



# The Local List: Supplementary Planning Document (SPD)

Consultation Draft: Draft for Executive October 2021

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## Contents

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1.	Introduction .....	4
2.	Background .....	5
3.	What are Heritage Assets? .....	6
4.	What is a Local List? .....	7
5.	Burnley's Local List .....	8
6.	Planning Policy Context.....	8
7.	The Implications of Local Listing.....	10
8.	Local List Entry Types .....	11
9.	Selection Criteria .....	13
10.	Procedure for adding to or removing entries from the List.....	16
11.	Viewing the Local List.....	18
12.	Guidance on works to local listed buildings .....	19
13.	Further Advice and Information.....	20
	Appendix One: Glossary of Terms.....	22
	Appendix Two: Key Local Plan Policies .....	24
	Appendix Three: Nomination Form .....	27

## 1. Introduction

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- 1.1. This Supplementary Planning Document (SPD) has been prepared by Burnley Borough Council as part of its planning policy framework. It supplements Policies HE1, HE3 and HE4 of Burnley's Local Plan 2012-2032. The text of the relevant policies is set out in Appendix Two.
- 1.2. SPDs elaborate upon the policies and proposals in Local Plans but do not have their formal statutory 'Development Plan' status. They are however material considerations that can be taken into account when determining planning applications.
- 1.3. This SPD is intended to raise awareness and assist in the appropriate conservation of the many unlisted but interesting and notable elements of the borough's historic environment that are valued at a local level for their heritage interest.
- 1.4. It is intended to be a resource for Council Members and officers, owners, developers and any organisations or infrastructure providers whose work may affect them; and for any person or organisation interested in the heritage of the borough.
- 1.5. The SPD was adopted by the Council on *(to be added following consultation and consideration of the responses by Executive)*.



**Fig 1: Weaves Cottages Sparrable Row      Padiham Police Station      Dr Muirs Memorial Drinking Fountain**

- 1.6. The document is principally concerned with the process of identifying and selecting entries for inclusion in the Local List, and the procedure for reviewing the current Local List. It sets out the types of entries that may be identified, the criteria for inclusion and explains how the degree of heritage significance is judged.
- 1.7. The SPD also provides guidance to owners and occupiers of entries on the Local List. It explains why the Local List has been created, the new criteria for inclusion, and the effects of inclusion. Accordingly, it delivers a consistent and accountable way of identifying entries on the Local List to the benefit of good planning for the area and to the benefit of owners and developers wishing to fully understand the reasoning for and implications of Local Listing.
- 1.8. This guidance will also help members of the public to nominate assets for inclusion on the Local List. A nomination form is included in Appendix Three.
- 1.9. The Local List itself is published as a separate document. It is not adopted within the SPD thus enabling it to be updated as necessary, outside of the SPD process.

- 1.10. The SPD takes account of established best practice in Local Listing, including Historic England’s Advice Note 7 on Local Heritage Listing (2nd edition January 2021)<sup>1</sup> and the criteria and general principles used in the selection of Listed Buildings as set out in the DCMS publication Principles of Selection of Listed Buildings (November 2018).<sup>2</sup>



Fig 2: Pill Box, Halifax Road

St Cuthbert’s Church Towneley Street

Milestone, Calder Head Cliviger

## 2. Background

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- 2.1. Burnley’s historic environment, including buildings and structures; monuments; archaeology; parks and gardens; designed landscapes; and sites and places, makes a major contribution to the character and local distinctiveness of the Borough. It provides a unique and irreplaceable record of Burnley’s development over time and is central to local identity, creating a sense of place and a physical link to the past. This has wide-reaching implications for the image of the borough, its economy, tourism and the health and wellbeing of its residents.
- 2.2. The borough has 306 statutory listed building entries<sup>3</sup>, 22 Scheduled Monuments and 5 Registered Historic Park and Gardens, all of which are designated and protected through national legislation and national and local policy. In addition to this, the Council has designated 10 Conservation Areas to help preserve or enhance these areas of ‘special architectural or historic interest’.
- 2.3. Although these designated assets are of vital importance and contribute significantly to the unique character of the borough, the overall quality of the historic environment is determined by more than just these. The larger in number and diverse range of unlisted buildings and structures, within and outwith conservation areas, such as memorials, sculptures, street furniture; designed landscapes such as parks or gardens; features such as historic trackways or field boundaries; and remains/sites of archaeological interest, are also an important element of the rich history of the borough and make a positive contribution to local character and sense of place. Although they do not meet the strict national criteria for designation e.g. as statutory listed buildings, their value to the community and future generations is acknowledged.
- 2.4. The Council recognises the value of these elements of the historic environment and has followed Government guidance by creating a Local List and including a policy in the Local Plan to

