part of the Direction of Travel Consultation you told us that you were concerned with maintaining and protecting the historic environment. The benefits that a healthy historic environment can bring to the area, from tourism to an increase in property prices were raised. The biggest concern was the impact of new development on the historic environment and how to protect it whilst at the same time delivering growth.

105 See the High Weald National Landscape website. Available at: highweald.org/about-the-aonb/

106 Including the part within the South Downs National Park

107 Outside of the National Park.

108 The NPPF identifies two categories of non-designated heritage assets of archaeological interest (1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (2) Other non-designated heritage assets of archaeological interest.

7.7 It was not just designated heritage assets that were considered important but also non-designated heritage assets, and the suggestion of producing a local list was made in the consultation. Other suggestions included ensuring that archaeology is sufficiently covered in future planning policy as well as being considered early in the plan-making and also planning application process. Another suggestion was made for us to consider introducing ‘Areas of High Townscape Value’, which denote areas of special character, which are not quite worthy of Conservation Area status, but nonetheless are special.

7.8 There were some respondents who considered that whilst it is important to consider heritage assets, they should not prevent development coming forward. Also, that heritage assets and Conservation Areas in particular should be allowed to sympathetically evolve and that innovative and sympathetic development should be permitted. However, others raised concerns over the word innovative, and were of the opinion that it is often used to permit development that is out of context, with damaging impacts. A concern was also raised regarding contemporary design and that which may be considered as desirable and contemporary at one point in time could become an outdated eyesore at another. It was also raised that heritage may be sufficiently covered in national policy and that there may be no need for a local heritage policy. However, the majority of respondents favoured the development of a positive policy framework around the historic environment.

7.9 The importance of Historic England was discussed and one respondent stated that policies should recognise their advice. Whilst perhaps outside of the realms of the historic environment policies in the Local Plan, several respondents felt that there was not enough publicity for the district’s cultural assets, such as churches and historic villages and the tourism sector in the area, which often has a historical context and could be developed further.

7.10 The policies within this chapter look to address the issues raised, striking the right balance between protecting the historic environment whilst also allowing positive change and allowing a degree of flexibility depending on the significance of the heritage asset and the proposed works.

The Conservation, Protection and Enhancement of the Historic Environment

7.11 The district’s historic environment is a product of thousands of years of human activity and once lost is irreplaceable. Its uniqueness provides a backdrop to sustainable tourism, the local economy and investment and it connects people to places providing identity and a sense of place and belonging. It also unlocks our history to help explain why we are the way we are, why places are the way they are and confirming differences in cultural and historical diversity.

7.12 The NPPF looks to local plans to set out a positive strategy for the conservation and enjoyment of the historic environment that includes recognising the desirability of sustaining and enhancing the significance of heritage assets, considers the wider social, cultural, economic and environmental benefits that conservation of the historic environment can provide and the positive contribution to local character, distinctiveness and character of place that the historic environment can bring and that new development should make¹⁰⁹.

7.13 Planning Practice Guidance states that conservation is an active process of maintenance and managing change that requires a flexible and thoughtful approach¹¹⁰.

109 DLUHC (2023) NPPF Paragraph 190. Available at assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf

110 DLUHC (2019) NPPG Paragraph: 002 Reference ID: 18a-002-20190723. Available at: www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

7.14 The Council will therefore conserve, protect and enhance the significance, diversity, local character and distinctiveness of its historic environment, including heritage assets, settings and landscapes, through the positive management of development and through the management of change, for its future conservation and enjoyment. Our strategy for the historic environment seeks to ensure that development in the district is positively managed to continue to ensure the multiple benefits that derive from our historic environment for existing residents and visitors, whilst protecting and conserving the historic environment for future generations to enjoy. Policy HE1 sets out the criteria that anyone proposing development that could affect the historic environment must be able to demonstrate they have addressed, to satisfy the Council that the significance of Wealden's historic environment, including heritage assets and their settings and landscapes are protected and not diminished for future generations, thereby ultimately contributing to good design and sustainable development.

