

Ennor, St Mary's (Self-Build Homes)

Isles of Scilly

Heritage Impact Assessment



January 2021

Portico Heritage Ltd

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1 Introduction

- 1.1 This Heritage Impact Assessment (HIA) has been prepared by Portico Heritage to support an application for outline planning consent for up to 13 residential dwellings on a site at Ennor, north of Old Town, St Mary's. The applicant is the Council of the Isles of Scilly.

Purpose

- 1.2 The purpose of the report is to provide a background understanding of the heritage context of the site and the proposals and identify the national and local policies and guidance relating to the historic built environment. It considers the impact of the proposals on heritage significance and their compliance with legislation, policy and guidance.

Author

- 1.3 The author of this report is Nick Collins BSc (Hons) MSc MRICS IHBC. He has been a Principal Inspector of Historic Buildings & Areas in the London Region of Historic England. Most recently he was a Director of Conservation at Alan Baxter & Associates. Nick spent nine years at Historic England as Principal Inspector of Historic Buildings & Areas where he led a specialist team of historic building inspectors, architects, and archaeologists on a wide range of heritage projects in East & South London. Previously Conservation Officer at the London Borough of Bromley, Nick began his career at international real estate consultancy Jones Lang LaSalle as a Chartered Surveyor.

Acknowledgements

- 1.4 The Council of the Isles of Scilly commissioned a Heritage Impact Assessment for the site by the Cornwall Archaeological Unit in 2018. This assessment has drawn upon information within that report although the views and recommendations expressed in this report are those of the author.

2 The site and its context

- 2.1 The following section provides a description of the existing site and its context. It also provides details of the site's history and the significance of the site and context.

The Site

- 2.2 The site covers an area of approximately 1.25 acres and lies around 50m to the north of Castle Rocks – the rock outcrop upon which Ennor Castle was built. The site lies to the west of Old Town Lane, on the northern edge of the main settlement.
- 2.3 The predominant character around (and including) the site has been identified as 'medieval farmland, substantially altered in modern times by adaptation of the field pattern including sub-division with straight-sided boundary banks, dry stone walls and shelter hedges' (Land Use Consultants and Cornwall Archaeological Unit 1996).
- 2.4 Lower Moors, to the north, is still a predominantly wetland area. The settlement of Old Town, which nestles below the southern side of Ennor Castle, is of medieval origin. At that time Old Town Bay was the island's main harbour and settlement but declined with the development of The Garrison and neighbouring Hugh Town. The settlement has been expanded in more recent times.
- 2.5 A Geophysical Survey was carried out in June 2019¹ to understand whether the site contained any evidence of being part of the shrunken medieval settlement of Old Town, or formerly contained structures relating to Ennor Castle. This survey concluded that the site did not have high archaeological potential for significant remains below ground.
- 2.6 Whilst the Isles of Scilly as a whole are covered by several designations; Conservation Area, Heritage Coast and Area of Outstanding Natural Beauty the key heritage

¹ Cornwall Archaeological Unit (2019) Land north of Ennor Castle, St Mary's, Isles of Scilly: Geophysical Survey Statement

designations in the immediate area in relation to this particular site are:

Ennor Castle: Scheduled Ancient Monument: List entry Number 1014994; a medieval shell-keep on Castle Rocks. The castle is ruined but upstanding and buried remains survive. These include earthworks and stone footings or revetments on the summit and sides of the rock; rubble stone walling of a sub-rectangular keep; best preserved on the north west and west where it rises up to 2m high above ground; and possible enclosure walling extending south east from the outcrop. The castle was first recorded in 1244. It fell into disuse in the 16th century, when the Star Castle artillery fort was built on the Garrison to the west.

Conservation Area: Whilst covering the whole of the Isles of Scilly, within the context of this site it relates to the evolution of Old Town as a settlement.

Archaeological Constraint Area: a non-statutory designation with the purpose of indicating the location of recorded archaeological and historic sites and structures in order that an initial assessment could be made of the impact of any proposed development on these remains, and if necessary, archaeological consultation carried out prior to the planning decision. The site is adjacent to an Archaeological Constrain Area, which extends from its south boundary including Ennor Castle and the south end of the field north of the Castle.