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<sup>1</sup> [Local Heritage Listing: Identifying and Conserving Local Heritage \(historicengland.org.uk\)](https://historicengland.org.uk)

<sup>2</sup> [Principles of selection for listed buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>3</sup> These figures represent the correct position in September 2021, however, it should be recognised that the number may be subject to change. Individual listed entries can include a number of buildings and structures; for example, one listing entry can comprise a row of terraced housing.

appropriately protect the list entries. Entries on the Local List are referred to as Heritage Assets and have the status of 'Non-Designated Heritage Assets' in planning terms.



**Fig 3: Mortuary Chapel Padiham Parish Cemetery      Queen's Park Gates      Boundary Stone Gannow Lane**

### 3. What are Heritage Assets?

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- 3.1. The Government's National Planning Policy Framework (NPPF) defines a heritage asset 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.
- 3.2. Heritage interest may be archaeological, architectural, artistic or historic.
- 3.3. The value of a heritage asset to this and future generations (because of its heritage interest) is referred to as 'significance'. Significance is one of the guiding principles running through the Historic Environment section of the Local Plan and the National Planning Policy Framework.
- 3.4. Heritage assets are divided into two types:
  - designated heritage assets; and
  - non-designated heritage assets.
- 3.5. Designated heritage assets are mostly identified nationally under the relevant legislation (listed buildings, scheduled monuments, registered historic parks and gardens and registered battlefields), but also include world heritage sites, which are designated by UNESCO, and conservation areas, which are designated by the Council under relevant legislation. Designated heritage assets, with the exception of conservation areas and World Heritage Sites, are listed in the National Heritage List for England (NHLE).<sup>4</sup> Designated heritage assets receive a greater degree of protection within the planning system than non-designated heritage assets. Works to some assets, such as listed buildings and scheduled monuments, are subject to additional consent regimes.
- 3.6. Non-designated heritage assets are locally identified buildings, monuments, sites, places, areas or landscapes that do not meet the criteria for designated heritage assets (e.g. as listed buildings) but are considered to hold sufficient heritage interest at a local level to merit consideration in planning decisions. The most appropriate (but not only) mechanism for identifying and recording them is through the production of a Local List.

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<sup>4</sup> [Search the List - Find listed buildings, monuments, battlefields and more | Historic England](#)

3.7. The NPPF states that all heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for current and future generations.



Fig 4: Butchers Barn, Worsthorne Conservation Area

Old Stocks Cliviger

## 4. What is a Local List?

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- 4.1. Local Listing is an established way for local councils and communities to jointly identify and physically record elements of the historic environment that are valued for their local heritage interest, such that they merit special consideration in the planning process as non-designated heritage assets. It is widely recognised that Local Lists also play a role in building and reinforcing a sense of place within local communities, contributing to local pride and well-being.
- 4.2. Whilst Local Lists are mostly be made up of buildings and structures, including those within the boundaries of conservation areas, they can also include other features such as monuments, sites or designed landscapes.
- 4.3. The Local List is a physical register that provides clarity on the location of each entry and its special heritage interest.
- 4.4. The purpose of the Local List is to identify non designated heritage assets so that owners, developers and any organisations or infrastructure providers whose work may affect them, are aware of their status and value; and to aid the Council in its decision making when considering planning applications to ensure that their special heritage interest is given due consideration.
- 4.5. Where the Council has not supported development schemes involving locally listed buildings, planning appeal decisions across borough in recent years have upheld the principle of protecting the special interest of buildings on the Local List as a material consideration.



Fig 5: Padiham Building Society

Leeds and Liverpool Canal Straight Mile

Fingerpost Halifax Road

## 5. Burnley's Local List

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5.1. Burnley's current Local List was compiled over 20 years ago and has over 400 entries. The Local List has not been actively maintained in recent years. The accuracy and integrity of the information and reasons for the asset's inclusion on the Local List is becoming inconsistent and unreliable in parts. In line with the NPPF and Historic England guidance, the Council intends to work towards a full review of the current Local List in accordance with the procedures set out in this SPD.



