

Matter 7: Other Questions

Q2. The NPPF requires that Plan policies should contain a positive strategy for the historic environment and how the presumption in favour of sustainable development should be applied locally. Does the support in Policy H07 for enabling development subject to compliance with a number of criteria, offer sufficient protection to ensure that proposals do not harm the significance of heritage assets and is it consistent with the framework that confirms that such proposals will be unacceptable unless a specific set of criteria are met?

1. Introduction

- 1.1 Policy H07 Housing as Enabling Development as submitted for Examination (as set out in the Carlisle District Local Plan Submission Draft 2015-2030 [Document No. SD_001]) does not provide an appropriate framework for the management of Carlisle’s heritage assets or offer sufficient protection to ensure that proposals do not harm the significance of heritage assets over the Plan period. It is our view that the policy in its current version is not “sound” and needs a number of amendments before it complies with the requirements set out in the NPPF, in particular Paragraph 140, Historic England’s Guidance on Enabling Development and Historic England’s Conservation Principles, Policies and Guidance.

- 1.2 The inclusion of the Policy H07 Housing as Enabling Development (as submitted) which details how the plan will deal with applications for housing as enabling development is a fundamental failing of the Plan. Historic England has advised that the inclusion of Policy H07 is contrary to national policy and guidance and should be deleted from the Plan. During the last stage of consultation, Historic England proposed a number of changes to the Plan (see Policy Representation 0033). If incorporated into the final version of Policy H07, these changes would address most of the concerns of Historic England. Despite some amendments having been made, the current draft Policy H07 (as set out in the Carlisle District Local Plan Submission Draft 2015-2030 [Document nos. SD_001]) remains fundamentally flawed by focusing on the needs of housing rather than on securing the future conservation of heritage assets.

2. Carlisle's Heritage Assets

2.1 The Carlisle District Local Plan Submission Draft 2015-2030, recognises the significant historic environment that contributes to the area and this is recognised in a number of its policies including in particular Policy SP7. Carlisle has the greatest development pressure in Cumbria. There is a potential tension, therefore between the growth of the district and delivering economic and social objectives with the management of its significant historic assets. The 2015 Historic England Heritage at Risk Register identifies twenty three of the designated assets in the district of Carlisle being at risk. These include twelve scheduled monuments including one on Hadrian's Wall, seven listed buildings and structures, one conservation area (Botchergate in Carlisle City Centre) and three Places of Worship.

3. National Policy

3.1 Local plans have to enable the delivery of sustainable development in accordance with the policies in the NPPF. One of the core dimensions of sustainable development is the protection and enhancement of the historic environment [NPPF, Paragraph 7].

3.2 One of the twelve principal objectives of planning under the NPPF is the conservation of heritage assets for the quality of life they bring to this and future generations [NPPF, Paragraph 17]. Conservation means maintaining what is important about a place and improving it where this is desirable. It is not a passive exercise. It requires a plan for the maintenance and use of the heritage assets and for the delivery of development within their setting that will make a positive contribution to local character and distinctiveness.

3.3 Local Plans should include a clear and positive strategy for the conservation and enjoyment of the historic environment in the area, including heritage assets most at risk through neglect, decay or other threats [NPPF, Paragraph 126]. The strategy should also seek positive improvements in the quality of the historic environment in the pursuit of sustainable development [NPPF, Paragraph 9].

3.4 Local Plans are expected to set out the strategic priorities for the area [NPPF, Paragraph 156], which includes housing and heritage, (which are encouraged) but it should be recognised that both are issues that should be dealt with separately. The approach taken in the Carlisle District Local Plan Submission Draft 2015-2030, Policy H07 seems primarily to be using enabling development as a means of helping to meet the assessed housing development needs of the area. This is not an appropriate use of enabling development.

4. The Purpose of Enabling Development

- 4.1 The term ‘enabling development’ can be defined as development that would be unacceptable in planning terms but for the fact that it would bring public benefits to a heritage asset or group of assets, sufficient to justify it being carried out and which could not otherwise be achieved. Enabling development is not a statutory term, but is a legitimate planning tool by which a development may be able to secure the long-term future of a place of heritage significance. It is an established principle that such development may be appropriate if the public benefit of rescuing and enhancing an important historic asset outweighs the harm caused to other material interests. The problem which enabling development seeks to address is when the cost of maintenance, major repair or conservation to deliver the optimum viable use of a building is greater than its resulting value to the owner or on the open market. The resulting ‘conservation deficit’ could then be resolved by use of enabling development which would provide the uplift in development value required. It is important to consider that enabling development must not be used as a means of simply bypassing planning rules or promoting housing development. It will be for the applicant to justify to the Council that the development in question is the minimum necessary to deliver the public benefit to the heritage asset.
- 4.2 Historic England has commented that the proposed Policy H07 will result in adverse effects for the District’s heritage assets. Policy H07 Housing as Enabling Development, refers to potential enabling development relating to housing development and that the policy has a starting point that it considers such enabling development to be acceptable. Historic England has advised on a number of occasions that the Policy H07 as drafted in The Carlisle District Local Plan Submission Draft 2015-2030 is not justified, effective or consistent with national policy and Historic England’s Guidance (which has been widely recognised as best practice) and should be deleted from the Plan. We advise against policies in Local Plans that allow enabling development, which specifies the type of enabling development that is acceptable. With regard to Policy H07, although we note that it is not specific to a single site, it is applicable to all housing as enabling development. The effect is an assumption of housing development building in a value which may not ultimately assist the heritage asset being restored or repaired as much as other development could, preventing other types of enabling development which may be more suitable or cause less harm to the heritage asset or its setting.
- 4.3 Even if an enabling development case can be made in terms of viability, it should be conducted through the development management and planning application process,

and not through the planning policy process. Policy H07 would establish the principle of housing as enabling development for the next 15-20 years (the lifetime of the plan), when economic conditions can vary greatly over this period of time. Enabling development is supposed to be contrary to policy, but the recognition of such development in Policy H07 means that it becomes part of the Local Plan. Future development proposals may no longer be defined as enabling development putting at risk the secure and enforceable link to the benefits to the heritage asset. Our guidance on enabling development elaborates on this point.

- 4.4 It should be noted that the absence of a specific policy in the Plan does not preclude planning applications coming forward in the future for enabling development, but it ensures that decisions are made based on conditions at the time of the application. Each proposal will need to be considered on its merits at the development management stage and we would be happy to assist with this process in terms of the enabling development arguments.

5. Conclusion

- 5.1 We do not consider that Policy H07 Housing as Enabling Development is justified, effective or consistent with national policy and Historic England's Guidance. It also does not offer sufficient protection to ensure that proposals do not harm the significance of heritage assets. If applied to the District's heritage assets, it would result in the principle of housing as enabling development being established as a starting point. The correct starting position is not the promotion of housing development, it is securing the future of heritage assets as the NPPF (Paragraph 140) makes clear. Historic England recommends that the policy is deleted. Should the policy be retained, then Historic England has suggested amendments to the wording of the Policy (see Policy representation no 0033) which attempt to ensure that it is justified, effective and consistent with national policy and Historic England's guidance on enabling development.

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