- 2.7 The site and these key designations are summarised in the plan below (Figure 1).

Historic Map Regression

- 2.8 The Ordnance Survey Maps show the evolution of Old Town in the 1875, 1906 and 2020 maps (figures 2-4). Ennor Castle is marked to the south of the site, whilst immediately to the east the 'blue dot' is reference to a former disused Wesleyan Chapel built c.1860, closed in 1930 and converted to residential use.



Figure 1: The site showing designations in the immediate vicinity © Council of the Isles of Scilly

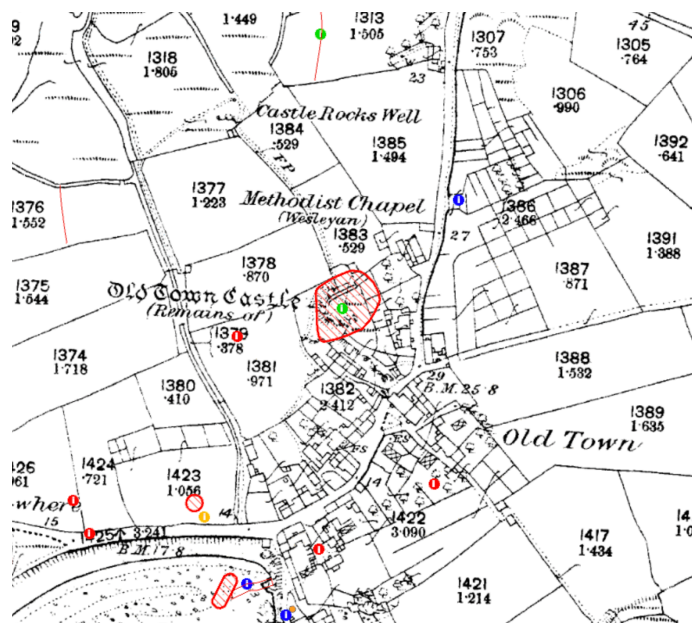


Figure 2: Ordnance Survey Map 1875

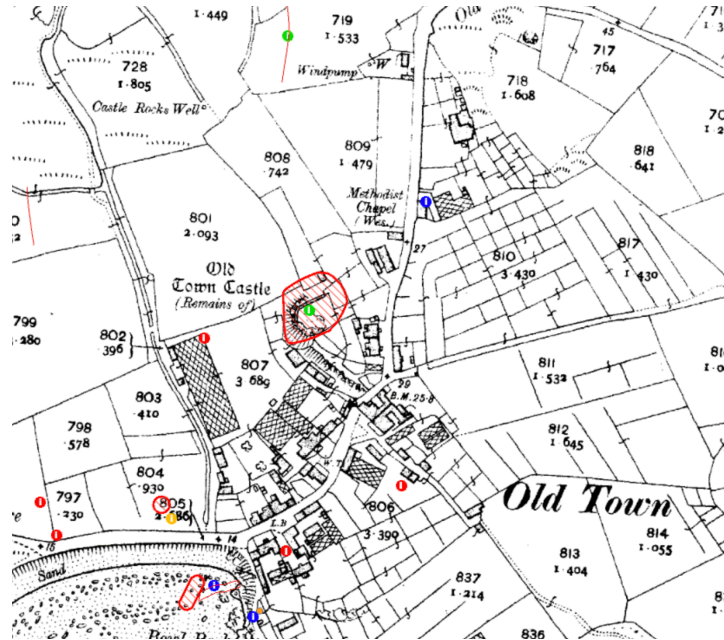


Figure 3: Ordnance Survey Map 1906

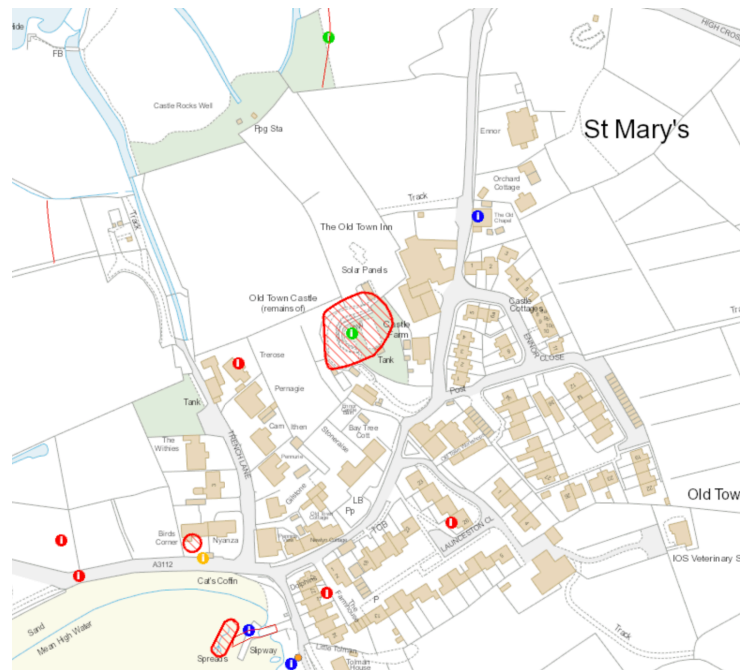


Figure 4: Ordnance Survey Map 2020

2.9

To the south of the castle are two scheduled World War II Pill Boxes, both of which provided cover to the Old Town Bay. The remnants of the Old Town Quay are also designated scheduled ancient monuments, recognising

the importance of maritime trade amongst the settlement's functions during the medieval period.

3 The heritage significance of the site and its context

- 3.1 The site contains nothing identified as being of special interest or significance, however, it does lie within the Isles of Scilly Conservation Area, designated in 1975.
- 3.2 There are a number of heritage assets in the vicinity and wider area that have been considered as part of this Assessment and identified through assessing views from and towards the site and consultation of the Historic Environment Record.
- 3.3 Only those regarded as having the potential to be impacted – either through proximity, visibility or relatable significance - by proposals on the site have been identified and discussed in detail below.

Designated Heritage Assets

- Ennor Castle (Scheduled Ancient Monument)
- Isles of Scilly Conservation Area

Non-designated Heritage Assets

- 3.4 The Historic Environment Record identifies other sites of interest, extant, archaeological and/or demolished. The only above ground record that could be affected by the proposals is:

- Post-medieval (c.1860) non-conformist chapel, Old Town Lane