Fig 6: Hurstwood Baptist Church, Hurstwood Conservation Area Former Reading Rooms Halifax Road

## 6. Planning Policy Context

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- 6.1. Protection through Local Listing relies on the planning system. It is therefore very important that the planning context is understood.
- 6.2. National planning policy exists in the form of the National Planning Policy Framework (NPPF)<sup>5</sup> and a small number of other policy documents and written ministerial statements, supported by an online practice guidance covering a series of themes (NPPG). It also exists in the provisions of relevant legislation. Local Plans are prepared to be consistent with national policy. Current local policies can be found in Burnley's Local Plan which was adopted on 31st July 2018 [Burnley's Local Plan Adopted Version - Final.pdf](#)
- 6.3. Local Listing is supported and encouraged by government guidance, Historic England best practice and the Local Plan.

### National Good Practice Advice

- 6.4. National good practice advice issued by Historic England in its Advice Note 7 Local Heritage Listing (2nd edition January 2021) promotes the important role of Local Lists in providing a consistent and accountable way of identifying elements of the historic environment which enrich and enliven their local area. The advice note promotes the importance of Local Lists in raising the profile of local heritage, including celebrating heritage that is valued by the community, by providing an opportunity for communities to have their views on local heritage heard. This includes consulting communities on the selection criteria to be used to judge the suitability of

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<sup>5</sup> [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](#)

candidates for inclusion on the Local List, along with a role in nomination. The advice note also advocates the proper recording and public access to Local Lists.

### National Policy and Guidance

- 6.5. At a national level, the NPPF at paragraph 189 advises that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Emphasis is placed on sustaining and enhancing the significance of heritage assets and recognising that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.
- 6.6. The NPPF defines heritage assets as including those identified by the Council, for example through Local Listing. Entries on the Local List are recognised in local and national planning policy as Non-Designated Heritage Assets (as set out in Section 3). The NPPF advises that the effect of development proposals on the significance (special interest) of all heritage assets should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 6.7. The National Planning Practice Guidance (NPPG) gives further guidance on non-designated heritage assets (paragraphs: 039-041). In particular, it advocates the production of Local Lists and underlines the need for the selection of Local List entries to be based on sound evidence and up-to-date information and for lists to be accessible to the public in order to provide greater clarity and certainty for developers and decision-makers.

### Local Policy

- 6.8. Burnley’s Local Plan gives significant weight to the preservation and enhancement of non-designated heritage assets in planning decision making. Local Plan Policy HE1 sets out the Council’s guiding principles on the historic environment. Policy HE1(2) sets out the key elements that contribute to the borough’s distinct identity that will be a key priority to protect, enhance and promote. Policy HE1(3)(d) commits the Council to maintaining a Local List as a principal means of identifying the borough’s non-designated heritage assets.
- 6.9. Local Plan Policy HE3 is also relevant when considering planning applications that impact upon the significance of non-designated heritage assets, including entries on the Local List. The policy sets a presumption in favour of the retention of entries on the Local List. It requires proposals affecting them to relate appropriately and sensitively to them, and developments affecting their setting to give due consideration to their heritage significance and ensure that it is protected or enhanced where possible.



Fig 7: Well Steet Padiham      Winding House to Railway Pit Cliviger      S hakespeare Terrace Padiham

## Planning Reform

- 6.10. This SPD does not take account of the proposals for the reform of the current system of plan-making system set out in the White Paper 'Planning for the Future' issued for consultation in August 2020 and subsequently indicated in the Queen's speech of May 2021 to be included in a forthcoming planning bill.

## 7. The Implications of Local Listing

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### Requirement for Planning Permission

- 7.1. Inclusion of a heritage asset on the Local List introduces no additional planning controls. It does not automatically affect permitted development rights, i.e. the rights to make certain changes to a building without the need to apply for planning permission.
- 7.2. Where a heritage asset on the Local List is within a conservation area or subject to an Article 4 Direction<sup>6</sup>, there are some additional planning controls already in place.
- 7.3. The Council will monitor the effect of the Local List and, if necessary, consider the introduction of Article 4 Directions to remove certain permitted development rights that would otherwise allow alterations to be made to the heritage asset, or its demolition, without the need for planning permission.
- 7.4. When submitting a planning application that would affect, or have the potential to affect, a building or structure on the Local List, a written Heritage Statement will be required. The statement should describe the heritage interest, both as a whole and the specific parts, and any particular features of interest affected by the proposal. The level of detail should be sufficient to understand the potential impact of the proposal on the significance of the asset.