Policy HE1: The Conservation, Protection and Enhancement of the Historic Environment

Development proposals affecting the historic environment will be required to demonstrate how they:

- a) Make a positive contribution to the character and distinctiveness of the historic environment of the local area by respecting historic plan form and reinforcing, conserving and/or enhancing special character taking into account factors including setting, historical context, urban grain and layout, plot sizes, the public realm, boundary treatment, building lines, roofscapes, trees, hedges, green space, landscaping, the mix of building types and uses, siting, scale, height, massing, appearance, traditional vernacular materials and finishes, and historic architectural detailing including windows and shop fronts;
- b) Ensure the significance of the heritage asset and its setting is understood and 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;
- c) Have considered, and positively addressed the cumulative impact of incremental change from development on the significance of heritage assets;
- d) Preserve, and ensure clear legibility of and hierarchy of, locally distinctive vernacular building forms / groups of traditional vernacular buildings and their settings, features, fabric and materials whether within urban or rural areas or within historic farmstead complexes;
- e) Have identified and fully incorporated opportunities to better reveal the significance of the historic environment, through protecting the setting of settlements, important views between historic settlements and across the landscape;
- f) Ensure that the impact of traffic, parking or other environmental matters such as lighting and noise are considered at an early stage to avoid harm to the historic environment;
- g) Reflect the current good practice advice and research produced by Historic England; and

h) Ensure that appropriate archaeological research and investigation (including above ground archaeology, such as buildings) is undertaken at an early stage to understand significance and inform the design process.

Supporting text

7.15 The strategic policy aims to ensure that heritage is firmly at the heart of place-making and considered early in the design process, not as an afterthought. Any potential impacts on the historic environment need to be considered early so that they can be minimised or avoided. Any archaeological research and investigation that is necessary also needs to be carried out at an early stage in order to inform the design process, this includes any investigative work on above ground archaeology such as buildings. The policy clarifies that above ground archaeology includes buildings as this is something that is often forgotten or misunderstood. The cumulative impact of incremental small-scale change on the significance of heritage assets can have as great an effect as a larger scale change¹¹¹ and again, needs to be considered early in the design process.

7.16 Historic England is a public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS) and is the government's statutory advisor on the historic environment. They have produced an extensive range of advice, from Good Practice Advice to Historic England Advice Notes and more detailed technical guidance. Applicants should be able to demonstrate that they have taken this advice into account in their proposals.

Question 35

Consultation Questions

- a Do you agree with draft policy HE1: The Conservation, Protection and Enhancement of the Historic Environment?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Heritage Assets

7.17 The NPPF recognises that heritage assets are '*an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'. It explains that heritage assets vary in their significance, from buildings of local historic value to those of the highest significance. Significance is defined in planning practice guidance as '*the value of a heritage*

111 Historic England (2015) Managing Significance in Decision-Taking in the Historic Environment. Historic Environment Good Practice Advice in Planning: 2. Available at: historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/

asset to this and future generations because of its heritage interest. In the planning context, heritage interest can be archaeological, architectural and, artistic or historic¹¹².

7.18 The setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and can change over time. The importance of setting lies in what it contributes to in relation to the significance of the heritage asset or to the ability to appreciate that significance.

7.19 Designated heritage assets are those assets which are considered significant enough to be designated under the relevant legislation. As relevant to Wealden, they include Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas. Any harm to, or loss of significance of a designated heritage asset will require clear and convincing justification. Substantial harm to or loss of grade II listed buildings or grade II listed Registered Parks and Gardens in the district should be exceptional, and in the case of scheduled monuments, grade I and II* listed buildings and grade I and II* Registered Parks and Gardens wholly exceptional¹¹³.

7.20 Non-designated heritage assets are defined in the Planning Practice Guidance as *'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions due to their local heritage value but which do not meet the criteria for designated heritage assets'*. They include unlisted buildings, structures or parks and gardens identified as having heritage interest locally. The biggest challenge with non-designated heritage assets is ensuring they are recognised as such. Non-designated heritage assets can be identified in the Conservation Area Character Appraisal documents, Neighbourhood Plans, a local list and also as part of the decision-making process on planning applications. Therefore, it is not solely buildings that are on a local list that can be considered non-designated heritage assets.

7.21 It is the Council's intention that in the future it will produce and maintain a local list of locally designated heritage assets, which will be available for the public to access. The Council will make public the selection criteria used to compile the local list in Wealden. In the meantime, Neighbourhood Plans often contain a local list as relevant to a particular Parish.

