



1. Background

Berwick-upon-Tweed Civic Society is a Registered Charity, a key aim of which is protecting, restoring and enhancing the listed buildings and conservation areas in Berwick, Tweedmouth and Spittal. This Guide is intended to provide a practical overview of the planning system from the perspective of local volunteers who regularly review planning applications for listed and non-listed buildings in our three conservation areas. It explains the benefits of employing a heritage professional and how the additional cost can potentially save time and money. It also summarises the planning process and outlines the main laws and guidance that the local planning authority is likely to take into account when assessing planning applications. It is not intended as a substitute for the excellent and comprehensive information available on Northumberland County Council's website which is an essential starting point for any planning application.

<https://www.northumberland.gov.uk/Planning/Applying-for-planning-permission.aspx>



2. Professional help

The Civic Society reviews most planning applications submitted in Berwick's three conservation areas, rather too many of which are of poor quality and fail to build a good case for the application. Applicants and advisers who are not from a town planning or heritage buildings background may not be aware that



planning applications are very different from technical submissions such as those for Building Regulations or highways consents, for example. A planning application must describe and explain the proposal, supported by plans. The aim is to provide sufficient detail so that non-specialists (neighbours, the public, members of the planning committee) can understand what is intended. The application does not usually need detailed technical specifications. An application should contain reasoned explanations, setting out its likely impacts, any measures to mitigate those impacts if they are harmful, and why it should be approved. Other supporting information is required, including a Heritage Statement and a Design & Access Statement. Many applications will require the completion of the Ecology Checklist.

Should I employ an architect, surveyor or planning consultant to make the application?

A professional acting on behalf of the applicant would carry out preparatory work, for example:

- Technical research including designs suitable for the era of the building
- Getting initial quotations from experienced contractors
- Helping the applicant to liaise calmly and politely with neighbours and other potential objectors
- Finding relevant approved planning applications that support the proposal.

George Bernard Shaw wrote in *The Doctor's Dilemma* that "all professions are conspiracies against the laity." But they can be benevolent conspiracies: for some things, you need expert help. Most people wouldn't attempt to rewire their own houses, nor would they ask a plasterer to do the work.

Quality and success rate

We find that applications relating to listed buildings and buildings in conservation areas tend to be of higher quality when they are prepared by a professionally qualified architect or Chartered Surveyor experienced in heritage buildings. They have a much better chance of success, not least because experienced professionals know the difference between a runner with decent odds, an also ran and a dead horse. Some proposals have no realistic chance of success. Chartered planning consultants can also have impressive heritage experience but we are not aware of any within a reasonable distance of Berwick.

Heritage work is a specialised area and a minority of qualified professionals have the required experience and accreditation. Their fee levels will be rather higher than someone less qualified but, as in much else, it tends to be the case that you get what you pay for. Most professionals are usually willing to give brief initial advice about a proposal's chances of approval and whether changing it might improve your chances of success.

For more information see Appendix A of our associated Doors and Windows Guide in which we give details of some professionals who have experience in this type of work (the list is not exhaustive). Neither Berwick-upon-Tweed Civic Society nor its officers have any commercial relationship with the firms listed. The guide too is available in pdf format on the Guidance Notes Page of our website.



<https://berwickcivicsociety.org.uk>

Making a planning application

Local planning authorities are usually the planning departments of the local district or borough council. They perform a statutory function that is intended to be independent of the council's other activities. Northumberland County Council's website provides guidance on what is needed for different types of planning application.

<https://www.northumberland.gov.uk/Planning/Applying-for-planning-permission.aspx>

A step-by-step guide leads the applicant through deciding which type of consent is required, the correct application fee and which documents to include. It is still possible to submit applications on paper using the guidance provided but this is increasingly uncommon.

The Planning Portal

Most planning applications are submitted online via the Planning Portal, a centralised system set up on behalf of the Department for Levelling Up Housing & Communities. A link is provided on the Council's website as part of the process.