### Policy Implications

- 7.5. Including a heritage asset on the Local List changes the level of consideration given by the Council to preserving the special heritage interest (significance) when planning permission is required and planning proposals are assessed.
- 7.6. Entries on the Local List are recognised in local and national planning policy as Heritage Assets and categorised as Non-Designated (see Section 3). The fact that an asset is on the Local List means that its conservation is an objective of the NPPF (see Section 6).
- 7.7. Applications are determined in accordance with the Local Plan unless material considerations indicate otherwise. Burnley's Local Plan gives significant weight to the preservation and enhancement of non-designated heritage assets in planning decision making.
- 7.8. Where planning permission is required, the special heritage interest (significance) of the local list entry will be a 'material consideration' in determining the planning application. This means that

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<sup>6</sup> An article 4 direction is made by the local planning authority and restricts the scope of permitted development rights either in relation to a particular area or site, or a particular type of development anywhere in the authority's area. Where an article 4 direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 directions may be used to require planning permission for the demolition of a non-designated heritage asset (such as a locally listed building outside a conservation area), by removing demolition rights.

account will be taken of the impact of the proposal on the special interest of the asset including its setting when making a decision on development proposals. For those assets located within conservation areas, other heritage related planning policies are also relevant.

7.9. The Council is committed to protecting, enhancing and promoting the distinct identity of the borough and in doing so will work with owners and developers to encourage the retention, good maintenance and continued use of heritage assets on the Local List wherever possible.

### Implications for Building Control

7.10. Buildings on the Local List are given special consideration in relation to Approved Documents L1B and L2B of the Building Regulations This effectively means that heritage interest can be taken into account when considering the requirements under the building regulations in relation to the conservation of fuel and power in existing homes and other buildings to ensure that the significance of the heritage asset is better safeguarded.



Fig 8: Hill Farmhouse Halifax Road

The Square Worsthorne

Milestone Bacup Road Cliviger

## 8. Local List Entry Types

8.1. As set out above, whilst Local Lists are mostly made up of buildings, they also encompass a wide variety of other structures and features of the historic environment that give local areas their distinctive character including monuments, sites and landscapes. The following table sets out a wide range of types which most Local List entries will fall within. It is recognised that the Local List is not exclusive and some types can be cross-cutting:

Local List Entry Type	Examples
<b>Agriculture</b>	Traditional farm buildings, including well-preserved barns, dairies, stables, piggeries, dovecotes, cart sheds etc.
<b>Public Art and Commemorative</b>	Monuments that show a high level of craftsmanship or artistry, especially if associated with a known artist or local manufacturer. This asset type includes public art and sculpture, grave markers, civic monuments, commemorative plaques, war memorials.
<b>Commercial</b>	Banks and offices, shops and shopfronts, public houses, inns and hotels.
<b>Cultural and Entertainment</b>	Libraries and reading rooms, museums, assembly rooms and music venues, theatres and cinemas, dance halls, village halls and institutes.

<b>Residential</b>	Well-preserved examples of vernacular and more contemporary dwellings and ancillary buildings.
<b>Places of Worship or religious sites</b>	Places of worship of all different denominations and faiths including other buildings that have been reused as faith buildings.
<b>Law and Civic, (including Education and Health)</b>	Town halls and government buildings, law courts, police stations and prisons, fire stations, reading rooms, political clubs and institutions, hospitals, schools and technical colleges.
<b>Trade and Industry</b>	Assets relating to textiles manufacturing; engineering and machine-making, coal mining and quarrying amongst others.
<b>Utilities and Communication</b>	Power generation or distribution sites; waterworks, pumping stations, water towers and reservoirs; post boxes, telephone boxes and telegraph exchanges
<b>Leisure, Sports and Recreation</b>	Indoor and outdoor sporting venues, including swimming baths, pavilions, and sports grounds.
<b>Public Realm and Street Furniture</b>	Street surfaces, lampposts, boundary markers, street nameplates, signposts, drinking fountains, street furniture, railings.
<b>Transport</b>	Canal and rail infrastructure, bridges, bus and tram depots and sheds, historic trackways and way markers.
<b>Historic designed landscapes</b>	Public gardens and parks, cemeteries, recreation grounds, public squares, woodland, deer parks, private gardens.
<b>Archaeological sites and monuments</b>	Buried archaeological remains and upstanding remains or earthworks.