- 3.5 An Area of Archaeological Constraint is located to the south of the site. This is a non-statutory designation introduced in 1995 based on Archaeological Constraint Maps prepared by Cornwall Archaeological Unit.

Assessing heritage significance

- 3.6 The conservation area, listed buildings and Scheduled Ancient Monuments are 'designated heritage assets', whilst the other structures identified are 'non-designated heritage assets' as defined by the National Planning Policy Framework (NPPF).

- 3.7 'Significance' is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England 'Planning for the Historic Environment Practice Guide' puts it slightly differently – as 'the sum of its architectural, historic, artistic or archaeological interest'.
- 3.8 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (Historic England, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.
- 3.9 The significance, character and appearance of the Isles of Scilly Conservation Area is embodied in the integration of the buildings and landscapes in Scilly and how its inhabitants have shaped the land over a long period.
- 3.10 The 'historic interest' to be found on the Isles of Scilly is well documented and the islands contain a remarkable abundance and variety of archaeological remains and thus 'evidential value' from over 4000 years of human activity.
- 3.11 The remote physical setting of the islands has lent a distinctive character to those remains, producing many unusual features important for the broad understanding of the social development of early communities.
- 3.12 The islands' archaeological remains demonstrate clearly the gradually expanding size and range of contacts of their communities.
- 3.13 By the post-medieval period (from 1540), the islands occupied a nationally strategic location, resulting in an important concentration of defensive works reflecting the development of fortification methods and technology from the mid 16th to the 20th centuries.
- 3.14 Within the context of this site, the character and appearance of the conservation area relates to the shrunken medieval settlement of Old Town, its former quayside and its connection to the agricultural hinterlands.