7.22 An inappropriate change of use of a heritage asset has the potential to result in long-lasting damage. For example, with the conversion of agricultural buildings in Wealden there are often issues around the inappropriate design detailing and poor use of materials proposed in applications, which if approved as submitted could result in harm to the heritage asset.

7.23 It is a common misconception that heritage assets are not energy efficient and that it is very difficult to improve their performance without radical works. Historic buildings are generally highly 'sustainable' having usually been built of local, natural materials with a low inherent carbon footprint. Also, many historic settlements incorporate mixed-uses and high densities, providing a 'model of sustainable development'¹¹⁴. The removal and replacement of traditional buildings and materials would likely use more energy and resources than retention and repair using traditional, local materials.

112 DLUHC (2019) NPPG Paragraph: 006 Reference ID: 18a-006-20190723. Available at: www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#overview-historic-environment

113 DLUHC (2023) NPPF, paragraph 200. Available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf

114 Historic England (2008) Conservation Principles. Policies and Guidance for the Sustainable Management of the Historic Environment. Available at: historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesandguidanceapril08web/

7.24 Notwithstanding the above, integrating renewable energy technologies and energy saving measures into historic buildings can be difficult because of their visual and physical impact. Historic England have produced advice on the ‘whole building approach’¹¹⁵ which uses 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. As with any other application affecting a heritage asset, an assessment of significance is critical to understanding any potential harm. Ultimately a balance will need to be reached between protecting significance and improving energy performance.

7.25 In accordance with the NPPF and to support the positive strategy for the historic environment, when assessing development proposals, the Council will pro-actively conserve and enhance heritage assets throughout the district. This may not be those formally designated or listed it may also include heritage assets identified locally that are important in the context of history, cultural identity or landscape.

Policy HE2: Heritage Assets

- 1 Proposals that seek to safeguard, conserve and enhance the significance of heritage assets (including non-designated heritage assets), their historic function and their setting, making a positive contribution to local character and distinctiveness will be supported.

Heritage Statement

- 2 Any development affecting a heritage asset (both designated and non-designated) and /or its setting must demonstrate sufficient understanding of the significance of the heritage asset and / or its setting through the provision of a heritage statement which provides detail proportionate to the importance of the heritage asset.
- 3 The heritage statement must demonstrate how this 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 should be consulted in order to inform the heritage statement and the heritage assets assessed using the appropriate expertise where necessary.

Setting and views to and from Heritage Assets

- 4 Setting and views to and from heritage assets can form an important and integral part of their significance and development must be informed by an understanding of setting in accordance with current Historic England good practice advice including a consideration of where change may better reveal significance and where views are important and should be respected and protected.
- 5 The Council will support proposals that retain and enhance the setting of heritage assets subject to other policies in the Local Plan. Development that would demonstrably harm the significance of the heritage asset through development within its setting will normally be resisted.

115 Historic England (2018) Energy Efficiency and Historic Buildings. How to improve Energy Efficiency. Available at: historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/heag094-how-to-improve-energy-efficiency/#:~:text=This%20%27whole%20building%20approach%27%20ensures,parties%20involved%20in%20the%20process.

Change of use of Heritage Assets

- 6 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.

Energy efficiency & Sustainability of Heritage Assets

- 7 Proposals affecting heritage assets that seek 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.

Loss of Heritage Assets

- 8 There is a general presumption in favour of the preservation of heritage assets. Where the loss of a heritage asset is proposed, for example partial or complete demolition of a Listed Building or key unlisted buildings within a Conservation Area (either as identified in the Conservation Area Appraisal or as arises in the planning process), or an identified non-designated heritage asset, consent or permission will only be granted where:
 - a) There is clear justification and evidence that all reasonable efforts have been made to sustain the existing use and find alternative uses. Evidence must include (as applicable) a structural report, evidence of redundancy, attempts to market the building to a new user over an 18 month period and a viability report.
 - b) Any replacement buildings are of a sufficient quality to make the same or an enhanced contribution to the character or appearance of the area;
 - c) There is robust evidence that the development will be progressed in a timely manner following demolition. This may be subject to a legal agreement.
- 8 The Council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the heritage asset affected.
- 9 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 East Sussex Historic Environment Record.