**Fig 9: New Town Mill Burnley    Former C17 Smithy Guy Street Padiham    School Masters House Worsthorne**

## 9. Selection Criteria

- 9.1. It is important that the inclusion of assets within the Local List is consistent and based on sound evidence. For inclusion, an asset must demonstrate heritage significance with regard to the criteria as set out below.
- 9.2. The criteria are based on the best practice advice within Historic England’s Local Heritage Listing: Historic England Advice Note 7 (2nd edition January 2021) and the criteria and general principles used in the selection of Listed Buildings as set out in the DCMS publication Principles of Selection of Listed Buildings (November 2018). This approach ensures that inclusion on the Local List is consistent with similar surveys at both a local and national level and will help to ensure that Local Listing is transparent, robust and will stand up to scrutiny, for example at planning appeals.
- 9.3. Heritage Assets must be of architectural, artistic, historic or archaeological interest. This is referred to in this SPD as the Principal Selection Criteria and a single entry can meet one of more of these criteria. They should also meet one or more of the Secondary Selection Criteria which include authenticity (age, rarity or intactness), social and community interest, group value and townscape/landscape interest.
- 9.4. The criteria are to be used as both as a guide for those making a nomination and to inform the selection process. They are intended to set an appropriate standard which can be consistently applied to the assessment of candidates for local listing and to be sufficiently broad in the range of heritage values captured. At the same time, the criteria should ensure the standard is not too low so as to risk including assets of more limited quality which might devalue the status of the Local List.

### Principal Selection Criteria

Criteria	Description
<b>Architectural or Artistic Interest</b>	<p>Architectural interest is an interest in the art or science of the design, construction, materials, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other creative skills such as sculpture and decoration. This criteria includes:</p> <ul style="list-style-type: none"> <li>• Well preserved examples of particular local building styles/traditions, techniques and materials that are part of the local architectural style (local vernacular) and/or which illustrates local or regional architectural history or design.</li> <li>• Good examples of a distinctive architectural style or fashion; or that demonstrates high quality design, including form, proportions, materials, attention to detail and articulation. These assets should be well preserved or affected only by minor reversible alterations.</li> <li>• Works of a notable local or national architect, designer or artist.</li> <li>• Assets with a high degree of creative skill/craftsmanship in their construction and/or detailing for example stone carving, joinery, metalwork, stained glass. Decorative elements such as finials, roof bosses, door surrounds or signage, may also hold a degree of artistic interest.</li> </ul>

	<ul style="list-style-type: none"> <li>• This criteria also covers assets that are important local examples of technological innovation or engineering.</li> </ul> <p><b>Assets nominated under this category for their architectural or artistic interest must meet the secondary criteria for Authenticity (Age, Rarity, Intactness).</b></p>
<b>Historic Interest</b>	<p>Historic interest is an interest in past lives and events and includes assets that exhibit evidence of an association with an important/valued aspect of local or national history, notable people/families, groups or events, or relate to a key period of building development. This criteria includes:</p> <ul style="list-style-type: none"> <li>• Assets that have well-authenticated historical associations with an individual; company; organisation; groups/movement; or event of local or national importance. For example a birthplace of a notable figure, the meeting place of a notable group or the site of a significant event.</li> <li>• Assets that have an important association with key periods of economic development such as agricultural, industrial, commercial, communications or transport.</li> </ul>
<b>Archaeological Interest</b>	<p>There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point. Assets can take the form of structural remains, earthwork monuments, archaeological features or deposits. These may date from very early prehistory through to relatively recent sites, for example the remains of structures associated with World War Two.</p>