- 3.15 The main elements of the medieval landscape, Ennor Castle, the Old Quays and Old St Mary's Church, form a coherent group around Old Town Bay, together with Old Town itself, articulating routes serving the landing in the bay, and the marshes inland, as can be appreciated in viewing it from Castle Rocks (although it is now only views to the west that remain open and clear due to the extent of growth on Castle Rocks).
- 3.16 The agricultural heritage of the Islands is clearly an important part of its character and appearance; however, this has evolved considerably over the centuries with boundaries constantly re-configured to suit changing uses, occupation and methods.
- 3.17 The maps illustrated in figures 2-4 show how Old Town has evolved, as well as the form of its agricultural surroundings, to adapt to modern living, needs and methods of farming. For example, a north-south boundary within the site, to its east, is identified on the 1906 OS Map, although it does not appear on the 1875 OS Map and is now gone – and thus part of the transient sub-division of the field – typical across the whole Island.
- 3.18 Residential development has primarily followed the existing network of roads and lanes, as well as to the western side of the base of the Castle Rocks and to the south eastern side of Old Town Lane behind Old Town Workshops. Many of the buildings that form the core of the village make a positive contribution to the character and appearance of the conservation area – including the former chapel to the east of the site, and the Old Town Inn to the south. The converted barn located immediately to the south, close to the edge of Castle Rocks also forms part of the character of the settlement and its evolution.

Ennor Castle

- 3.19 Ennor Castle is a shell keep castle which survives in recognisable form despite dismantling of much of the keep wall. Sufficient evidence survives to determine the overall ground plan while the interior has not been archaeologically excavated or redeveloped and will retain buried evidence for its internal features.

- 3.20 With the broadly contemporary church and quay at Old Town, it forms one of the three major and surviving elements of the main secular settlement on Scilly during the medieval period. Its location relative to the settlement and its historically recorded tenure demonstrate the role and setting of shell keep castles.
- 3.21 The sequence of occupation and decline of Ennor Castle also illustrates the interdependence of such castles with their wider settlement context.
- 3.22 Its decline shows particularly clearly the impact of change at national level in the 16th century.
- 3.23 Ennor Castle is the only medieval castle on the Isles of Scilly. It is also the earliest element in an almost continuous sequence of fortifications on the islands, which extends to the end of the World War II and which is itself nationally very rare in terms of completeness and quality of survival. The remnants of the World War II Pill Box can be found to the south of the castle.

The setting of the castle

- 3.24 The Castle Rocks outcrop provided an ideal natural position for the castle with views once both towards the sea and across St Mary's to the north and west.
- 3.25 The castle's setting is visually more limited to the east and south due to the topography of the land, established trees/growth and also the development of Old Town along the roads, the outcrop can nevertheless be glimpsed between the buildings on the western side of the road.
- 3.26 To the north and west, however, the land falls away towards Lower Moors opening up views across to the outer islands.
- 3.27 Development (of many ages and style) surrounds the 'town' side of the castle as shown in the following photographs. The following images are views Towards the castle:



Figure 5: Looking south towards Ennor Castle (on the right)



Figure 6: Looking west towards Castle Rocks from Old Town Road



Figure 7: Looking north from Trench Lane with the Castle outcrop just above the houses



Figure 8: Looking east with Castle Rocks prominently in the centre of the view

3.28 The following images are taken from the top of Castle Rocks within the site of Ennor Castle looking Out – which illustrate its important and strategic location.



Figure 9: Looking west towards Sampson



Figure 10: Looking north towards the site



Figure 11: Looking south towards Old Town Quay



Figure 12: Looking east towards Old Town Lane

- 3.29 Clearly the extent of growth on Castle Rocks has had a major impact on the ability to appreciate the wider views from the castle in some directions, but the images give a good sense of how the village curls around the castle on

its 'upper' side, whilst opening up, as the land falls away to the west.

- 3.30 The presence of Old Town nestling around the base of the castle rocks is as much an important part of its setting as the longer views across St Mary's towards Lower Moors.