Designated Heritage Assets

- 10 Proposals that result in any harm to, or loss of significance of a designated heritage asset or its setting will require clear and convincing justification to demonstrate that the harm or loss proposed will be outweighed by the public benefits of the proposal.
- 11 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it will only be supported where it can be demonstrated that there are heritage benefits and that the harm can be weighed

against the public benefits including securing the optimum viable use of the heritage asset.

- 12 Substantial harm to, or loss of significance of a designated heritage asset will only be permitted in exceptional circumstances. Where substantial harm to a designated heritage asset or its setting cannot be avoided, consent or permission will only be granted where it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm and:
- a) The applicant has made every effort to avoid and mitigate the extent of harm to the significance of the designated heritage asset or its setting;
 - b) That the works proposed are the minimum required to secure the designated heritage asset in the long-term and represent the optimum viable use;
 - c) The asset features that contribute to its heritage significance and interest are retained; and
 - d) Materials used for alterations, replacement features and repairs are consistent with those originally used or typical of the character of the local area and are compatible with/ in the interests of the long-term preservation of the heritage asset.

Non-designated heritage assets

- 13 Proposals will be supported where a positive commitment is made to retain a non-designated heritage asset and its architectural and design features are considered positively and retained. Due regard will be required to the developments impact on the asset's significance and its conservation.

Supporting Text

7.26 Proposed development affecting a heritage asset or its setting is assessed against the impact that such works will have on its significance therefore the proposal must be informed by an understanding of that significance. This understanding of significance is therefore crucial to determining any application affecting a heritage asset. The NPPF confirms that *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'*. Where a development would affect a heritage asset and/or its setting, a heritage statement should be submitted with the application. Whilst heritage statements should be proportionate according to the significance of the heritage asset and the level of works involved, there is a minimum level of information and research required from the applicant so that the planning officer and their advisors are able to clearly identify heritage impacts – whether neutral, beneficial or harmful - and make an informed decision.

7.27 In order to assess significance it is necessary to develop an understanding of the history of the heritage asset in terms of its development, use and context¹¹⁶. In most cases, a level of research and/or analysis will be required and will often also include understanding of their fabric and construction. The East Sussex Historic Environment Record (ESHER), maintained by East Sussex County Council, is a key source of information that can inform the understanding of

116 Further advice can be found in Historic England (2019) Statements of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12. Available at: historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/

significance and is the minimum that should be consulted when preparing a heritage statement. Applicants can either carry out the research themselves or pay for a HER Consultation Report.

7.28 Conservation Area Character Appraisals¹¹⁷ are also part of the evidence base and will assist in informing significance, local distinctiveness and specific issues. Other sources of information include the Heritage Gateway, the Historic England Archive, The Keep, local history societies and museums, as well as specific information relevant to Wealden for example the High Weald AONB Management Plan and Housing Design Guide and the National and Local Landscape Characterisation and Sensitivity Studies. Other guidance as relevant should also be considered. In many cases there will be no alternative to using a conservation professional to assess significance and demonstrate how an understanding of significance has informed the principles of the proposal, to determine the impact on the heritage asset and to explain why the works proposed are desirable or necessary.

7.29 Policy HE2 confirms that where development may affect the setting of a heritage asset, the detailed Historic England guidance on the setting of heritage assets¹¹⁸ should be used to provide an assessment of impact as a series of steps to demonstrate the capacity for the setting to accommodate change without harm to the heritage asset's significance and to demonstrate where change may better reveal significance.

7.30 This policy explains that the change of use of heritage assets will only be permitted where the proposed use is considered to be the optimum viable use. The Planning Practice Guidance explains that if there is only one viable use then that use is the optimum viable use but *'if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes'*.

7.31 Applicants are encouraged to consider not just the immediate impact of proposed works on the heritage asset but also any future implications of the works. Development affecting a heritage asset should not compromise future restoration opportunities for that heritage asset because of a lack of forethought.

7.32 In relation to loss or partial loss of a heritage asset the Council will require evidence to justify the works such as a structural report, evidence of redundancy and attempts to market the building to a new user over 18 months. Where a development is acceptable, the Council will also require robust evidence that the development will be progressed in a timely manner following demolition. This may be subject to a legal agreement to ensure that this is the case. The Council will also require that any replacement buildings are of sufficient quality to make the same or an enhanced contribution to the character or appearance of the area.

