

## Chapter 15 - Our outstanding historic environment

A heritage asset is defined by central government in the NPPF as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”*

East Devon is fortunate in having a rich heritage and distinctive vernacular architecture which makes it a unique place to live in and visit. Heritage assets include statutorily designated Scheduled Monuments, Listed Buildings or structures, Conservation Areas, Registered Parks and Gardens, Registered Battlefields, archaeology of national and local interest and non-designated buildings, structures or historic landscapes that contribute to local historic and architectural interest of the district's historic environment, and also includes those heritage assets listed in the Devon Historic Environmental Record. East Devon's historic environment isn't just limited to man-made buildings, monuments, standing stones and archaeological sites, but includes cultural heritage, landscapes and wildlife habitats resulting from a long history of human interaction with nature.

National policy emphasises the importance of heritage assets for their contribution to quality of life, and as an irreplaceable resource which should be conserved in a manner appropriate to their significance. Local planning authorities are required to set out in their plans, “a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats” and to make information on the historic environment, gathered as a part of policy-making or development management, publicly accessible. Policy implementation will be informed by the East Devon Heritage Strategy, which presents a summary of the District's heritage, its significance and its benefits whilst developing objectives for the future, with an action plan for the delivery of recommendations. The strategy runs from 2024 – 2042 and will be updated during the life of the local plan. The strategy focuses on the heritage assets of the district where the Council has a direct role and responsibility, or influence, in the decision making or management process. However broader designations that inform the strategy are also considered, such as the National Landscapes, which have a positive influence on the enhancement and management of the district's heritage.

Non-designated heritage assets may be identified by a local planning authority as having a local heritage value that should be taken into account when considering any planning application that affects either the asset or its setting. National policy further advises that heritage assets should be conserved in a manner appropriate to their significance. In weighing an application that may affect a non-designated asset, a balanced judgement is required regarding the scale of any harm or loss and the significance of the asset.

**102. Strategic Policy HE01:  
Historic Environment**

Proposals for new development that may affect heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Particular encouragement will be given to schemes that will help secure the long term conservation of at-risk, vacant and/or under-used buildings and bring them back into appropriate use.

Non-designated heritage assets, where identified through local or neighbourhood plan-making, the Local List, Conservation Area Appraisal or review or through the planning application process, will be recognised as heritage assets in accordance with national guidance and any local criteria.

Development proposals that directly or indirectly affect the significance of a non-designated heritage asset will be determined with regard to the scale of any harm or loss and the significance of the asset.

Applicants will be required to describe, in line with best practice and relevant national guidance, the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the asset's importance. In some circumstances a planning condition will require further survey, analysis and/or recording.

Alterations to historic buildings, for example to improve energy efficiency or reduce carbon emissions, should respect the integrity of the historic environment and the character and significance of the building.

**Justification for inclusion of policy**

Heritage assets may be classified as either 'designated' or 'non-designated' and the importance of both can be taken into account through the planning process. Heritage assets can include Listed Buildings, Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, archaeological sites and other assets. The majority of heritage assets in East Devon, whether buildings, archaeological sites or areas of historic landscape character, do not have a statutory designation and so their conservation relies on the planning system and positive management by land and property owners.

In preparing development proposals, applicants should refer at an early stage to sources of information on the historic environment such as The Devon Historic Environment Record, The National Heritage List for England, any local Heritage Impact Assessments, and, where relevant, Conservation Area Character Appraisals to ensure that proposals are based on an understanding of the significance of any heritage assets that may be affected. Development proposals should also accord with the Heritage Strategy, take into account the principles set out in any Supplementary Planning Documents and other relevant guidance.

In some circumstances, further surveys and analysis may be required prior to any application being determined. Heritage Statements, Statements of Significance, and Impact Assessments should be produced in line with current best practice and relevant national guidance. Such assessments should follow a systematic approach in line with Historic England guidance: The Setting of Heritage Assets:

Historic Environment Good Practice Advice in Planning Note 3, 2nd Edition (2017), and Statements of Heritage Significance: Historic England Advice Note 12 (2019), or as per any updates to these documents.

The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers. The Council will work with relevant stakeholders to encourage better understanding of the heritage assets on the Historic England “Heritage at Risk” Register. Where appropriate the Council will encourage Heritage Partnership Agreements, particularly for Listed Buildings on any ‘at risk’ register.

The Council will support Neighbourhood Development Plans in seeking to assess their heritage assets and add to the evidence base.