Former Wesleyan Methodist Chapel

- 3.31 The significance of this non-designated heritage asset now rests in its historic role as part of the history of Old Town and as part of the urban character of the village. Closed as a place of worship in 1930 and converted many years ago it has limited special interest although makes a positive contribution to the character and appearance of the conservation area.

Other nearby heritage assets

- 3.32 As described earlier, other heritage assets (designated and non-designated) such as the scheduled pill-boxes, Old Town Quay and Grade II* listed Old St Mary's Church are all recognised as being of high significance in their own right, however any development on the proposals site will not affect their special interest either physically or in terms of their setting or context. This is due to the lack of inter-visibility; historical, cultural and architectural connectivity as well as proximity.

Conclusion

- 3.33 Although the site contains no specific heritage assets, it does form part of the wider Isles of Scilly Conservation Area and lies within the setting of Ennor Castle. Other designated and un-designated heritage assets within the vicinity are of significance in their own right, but proposals on this site will not affect an ability to appreciate their special interest.

4 The proposed scheme and its effect

- 4.1 The proposals are for outline planning consent for up to 13 residential dwellings to enable families with adequate funds and savings to aspire to build their own homes.
- 4.2 The dwellings shall generally comprise detached/semi-detached two storey properties. They will be subject to principles set out in the Design Code prepared in conjunction with the Duchy of Cornwall.
- 4.3 The Design Code sets out the preferred materiality and compatibility with the architectural style appropriate to the islands and the Duchy of Cornwall.

Site Layout

- 4.4 The proposed indicative site layout has been subject to considerable public consultation with the local community as well as taking the constraints of the site and its heritage significance into account.
- 4.5 The setting of Ennor Castle, as well as how the development would integrate into Old Town formed an important part of deciding the most appropriate site layout.
- 4.6 Currently it is nearly impossible to see the site from the castle (figure 10). However, the following image, taken 2 years ago gives a clearer opportunity to understand the location of the site in relation to the castle.



Figure 13: Looking north from Ennor Castle (HIA, August 2018)

- 4.7 The site visible in this view is the triangle of land in the middle distance behind the hedge, which itself is behind the solar panels.
- 4.8 The western part of the site forms part of the open vistas to the north from the castle – an important element of its setting. However, the image shows clearly how the settlement of Old Town is a visible and historic part of the castle's northern setting.
- 4.9 In considering the sensitivity of the setting of the castle to the north, a replication of the plan in Figure 1 is perhaps helpful:



- 4.10 When considering the position of the converted barn to the north of the castle and the edge of the Old Town Inn, the most sensitive part of the site – in the context of the setting of the castle – is the western part. It is this part for which development could cause a possible minor adverse visual impact.
- 4.11 Development on the majority of the central and eastern part of the site would have a negligible impact on the ability to appreciate the setting and significance of the Castle.
- 4.12 Therefore, it is proposed that development is located to the central and eastern side of the site, ensuring that the western part, which forms part of that open vista, remains unencumbered.
- 4.13 Proposed development will instead be seen in the context of the existing urban edge of the village, located behind

the existing converted barn and the rear of the Old Town Inn.

- 4.14 Development on the majority of the central and eastern part of the site would have a negligible impact on the ability to appreciate the setting and significance of the Castle. It would sit comfortably and contextually amongst the existing buildings in Old Town.
- 4.15 With regard to the conservation area, the site layout ensures that development will form a natural extension to the existing urban evolution of the village – lying within the existing urban envelope of the settlement, with development already lining the eastern side of Old Town Lane. The density and variety of new homes reflects the natural evolution of the village.
- 4.16 By keeping vehicles separate from new development it will ensure a more traditional, and less 'suburban' character can be established for the site.
- 4.17 The development will all lie within the historic hedge boundaries as identified in the 1865 Ordnance Survey Map and will therefore not further dilute the historic boundary patterns. Existing established boundary banks and trees will be retained as well as the existing trackway on the south side of the site.