7.33 In addition, 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 East Sussex Historic Environment Record.

7.34 Where potential harm to designated heritage assets is identified it is categorised in the NPPF as either less than substantial harm or substantial harm. In the case of less than

117 Wealden District Council Conservation Area Character Appraisals. Available at: www.wealden.gov.uk/planning-and-building-control/heritage/conservation-areas/

118 Historic England (2017) The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Available at: historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/

substantial harm, it states that harm should be weighed against the public benefits¹¹⁹ of the proposal, where appropriate securing its optimum viable use. In the case of substantial harm or loss it states that it will be necessary to achieve substantial public benefits that outweigh the harm or loss. Whether a proposal causes less than substantial or substantial harm is a judgement that the decision-maker has to make having regard to the particular circumstances of the case, the NPPF and existing Case Law. The harm is then balanced against the public benefits of the proposal.

7.35 The NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment. The Heritage at Risk Register is a list of heritage assets deemed at risk of being lost as a result of neglect, decay or inappropriate development. It is updated and published by Historic England. In order to be included on the Register sites must be both assessed as being at risk and be designated¹²⁰. Historic England work with partners such as the National Lottery Heritage Fund to support owners with funding and to try and find solutions. The Council will continue to work proactively with Historic England to reduce the number of heritage assets within Wealden that are on the Heritage at Risk Register and to identify new assets that would benefit from inclusion. For other buildings locally that are not eligible for inclusion on the Heritage at Risk Register e.g. Grade II Listed Buildings, then condition and/or environmental issues (such as flooding) will be factored into consideration of heritage benefits.

7.36 In addition to the above the Council will seek to conserve and enhance designated heritage assets in a number of additional ways;

- Helping owners to maintain their heritage assets, for example permitting enabling development in certain circumstances
- Recognising heritage benefits related to securing the long-term survival of heritage assets within decision-making
- Supporting informed maintenance and proposals for repair
- Providing pre-application advice.
- The use of Article 4 Directions where necessary
- Use of statutory powers in certain circumstances.

7.37 The NPPF is clear that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application'* i.e. it is a material planning consideration. The weighting that can be given to the conservation of the heritage asset, within the assessment of the development proposals, will depend on the balance between the scale of harm or loss that will result from the development, and the significance of the asset. The setting of non-designated heritage assets is also a material consideration in planning decisions.

119 Public benefits could be anything that delivers economic, social or environmental objectives NPPG (2019) Paragraph: 020 Reference ID: 18a-020-20190723. Available at: www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

120 Only certain Listed Buildings can be assessed as being at risk and included on the Register (1) Buildings or structures (grade I and II* listed buildings nationally, grade II listed buildings in London, and structural scheduled monuments) (2) Places of worship (grade I, II* and II listed buildings)

Question 36

Consultation Questions

- a Do you agree with draft policy HE2: Heritage Assets?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Conservation Areas

7.38 Conservation Areas are designated by Local Planning Authorities because of their special architectural or historic interest and because they possess a character or appearance which is worthy of preservation or enhancement. Before considering designating new Conservation Areas local authorities have to ensure that the area has sufficient architectural or historic interest to justify its designation.

7.39 Within the plan area there are currently 33 Conservation Areas which were all designated by the Council in March 2017 as a result of a reappraisal of existing Conservation Areas and the identification of new Conservation Areas. Conservation Area Character Appraisals are detailed assessments that detail the special architectural or historic interest of each Conservation Area and detail its significance. The Council is currently drafting Character Appraisals for each Conservation Area in the District and an over-arching management strategy¹²¹. The appraisal outlines the elements which contribute to its character. It also assesses those issues having a negative impact on the character and appearance of the area. The management strategy will not only reinforce the positive character of the area but will also, according to Historic England, set out ways of 'avoiding, minimising and mitigating negative impacts identified as affecting the area'.

7.40 Once an area is designated as a Conservation Area, additional controls are introduced in a bid to preserve and enhance the identified special historic character and interest i.e. control over works to trees, removal of more permitted development rights, and control over demolition of unlisted buildings¹²². One of the biggest threats to Conservation Areas is the gradual erosion of their special architectural or historic character through inappropriate development. Where erosion of character is found to be continuing despite designation, the Council can impose an Article 4 Direction, further restricting permitted development rights. Currently there is only one Article 4 Direction relating to a Conservation Area in place in Wealden, in Rotherfield¹²³.