### **103. Strategic Policy HE02:**

#### **Listed buildings**

Proposals for development, including change of use, that involve any alteration of, addition to or partial demolition of, a listed building or within the curtilage of, or affecting the setting of a listed building will be expected to:

1. conserve, enhance or better reveal those elements which contribute to the heritage significance and/or its setting; and
2. respect any features of special architectural or historic interest, including, where relevant, the historic curtilage or context, such as burgage plots, or its value within a group and/or its setting, such as the importance of a street frontage or traditional shopfronts; and
3. be sympathetic to the listed building and its setting in terms of its siting, size, scale, height, alignment, materials, building methods and finishes (including colour and texture), design and form, in order to retain the special interest that justifies its designation

Development proposals affecting the significance of a listed building or its setting that will lead to substantial harm or total loss of significance will be refused unless, exceptionally, it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that demonstrably outweigh that harm or loss or where the applicant can demonstrate that:

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

Development proposals (including changes of use) that would result in less than substantial harm to the significance of a listed building or its setting will be expected to:

1. minimise harm and avoid adverse impacts, and provide justification for any adverse impacts, harm or loss of significance;
2. identify any demonstrable public benefits or exceptional circumstances in relation to the development proposed; and
3. investigate and record changes or loss of fabric, features, objects or remains, both known and unknown, in a manner proportionate to the importance of the change or loss, and to make this information publicly accessible.

### **Justification for inclusion of policy**

Within East Devon around 4,600 buildings and structures are “listed” (included on a register known as the List of Buildings of Special Architectural or Historic Interest) due to their special architectural or historic interest at a national level. When a building or structure is listed, it is listed in its entirety, which means that both the exterior and the interior are protected which includes interior features and fabric such as staircases, panelling, roof structures, floors, walls, fireplaces, doors etc. In addition, any object or structure fixed to the building, and any object or structure within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since before 1 July 1948, are treated as being part of the listed building. Occasionally land will form part of the setting of a heritage asset despite lying some distance away, for example where there is a historical or functional association.

Many listed buildings, due to their age and construction, have features which could support roosting bats. To ensure compliance with relevant legislation, species survey information will be required, and ecological conditions applied to consents granted, in instances where proposed works to listed buildings would be reasonably likely to impact roosting bats.

### **104. Strategic Policy HE03:**

#### **Conservation Areas**

Proposals for development within or affecting the setting of a Conservation Area must conserve or enhance its special interest, character, setting and appearance. Development will be expected to:

1. contribute to the Conservation Area’s special interest and its relationship within its setting. The special characteristics of the Conservation Area (such as existing walls, buildings, trees, hedges, burgage plots, traditional shopfronts and signs, farm groups, medieval townscapes, archaeological features, historic routes etc.) should be preserved;
2. take into account important views within, into or out of the Conservation Area and show that these would be retained and unharmed;
3. respect the local character and distinctiveness of the Conservation Area in terms of the development’s: siting; size; scale; height; alignment; materials and finishes (including colour and texture); proportions; design; and form and should have regard to any relevant Conservation Area Character Appraisal;

4. be sympathetic to the original curtilage of buildings and pattern of development that forms part of the historic interest of the Conservation Area;
5. be sympathetic to important spaces such as paddocks, greens, gardens and other gaps or spaces between buildings which make a positive contribution to the pattern of development in the Conservation Area;
6. ensure the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and/or
7. ensure no loss of, or harm to any building or feature that makes a positive contribution to the special interest, character or appearance of the Conservation Area.

Where a proposed development will lead to substantial harm to or total loss of significance of a Conservation Area, consent will only be granted where it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a Conservation Area, this harm will be weighed against the public benefits of the proposal.

Wherever possible the sympathetic restoration and re-use of structures which make a positive contribution to the special interest, character or appearance of the Conservation Area will be encouraged to prevent harm through the cumulative loss of features which are an asset to the Conservation Area.

### **Justification for inclusion of policy**

There are 33 Conservation Areas in East Devon, covering parts of all the main towns (except Cranbrook) and the historic cores of many smaller settlements. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 describes Conservation Areas as “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Inevitably, these areas will vary greatly. Attractive groups of buildings, open spaces, trees and hedgerows, an historic settlement pattern, or features of archaeological interest, may all contribute to the special character of an area, and it is that character, rather than individual buildings, which Conservation Area legislation seeks to preserve and enhance. This does not mean that they cannot develop; change is often necessary to accommodate the demands of modern living as our historic towns and village centres are always likely to attract new development. Any development would, however need to preserve or enhance the character of the area and may require planning permission and/or planning permission for demolition in a conservation area.