Design Code

- 4.18 The Design Code, which forms part of this application and will therefore guide and inform any future development of the site, provides comprehensive guidance that will ensure any future development is contextual, sympathetic and appropriate within the context of Old Town and the Isles of Scilly Conservation Area.
- 4.19 This includes recognition of the need for appropriate materials and detailing, as well as form. In particular the guide identifies a palette of building materials that reflect those that are traditional to Cornwall and the Isles of Scilly. This includes stone, roughcast render, painted render, weatherboard and slate hanging.
- 4.20 As well as respecting existing historic boundaries, the Design Code provides guidance on any new boundary

treatment to, again, ensure that it is sympathetic to the character of the area and the wider conservation area and the Code will ensure that the style and fabric of the new homes is informed by historic and local precedent.

- 4.21 The Code also ensures the highest environmental standards should be incorporated in a comprehensive and not 'add-on' fashion, to ensure that sustainability forms an integral part of the development.

Other relevant heritage considerations

- 4.22 The site lies outside the boundary of the identified Archaeological Constraint Area and the Geophysical Survey has confirmed that there no evidence was found of significant archaeological remains on the site.
- 4.23 Proposed development on the site should not have any impact on this designated area.

Conclusion

- 4.24 The proposals have been carefully considered to ensure that not only do they respect the setting of the scheduled monument, Ennor Castle, by siting any proposed development to the eastern side of the site, but also provide a layout and Design Code that will ensure proposals are sympathetic and contextual within the context of Old Town and the conservation area.
- 4.25 The development will provide an appropriate western boundary to Old Town opposite existing buildings, including the former Wesleyan Chapel as well as those other buildings within the village that make a positive contribution to the historic character of the area.
- 4.26 The proposals will not have a detrimental impact on any other non-designated heritage assets.

5 Compliance with policy and guidance

- 5.1 This report has provided a description and analysis of the significance of the site and its heritage context, as required by Paragraph 189 of the National Planning Policy Framework. In addition, the report also describes how the proposed scheme will affect that heritage significance. The proposals will preserve the significance, and for that reason, the scheme complies with policy and guidance.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 5.2 The conclusion of the assessment, contained in previous sections in this report, is that the proposed scheme preserves the character and appearance of the Conservation Area and thus complies with S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The National Planning Policy Framework

- 5.3 The NPPF identifies two levels of potential 'harm' that might be caused to a heritage asset by a development: 'substantial harm...or total loss of significance' or 'less than substantial'. Both levels of harm must be caused to a *designated* heritage asset – in this case, the scheduled ancient monument (Ennor Castle) and the conservation area.
- 5.4 In respect of Paragraph 192 of the NPPF, the proposed scheme can be described as contributing towards creating '...sustainable communities including their economic vitality...' and, particularly with the inclusion of the comprehensive Design Code 'making a positive contribution to local character and distinctiveness'. It is clear that the provision of new homes is vital to the sustainable future of the Islands and their resident communities.
- 5.5 The proposed scheme complies with Paragraph 195 of the NPPF - it certainly does not lead to 'substantial harm to or total loss of significance of a designated heritage asset'. It

also complies with Paragraph 196 for the reasons given in detail earlier in this report – the scheme cannot be considered to harm the setting of Ennor Castle or the conservation area. The potential to do this has been avoided by ensuring the proposed development is located to the eastern side of the site where it is seen within the context of the existing village, leaving views to the north west open and unencumbered.

- 5.6 Even if others were to believe that some small element of less-than-substantial harm was caused by the proposals, this will need to be weighed against the public benefits of the proposal.
- 5.7 With regard to paragraph 197 it is not believed that the proposals will have any detrimental effect on any non-designated heritage assets – in this case the former Wesleyan Chapel and other buildings in the village that make a positive contribution to its historic character and appearance.
- 5.8 The Design Code will ensure that the development not only preserves the setting of the surrounding heritage assets but will also 'enhance' their significance through ensuring that the new design makes a positive contribution to the character and appearance of the village.
- 5.9 It should ensure 'innovative designs which help raise the standard of design more generally in the area' that is sought by Paragraph 63 of the NPPF, and it certainly 'promote[s]' and 'reinforce[s] local distinctiveness'.