121 Completed Conservation Area Character Appraisals are available on the Council's website.

122 Wealden District Council webpage on extra planning controls in Conservation Areas. Available at: www.wealden.gov.uk/planning-and-building-control/heritage/conservation-areas/extra-planning-controls-in-conservation-areas/

123 Wealden District Council webpage on the future management of Conservation Areas- Article 4 directions. This includes the Rotherfield Article 4 Designation. Available at: www.wealden.gov.uk/planning-and-building-control/heritage/conservation-areas/extra-planning-controls-in-conservation-areas/

Policy HE3: Conservation Areas

- 1 Proposals within or adjoining a Conservation Area will be supported where they:
 - a) preserve or enhance the existing architectural, historic character, townscape appearance, quality and setting of a designated Conservation Area;
 - b) take account of and respond to the relevant Conservation Area Character Appraisal and future management strategy when considering the design, scale, positioning, grouping, density and detailing of the development;
 - c) involve restoring original details, historic fabric or preserving or enhancing specific features of interest including landscaping features such as trees, walls, fences, green infrastructure and other special features that make a positive contribution to the character and appearance of a Conservation Area; and
 - d) use building materials and finishes that respect the area.
- 2 Subject to other policies in the Local Plan, buildings that make a negative or neutral contribution to a Conservation Area may be replaced or refurbished where this will result in a high-quality design and an enhancement to the character and appearance of the Conservation Area including replacement of shopfronts of inappropriate/poor design.
- 3 Inappropriate alterations to unlisted buildings that make a positive contribution to a Conservation Area, will be resisted.

Supporting Text

7.41 The Council will only support those proposals that can demonstrate that they will preserve or enhance the special character of a Conservation Area when considering design, scale and density of development and also building materials and finishes. Planning applications which directly or indirectly affect the significance of a Conservation Area should be informed by and respond to the Conservation Area Character Appraisals and any future Management Strategy. This will need to be demonstrated within the submission.

7.42 Proposals that involve restoring original details, historic fabric or preserving special features of interest that make a positive contribution to the character and appearance of a Conservation Area will be supported. Guidance on all of these areas can be found within the Conservation Area Character Appraisals.

7.43 As described in policy HE4, inappropriate alterations to unlisted buildings that make a positive contribution to a Conservation Area will be resisted, but not all change within Conservation Areas is detrimental. The Council supports the replacement or refurbishment of buildings that make a negative or neutral contribution to a Conservation Area, for example if a building has been identified as such in a Conservation Area Character Appraisal. However, this replacement building or refurbishment must result in a high quality design and take the opportunity to enhance the character and appearance of the Conservation Area. Designs should make informed use of historic precedents, but this does not exclude innovation in design where it can enhance the character and appearance of the Conservation Area.

Question 37

Consultation Questions

- a Do you agree with draft policy HE3 Conservation Areas?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Enabling Development

7.44 In certain circumstances proposals for new development, which is not in compliance with local and/ or national policy, may be acceptable in order to secure the future conservation of a heritage asset. The NPPF states 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’. It is an exception to policy to ensure that the heritage asset is able to endure in the public's interest.

7.45 Ideally the enabling development will not result in harm to the significance of the heritage asset or its setting, and ‘well-designed enabling development will minimise potential adverse effects’¹²⁴ but it will be for the planning authority to assess whether the benefits of the enabling development outweigh the harm of departing from planning policy. When considering a scheme, the local authority will also have to consider the significance of the heritage asset, the nature of the policies to be breached and the severity. The NPPF is clear that where there is evidence of deliberate neglect of or damage to a heritage asset then the deteriorated state of the heritage asset should not be taken into account in any decision.

