

Examination of the Horsham District Local Plan 2023-2040

Further Statement in Respect of

Matter 5: Development Quality, Design and Heritage

Submitted on behalf of:

Wates Developments Limited

November 2024

Document Management

Project	Version	Date	Author	Checked/ Approved by	Reason for Revision
24001	Matter 5	21/11/2024	JF	KM	

1 Introduction

- 1.1 This Matter Statement has been prepared on behalf of Wates Developments Limited (Wates) in response to Matter 5: Development Quality, Design and Heritage, specifically in response to Policy 21: Heritage Assets and Managing Change.
- 1.2 Wates has interests in the District across 5 no. sites as set out below, and has submitted representations at earlier stages of Plan preparation at the Regulation 18 and 19 consultations:
- Land west of Worthing Road, Tower Hill, Horsham (Southwater Parish)
 - Land west of Centenary Road, Southwater (Shingley Parish)
 - Land east of Marringdean Road, Billingshurst
 - Land west of Shoreham Road, Small Dole (Henfield Parish)
 - Land north of Melton Drive, Storrington
- 1.3 Two of the above sites are allocated for residential development in the Submission Plan these are:
- Land west of Shoreham Road, Small Dole (Strategic Policy: HA16 (SMD1))
 - Land north of Melton Drive, Storrington (Strategic Policy: HA18 (STO1))

2 Issue 1: Whether the approach to Development Quality, Design and Heritage is justified, effective, consistent with national policy and positively prepared?

Q3 Is Policy 21: Heritage Assets and Managing Change within the Historic Environment sound and legally compliant?

Legislative Framework

2.1 The legislative framework relating to the built historic environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas. It does not provide statutory protection for non-designated or Locally Listed heritage assets.

2.2 Section 66(1) of the Act goes on to state that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

2.3 Section 72(1) of 1990 Act relates to development in Conservation Areas and states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

National Guidance

2.4 For the purposes of the Horsham Local Plan Examination, the plan is examined against the National Planning Policy Framework (NPPF) of September 2023. This promotes the concept of delivering sustainable development and the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

2.5 Chapter 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’. Relevant paragraphs include Paragraph 189 which confirms that heritage assets range from sites and buildings of local historic value to those of highest significance such as World Heritage Sites which are internationally recognised. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

2.6 Paragraph 190 confirms that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

- 2.7 Paragraph 199 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.8 Paragraphs 200 to 202 are of particular reference and are set out below:
- “200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶⁸.*
- 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) conservation by grant-funding or some form of not-for-profit charitable or public ownership is demonstrably not possible; and*
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.*
- 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 2.9 Paragraph 206 provides guidance in respect of Conservation Areas and World Heritage Sites and refers to opportunities for new development within their setting to enhance and greater reveal their significance. Proposals that preserve those elements of setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 2.10 Annex 2: Glossary of the NPPF defines heritage assets 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 interests. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”***
- 2.11 Overall the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

Comments on Policy 21: Heritage Assets and Managing Change within the Historic Environment

- 2.12 For clarification purposes, the policy text should include a description of heritage assets found within the district. This should be based on the definition set out in Annex 2: Glossary of the NPPF i.e. Listed Buildings, Conservations Areas, Scheduled Monuments, Archaeological Notification Areas and Registered Parks and Gardens.
- 2.13 Overall, Parts 1 and 2 of this policy are generally consistent with the legislative framework and national guidance in that it seeks to preserve and enhance the historic environment as required by Section 66(1) and 72(1) of the 1990 Act and paragraph 206 of the NPPF.
- 2.14 There is however some divergence in parts of the wording in Parts 3 and 4 of the policy where these deal with 'substantial harm' and 'less than substantial harm', respectively in comparison to the relevant parts of the NPPF.
- 2.15 To be consistent with the wording of paragraph 201 of the NPPF which refers to the total loss of significance of a designated heritage asset, the first line of Part 3 should include the word 'total' in between 'or' and 'loss'. The first line of Part 3 should therefore be amended to read ***“Proposals which would cause substantial harm to, or total loss of, a heritage asset will not be supported where*“**
- 2.16 Part 3 also includes text that requires “any replacement scheme makes an equal contribution to local character and distinctiveness”. This is not a requirement of the NPPF and should therefore be deleted from the policy text.
- 2.17 Part 4 relates to proposals that would lead to less than substantial harm to the significance of the heritage asset' It confirms that these should be weighed against the public benefits of the proposal and will be supported where public benefit is considered to outweigh the harm. Whilst the weighing of the public benefits is consistent with the wording of paragraph 202 of the NPPF the requirement for the public benefit to outweigh the harm is not consistent with the last part of paragraph 202 which instead of outweighing the harm refers to “*where appropriate, securing its optimum viable use*”. The need to 'outweigh the harm' is a requirement for proposals that lead to 'substantial harm' as set out in paragraph 201 of the NPPF and not 'less than substantial harm'.