Isle of Scilly Council Local Plan

- 5.10 In respect of the Isles of Scilly Local Plan, this, and other documents that form this application, demonstrate that the proposals 'respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment' through consideration of the site layout and provision of the Design Code. The proposals will 'preserve nationally important archaeological remains and their setting; preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or

historic interest of all listed buildings, including their features and settings'.

6 Conclusions

- 6.1 This report has identified the key heritage assets that could be affected by these proposals; considered their significance and the potential impact of the proposals on that significance.
- 6.2 The setting of Ennor Castle, by its prominent nature, is wide and in some directions far-reaching and contributes to its significance. This is especially the case in views to the west and north-west.
- 6.3 The proposals site is located to the north, where the setting of the castle starts to morph from one of open agricultural land and long views to the more semi-rural character of Old Town – the settlement that grew up around the castle and old quay.
- 6.4 The character and appearance of the conservation area, and historic landscape character in this location relates to the shrunken medieval settlement of Old Town and its connection to the agricultural hinterlands. Ennor Castle and its setting is a key contributor to this character.
- 6.5 The already established Archaeological Constraint Area has a clearly defined boundary to the south of the site and the Geophysical Survey has confirmed that it is unlikely that there is any significant buried archaeology on the site.
- 6.6 The application has been carefully considered to ensure that development is positioned to recognise and respect the setting of Ennor Castle – particularly the more open views to the north west.
- 6.7 The proposed layout ensures that the existing historic boundaries, banks and trackway are retained to ensure that the development sits comfortably within the village setting and the Design Code will ensure that any future buildings are appropriate in terms of local distinctiveness and character.
- 6.8 Therefore, it is believed that the proposals preserve the character and appearance of the conservation area and the setting of the nearby scheduled ancient monument as well as the setting of nearby non-designated heritage

assets. They will also bring considerable public benefit to the Islands through the provision of much-needed housing for the local community.

- 6.9 In doing this the proposals comply with national and local legislation, policy and guidance in relation to the historic built environment.

Appendix A – Policy Context

Any proposals for the site must have regard for national and local policy and guidance relevant to the consideration of change in the historic built environment.

The Planning (Listed Buildings and Conservation Areas) Act 1990

The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to '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' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.

The legislation governing Scheduled Ancient Monuments is the Ancient Monuments and Archaeological Areas Act 1979.

The National Planning Policy Framework

The revised version of the National Planning Policy Framework (NPPF) was published in February 2019.

Chapter 12 of the National Planning Policy Framework deals with design: Achieving well-designed places. It begins:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process' (paragraph 124).

Paragraph 127 advises that 'planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 16 of the National Planning Policy Framework: 'Conserving and enhancing the historic environment' deals with Heritage Assets describing them as 'an irreplaceable resource' that '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'.²

Proposals affecting heritage assets

Paragraph 189 brings the NPPF in line with statute and case law on listed buildings and conservation areas. It says that:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

² The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

In terms of the local authority, paragraph 190 requires that they 'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Further, 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (paragraph 191).

Paragraph 192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

Paragraph 193 advises local planning authorities 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.

Paragraph 194 continues, '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 exceptional.’³

In terms of proposed development that will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 195 states that ‘local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total 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’.

It continues ‘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’ (paragraph 196).

In taking into account the effect of an application on the significance of a non-designated heritage asset the local authority should employ a ‘a balanced judgement’ in regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

The NPPF introduces the requirement that ‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 198).

³ Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Where a heritage asset is to be lost, the developer will be required 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' (paragraph 199).⁴

In terms of enhancing the setting of heritage assets the NPPF states that 'local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. (paragraph 200).

It goes on however that 'Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole' (paragraph 201).

Finally, paragraph 202 requires that the onus will be on local planning authorities to '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'.

Local Policy: Council of the Isles of Scilly Local Plan

The Council of the Isles of Scilly Local Plan was adopted in November 2005.

Policy 1: Environmental Protection states *"to ensure that all relevant future development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment, they will be permitted only where they...preserve nationally important archaeological remains and*

⁴ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

their setting; preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings..."

The Isles of Scilly Design Guidance was published in 2006 as a Supplementary Planning Document (SPD) and provides further guidance on appropriate design on the islands.