Policy HE4: Enabling Development

Enabling development that would ordinarily conflict with other planning policies, but which would secure the long-term future conservation of a heritage asset, and, where applicable, its continued use for a sympathetic purpose, will be supported only where the public benefit of securing the future of the heritage asset through such enabling development would decisively outweigh the harm of departing from the development plan or from national planning policies. Proposals for enabling development must demonstrate that:

- a) There is clear justification and evidence that there are no alternative ways of achieving the same outcome for the heritage asset including through sources of public and private investment;

124 Historic England (2020) Enabling Development and Heritage Assets. Historic England Good Practice Advice in Planning Note 4. Available at: historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/heag294-gpa4-enabling-development-and-heritage-assets/

- b) The enabling development would not materially harm the significance of the heritage asset or its setting;
- c) The enabling development is required to solve the conservation requirements of the heritage asset and is proportionate to the 'conservation deficit', the amount of enabling development being the minimum necessary to secure the future of the heritage asset; and
- d) The enabling development meets the requirements set out in Historic England Good Practice Advice and is accompanied by a costed conservation management plan, the conservation benefits to be secured under a S106 Planning Obligation.

Supporting Text

7.46 The harm done by enabling development is likely to be irreversible, therefore the applicant needs to be able to demonstrate that they have investigated all alternative ways of securing the asset, including sources of public and private investment.

7.47 Conservation deficit is described by Historic England as 'the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs'. Applicants should be able to demonstrate that the enabling development is required to solve the conservation needs of the heritage asset (not the financial needs of the present owner or to compensate for the price paid for the site) and should be the minimum required to address the conservation deficit and secure the future of the heritage asset.

7.48 A costed conservation management plan should accompany any application for enabling development and will identify the correct level of conservation that will sustain the asset in the long term and justify the scale of enabling development proposed. To avoid development being carried out without the conservation benefits being achieved, the benefits will be secured using a S106 agreement.

Question 38

Consultation Questions

- a Do you agree with draft policy HE4 Enabling Development?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Historic Parks and Gardens

7.49 Historic Parks and Gardens are an important part of the heritage and environment of the District. There are those designed landscapes which are considered significant enough to

be designated and included on the Register of Parks and Gardens of Special Historic Interest in England, compiled by Historic England, and there are those of local significance.

7.50 Within Wealden there are 20 Registered Parks and Gardens which can be found on the National Register. Registered Parks and Gardens are awarded grades, similar to the Listed Building grading system. The purpose of Policy HE5 is to clarify further in what circumstances development affecting Historic Parks and gardens, both registered and unregistered, may be acceptable.

7.51 Historic Parks and Gardens are comprised of a variety of features: the open space itself, views in and out, the planting, water features, built features and archaeological remains. Perhaps the biggest threat to them in Wealden is the pressure for new development within their setting, which may have a detrimental impact on their significance. Policy HE5 thus recognises the importance of conserving and enhancing the setting of these landscapes, including views to and from the parks and gardens.

7.52 Being on the Register does not signify that the sites are open to the public. Given the benefits that access to these spaces could bring for the public, increased public access will be supported, where appropriate.

Policy HE5: Historic Parks and Gardens

- 1 Development proposals affecting Historic Parks and Gardens on the national register or of local significance will be supported where they:
 - a) Maintain, conserve or enhance the special historic interest, significance, character and appearance and design and layout of these landscapes;
 - b) Conserve and enhance the setting of these landscapes including significant views to and from the park or garden;
 - c) Take opportunities to restore original features and increase public access where appropriate;
- 2 Proposals affecting Registered Parks and Gardens, must be able to demonstrate that any harm can be outweighed by public benefits commensurate to the level of harm arising.
- 3 Where proposals affect non designated Historic Parks and Gardens consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposal.

Supporting text

7.53 Registration is a material consideration when determining planning applications, signifying that local planning authorities have to consider the impact of the proposed works on the landscape's special character. The NPPF makes clear that substantial harm to or loss of Grade II Registered parks and gardens should be exceptional, to Grade I and II* Registered Parks and Gardens should be wholly exceptional. Where proposals affect non-designated Historic Parks and Gardens of local significance, a balanced judgement will need to be made by the

local authority concerning the level of harm or loss and the identified significance of the heritage asset.

Question 39

Consultation Questions

- a Do you agree with draft policy HE5: Historic Parks and Gardens?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Archaeology

7.54 The NPPF describes a heritage asset as having archaeological interest if *'it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point'*. The NPPF assigns three different types of sites with archaeological interest. Firstly, there are those designated as Scheduled Monuments and deemed of national importance. There are currently over one hundred in Wealden¹²⁵. Secondly there are non-designated sites of archaeological interest *'which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'*. Thirdly there are those that are non-designated heritage assets.