A feature in some town centres are ‘burgage plots’. Surviving patterns of burgage plots have considerable historic and archaeological significance and contribute much to the character of the market towns, Honiton in particular.

When undertaking Conservation Area Appraisals the opportunity will be taken to produce and update lists of locally important non-designated heritage assets and identification of any heritage assets ‘at risk’ in order to encourage better understanding.

**105. Strategic Policy HE04:  
Archaeology and Scheduled Monuments**

Development must protect the site and setting of Scheduled Monuments, or nationally important designated or undesignated archaeological remains, including ancient routeways and milestones.

Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is likely to contain archaeological remains. Proposals must show how the development proposals have had regard to any such remains.

Where the assessment indicates archaeological remains on site, and development could disturb or adversely affect archaeological remains and/or their setting, applicants will be expected to:

1. submit an appropriate archaeological desk-based assessment; and/or
2. undertake a field evaluation (conducted by a suitably qualified archaeological organisation), where necessary.

Nationally important archaeological remains (whether scheduled or demonstrably of equivalent significance) should be preserved in situ. Non-designated archaeological sites or deposits of significance equal to that of a nationally important monument will be assessed as though those sites or deposits are designated.

Where a proposed development will lead to substantial harm to or total loss of significance of such remains consent will only be permitted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of such remains, this harm will be weighed against the public benefits of the proposal.

For other non-designated archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application.

In exceptional cases, where harm to or loss of significance to the asset is considered to be justified, the harm should be minimised, and mitigated by a programme of archaeological investigation, including excavation, recording and analysis. Planning permission may be granted conditional upon a programme of archaeological mitigation agreed with the Council that will be implemented by an appropriately qualified organisation. Unless otherwise agreed with the Council any development should not commence until the approved archaeological works have been satisfactorily completed. The results of the analysis of findings subsequent to the investigation should be published and made available to the relevant local and county authorities as well as being made publicly accessible.

**Justification for inclusion of policy**

East Devon has a significant archaeological heritage which is a finite and non-renewable resource with great social, economic, cultural and educational value. Around 200 archaeological sites and monuments are designated as Scheduled Monuments and are legally protected under the terms of the Ancient Monuments and Archaeological Areas Act.

The Devon Historic Environment Record, maintained by the County Council, also includes numerous other sites of local interest but, due to their size, form and the large numbers added to the record

annually, it is not practical for the Policies Map to identify them. The record is available for applicants to view.

A network of historic routes also exist as archaeological features in the district, ranging from pre-historic tracks, Roman roads, sunken lanes to later turnpike roads. These routes are integrated into the district's landscape and serve an important function in linking settlements and forming a unique setting for the district's distinctive landscape features and will therefore be protected.

**106. Strategic Policy HE05:**

**Historic Landscapes, Parks and Gardens**

Proposals should conserve or enhance the special historic interest, character or setting of a park or garden on the Historic England Register of Historic Parks and Gardens of Special Historic Interest in England.

Any harm to or loss of significance of any heritage asset requires clear and convincing justification. Substantial harm to or loss of these assets should be wholly exceptional in the case of Grade I and Grade II\* Registered Historic Parks and Gardens and exceptional in the case of Grade II Registered Historic Parks and Gardens.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, consent will only be granted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. All other options for their conservation or use must have been explored.

A balanced judgment, having regard to the scale of any harm or loss and the significance of the heritage asset, will be required in assessing proposals affecting non-designated historic parks and historic landscapes (including historic routes and battlefields).

Applicants will be required to describe, in line with best practice and relevant

national guidance, the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the asset's importance. In some circumstances planning conditions will require further survey, analysis and recording.

**Justification for inclusion of policy**

Historic landscapes, parks and gardens are an important part of East Devon's heritage and environment. They comprise a variety of features including the open space itself, views in and out, archaeological remains and, in the case of parks or gardens, a conscious design incorporating planting and water features, and frequently buildings. Historic landscapes are also important for their green infrastructure and biodiversity value. There is a need to protect such sites and their settings and to encourage sympathetic management wherever possible.

The most important sites have been included on the "Historic England Register of Historic Parks and Gardens of Special Historic Interest in England" and/or on the National Heritage List for England. In addition to the nationally important registered sites the district has several other sites of regional or local importance that should also be protected from harm, and enhanced where possible.