The Planning Portal prompts the applicant to provide sufficient information to allow the planning case officer, consultees and any other interested party to understand the proposal and its likely impacts. There is clear guidance on which information is needed for each type of application. English planning laws are comprehensive and can require specialist studies relating to, for example: environmental impacts such as pollution and the effects on plants, trees and wildlife including bats, owls and birds; parking, traffic, noise, vibration, fumes, archaeology and many other considerations. Most of the applications in our three conservation areas are for smaller alterations projects which require few additional studies, often none at all.

Applications in a conservation area and for changes to a listed building must also be accompanied by a design and access statement and a heritage statement. These are often combined. Normally an ecology checklist also has to be completed. Many of the statements that the Civic Society reviews are weak, failing to comply with even the minimum requirements set down by the Council in online guidance. These statements should be documents that build a strong case for approval, showing a good understanding of the building and how the proposal has been developed. There should be a careful analysis of the heritage significance of the building and the impacts of the proposals, including the likely potential harm to the character of the building and the conservation area. The heritage statement should explain any benefits that would arise from the proposals and any mitigation measures adopted to offset harm.



The planning application process

Once the application has been uploaded by the applicant, it is validated by the Council and all the details are uploaded to the Public Access Planning Register that records all planning applications. The system also records comments on applications from both consultees and the general public.

<https://publicaccess.northumberland.gov.uk/online-applications/search.do?action=simple#>

Consultation

The Council will consult on the proposals, with a site notice, letters to adjoining owners, and a notice in the Berwick Advertiser. The Public Access Portal itself is also a means of consultation and the primary means of gathering the comments of the public and of consultees. The planning case officer will consult any relevant specialist teams within the Council, such as highways, public protection, ecology, archaeology and built heritage and design. This last team is particularly relevant to listed buildings and conservation areas. There are also many external consultees depending on the scale and nature of the project, site or building: examples include Berwick Town Council, The Coal Authority, Northumbria Water and Historic England. National planning regulations set out when to consult with The Georgian Group, the Victorian Society and other applicable amenity societies. All consultation responses are added to the case documents online together with subsequent correspondence.

Case officer and decision making

Each planning application is allocated to a case officer who administers its progress through the system. The officer will usually carry out a site visit, and will evaluate the application, assessing it against planning laws and relevant guidance including but not limited to:

- The National Planning Policy Framework (NPPF)
- Relevant Planning Practice Guidance (PPG)
- The Historic Environment PPG is particularly relevant
- Permitted development rights and Article 4 directives
- Policies in the Northumberland Local plan, the statutory development plan for the area
- The detailed character assessment for the conservation area
- The emerging Neighbourhood Plan
- The emerging Conservation Area Management Plan

See **Appendix A** for further explanation. The list covers the main documents but it is not comprehensive.

The case officer will consider advice and comments received from consultees but is not obliged to act on it. The officer must also consider wider policies that might override some concerns and advice, such as



housing need or climate change. The case officer writes a summary report recommending approval, which may be subject to conditions, or refusal. The report is published on the Public Access Planning Register website. On smaller, or less contentious proposals, the case officer may have delegated authority to make the decision. To confirm that an appropriate level of scrutiny has been provided and any recommended decision must be countersigned by a senior officer.

In other cases, councillors will decide, usually at the North Northumberland Local Planning Committee. This is a quasi-judicial hearing and arguments for and against planning proposals are often far from clear cut. The case officer presents the report on the proposal and the applicant or a representative may speak briefly in support of the proposal, as may others. Objectors may also speak briefly. Those wishing to speak must register their intention with the committee clerk in advance and provide their comments in writing.

Planning appeals

In some cases, applicants may feel that a decision is incorrect. In certain specific circumstances they may appeal to the Planning Inspectorate, an executive agency of the Department for Levelling Up, Housing and Communities based in Bristol. Appeals are subject to initial review and may not be accepted. If they are accepted, our experience is that the Inspectorate has a heavy caseload and it normally take many months for the appointed Planning Inspector to reach a decision.

Berwick-upon-Tweed Civic Society

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Appendix A - Key planning legislation and guidance on the historic environment

National Planning Policy Framework

The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of a planning application. It was published in March 2012 and revised in 2018, 2019 and 2021. It sets out the government's planning policies for England and how these are expected to be applied. Section 16 deals with conserving and enhancing the historic environment. Paragraph 197 states that local planning authorities should take into account a number of criteria, in particular, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 199-202 introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the public benefits of the development.