7.55 The Planning Practice Guidance states that it is helpful if local plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. However, in East Sussex the known sites and areas of archaeological interest within the County are included within the Historic Environment Record as Archaeological Notification Areas (ANA) and can be viewed on the East Sussex County Council website¹²⁶.

7.56 As yet undiscovered archaeological remains, in particular below ground but also hidden within historic buildings and structures, can be found outside these ANAs. There is a common misconception that archaeology relates to below ground remains only, but buildings may also have archaeological interest as they hold evidence of past human activity and are a primary source of evidence about the substance and evolution of places and the people and cultures that made them.

125 Historic England advanced search. Available at:historicengland.org.uk/listing/the-list/advanced-search/

126 ESCC website- Archaeological Notification Area Maps (ANAs) Available at:www.eastsussex.gov.uk/environment/archaeology/heritage-planning

Policy HE6: Archaeology

- 1 Development proposals that would result in substantial harm to Scheduled Monuments and other important archaeological sites, including their setting, will not be permitted unless there are exceptional circumstances.
- 2 Where it is considered that a development could either directly or indirectly impact on a heritage asset with archaeological interest, development will only be permitted where it can be demonstrated that the proposal will not be harmful to 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 In some cases, where there is potential for impacts to heritage assets with archaeological interest, permission may be granted subject to a condition that no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation. The Written Scheme of Investigation will be subject to approval by the local planning authority and should follow the Sussex Archaeological Standards, ESCC 2019, (or subsequent replacement).
- 4 Subject to other policies in the Local Plan, development proposals will be considered favourably where they:
 - a) Preserve, protect and / or enhance archaeological sites or remnants of such sites in situ, unless the Written Scheme of Investigation shows that the preservation of archaeological remains in situ is not justified.
 - b) Maximise opportunities to conserve, enhance and improve the accessibility and interpretation of archaeological sites, remains or features.
- 5 Where this is not possible or justified to preserve in situ, developers will be required to record any heritage assets to be lost (wholly or in part) by a suitable and approved archaeological body and in a manner proportionate to their importance and possible impact. This information must be submitted to the East Sussex Historic Environment Record including making this evidence (and any archive generated) publicly accessible. Developers will also be required to make satisfactory provision for the conservation and storage of any artefacts. Planning conditions/ a planning obligation may be used in order to secure these requirements.

Supporting Text

7.57 As required by the Planning Practice Guidance, Wealden takes a proportionate response to decision making and sites of archaeological interest. All development proposals that involve excavation or groundworks within Archaeological Notification Areas or that will impact upon other areas of archaeological interest, including buildings with archaeological interest, should arrange for an initial consultation with the Historic Environment Record Officer at East Sussex County Council in order to assess the level of further work required. This may include

- A HER Report

- A desk based archaeological assessment (likely to be required on the majority of major applications and applications on sites where the significance of and/or potential for heritage assets to be impacted is high)
- A field assessment/ evaluation
- Archaeological Interpretative Surveys of Standing Buildings and Structures¹²⁷.

7.58 This initial consultation with the HER Officer and any further preliminary work needed should be carried out prior to submitting an application to Wealden (i.e. we should have it at the point of validation), in order that Planning Officers and their advisors, have all the available evidence when determining or commenting on the application.

7.59 The conservation of an archaeological asset in its original location (preservation in situ), for example when a site is preserved as part of a development scheme, is the preferred approach where possible. When it is not possible the NPPF gives clear guidance that *'local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*

7.60 Where there is potential for impacts to heritage assets with archaeological interest, the Council may include a condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI). A WSI sets out the methodology for the proposed archaeological works¹²⁸.

Question 40

Consultation Questions

- a Do you agree or disagree with draft policy HE6 Archaeology?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

127 To be undertaken in accordance with the ESCC (2019) Sussex Standards for Historic Building Archaeology, or any subsequent guidance. Available at: www.eastsussex.gov.uk/environment/archaeology/heritage-planning

128 which should follow the ESCC (2019) Sussex Archaeological Standards 2019 (or subsequent replacement). Available at: www.eastsussex.gov.uk/environment/archaeology/heritage-planning