Planning Practice Guidance

The Government provides revised and updated planning practice guidance online, a large collection of specialist guides covering a wide range of topics. This guidance has developed over decades and is essential to support the policies set out in the NPPF. Various PPGs might be relevant to individual applications. For listed buildings and conservation areas the key guide relates to the Historic environment.

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

Listed Buildings

Before the Town and Country Planning Act 1947 most heritage buildings in the UK had no legal protection to prevent unsuitable alterations or demolition. More than 90% of Listed Buildings are Grade II, the lowest category. Applications are reviewed by the Local Planning Authority building conservation team. Historic England normally only becomes involved with Grade II* and Grade I buildings. Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. All alterations to Listed Buildings require listed building consent; if they are also in a conservation area, planning consent is also required. Listed buildings have few permitted development rights so external change will often require both listed building consent and planning permission.



Conservation areas

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to formulate and publish proposals for the preservation or enhancement of any parts of their area which are conservation areas. Conservation area designation essentially controls the demolition of unlisted buildings and works to trees, restricts some permitted development rights on dwelling houses and tightens regulations on advertising. It also places a statutory duty on local planning authorities to preserve or enhance Conservation Areas while undertaking their planning duties.

The Northumberland Local Plan

The Northumberland Local Plan, adopted March 2022, is a material planning consideration in the assessment of a planning application.

- Policy ENV 1 pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.
- Policy ENV 7 states that development proposals will be assessed, and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Consistent with the National Planning Policy Framework, parts 4 and 5 outline the degrees of harm as explained above.
- Policy ENV 9 relates to conservation areas. It contains a requirement to ensure that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance. It also states that development that would lead to substantial harm (or total loss of significance) will not be supported. Other requirements are set out.
- Strategic design principles relating to wider development proposals can be found in Policy QOP1. These include the requirement for development to make a positive contribution to local character and distinctiveness, for its built form to integrate with the site overall in regard to form, scale and massing and distinctive local architectural features, and to respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting.

Berwick conservation area, permitted development and Article 4 directions

The following paragraphs relate to doors windows and porches in the Berwick Conservation Area. The restrictions referred to do not currently apply to the Tweedmouth and Spittal conservation areas.

The concept of allowing certain types of development (largely minor alterations and changes of use) was adopted to avoid the difficulties of enacting primary legislation to take account of changes in land use and economics. If it is agreed that a particular type of development is generally acceptable, a statutory



instrument can be used to confirm that it is permitted without the need for planning approval. This avoids burdening the planning system with a lot of small cases.

In most neighbourhoods, the Town and Country Planning (General Permitted Development) Order 2015, as amended, permits a limited number of development activities to be carried out without planning consent except in the case of listed buildings. In 1991 Berwick Borough Council obtained the approval of the Secretary of State under article 4 of the then applicable General Development Order 1988 to exclude one category of permitted development within the Berwick Conservation Area.

“Alteration, improvement or replacement of any existing window, door or other opening in any elevation of the building, or the creation of a new window, door or other opening in any elevation; or the erection or construction of a porch outside any external door of a dwellinghouse;”

This exclusion was envisaged in the legislation to safeguard historic character. Formal planning consent is required for each of the listed activities; it is sometimes refused to protect and preserve historic joinery and window glass but this more usually occurs in relation to listed buildings. Provided that proposed doors, windows and porches are in keeping with the building and the conservation area, they are usually permitted. Indeed, if pre-application advice is taken for listed buildings and the officer is satisfied that a like-for-like replacement is intended, a formal planning application may not be necessary. Discreet double glazing may also be permissible.

The effect of not having this additional level of protection is evident in Tweedmouth and Spittal where the Council did not apply for a direction under Article 4. In those two conservation areas traditional timber doors and windows have been extensively replaced by often clumsy PVC-u designs that have harmed the character of the buildings and the conservation areas.

As the successor to Berwick Borough Council, Northumberland County Council is bound by these regulations and is obliged to have due regard to them when dealing with planning applications.