### Secondary Selection Criteria

Criteria	Description
<b>Authenticity (Age, Rarity, Intactness)</b>	<p>The older a heritage asset is, and the fewer surviving example of its type, the more likely it is to have heritage significance. Generally, assets will be a good example of their type and survive in or closely to their original form as follows:</p> <ul style="list-style-type: none"> <li>• <b>Pre 1845:</b> Assets that retain a significant proportion of their original fabric, and where the style, form and construction are easily identifiable. Early origins, if not now clearly expressed in the character of the building, would not in themselves justify inclusion. Superficial alterations which may be reversed in the future will not preclude inclusion.</li> <li>• <b>1845 to 1945:</b> Assets that are substantially unaltered and retain the majority of their original features, fabric and plan form, having a quality and character that distinguish them from other buildings/structures of the same period locally. Superficial alterations which may be reversed in the future will not preclude inclusion.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Post 1945:</b> Assets that are outstanding examples of important architectural styles of their period and unaffected by inappropriate alterations and extensions.</li> </ul> <p><b>Assets nominated for their architectural or artistic interest must meet this secondary criteria.</b></p>
<b>Social and Communal Interest</b>	Social and communal interest is closely related to historic interest and comprises assets that represent key social or cultural roles in the historical development of the area including associations with activities, events, or traditions that give an area and/or community a sense of local identity or that contributes to the “collective memory” of the area.
<b>Group Value</b>	In addition to the individual qualities of an asset, they may also have special interest through their visual, design or historic functional relationship with other buildings, structures and spaces. Examples include farm groupings, mill complexes, residential terraces or retail parades.
<b>Townscape/Landscape Interest including Landmarks</b>	<p>This criteria includes:</p> <ul style="list-style-type: none"> <li>• Assets or groups of assets which, due to their form, scale, location or appearance, stand out positively in the townscape; landscape; roofscape; or key views.</li> <li>• Designed landscapes that make a positive visual contribution to the local distinctiveness of an area, for example public squares, cemeteries, parks and gardens.</li> <li>• Assets that make a valued contribution to a distinctive streetscene including boundary treatments (e.g. walls, fences and railings); street surfaces (e.g. cobbles, flags and setts); and street furniture (e.g. signposts, streetlights, benches, post boxes and telephone boxes).</li> </ul>

9.5. It is important to ensure that the inclusion of an asset in the Local List is based on robust evidence demonstrating the heritage values that contribute to its significance. Evidence includes historic mapping; documentary sources such as local history books, archived newspaper articles, historic building plans and images where they exist; and site survey. The information gathered on each asset, including photographs from public vantage points, will provide key baseline data on location and significance and will be used to support the case for inclusion on the Local List.



Fig 10: Green Church Hapton Road



Central Buildings Padiham



Drinking Fountain Worsthorne

## 10. Procedure for adding to or removing entries from the List

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- 10.1. Local Listing requires thorough research and robust assessment to ensure that potential candidates have sufficient heritage significance to be considered as being material considerations in a planning context.

### Identification

- 10.2. The Local List is a dynamic document and assets are likely to be identified in the following ways:

**Nomination:** Members of the public are encouraged to nominate assets that they consider meet the criteria for inclusion on the Local List by using the nomination form on the Council's website and included in Appendix Three of this SPD. A completed nomination form will include as a minimum:

- Street address including postcode and/or a site location plan;
- Written description of significance identifying which of the Local List criteria are met; and
- Clear digital photographs taken from public viewpoints giving an overall impression of the asset; the original design intention; any important decorative or structural features; and any dates or inscriptions that contribute to an understanding of the significance of the heritage asset.

**Local Character Appraisals:** The most common type of appraisal undertaken by the Council are Conservation Area Appraisals. During the course of these appraisals, individual assets that meet the selection criteria will be taken through the assessment process.

**Historic Environment Record (HER):** The HER is held and updated by Lancashire County Council. It identifies both designated and non-designated heritage assets. Those non-designated heritage assets that meet the selection criteria will be considered for inclusion on the Local List.

**Development Control Process:** During the determination of planning applications, it may emerge that the proposal relates to a building or structure that meets the selection criteria and will be considered for inclusion on the Local List.

### Local Listing Procedure

- 10.3. The process of Local Listing identifies, assesses and describes a heritage asset against the criteria. The objective is to do so in a robust and consistent manner across the whole borough, distinguishing only those assets which are of the greatest merit or local interest.
- 10.4. Once identified, assessed, and described, the heritage asset is recommended for Local Listing by a Selection Panel. The final decision is taken by Burnley Council.
- 10.5. The procedure will be overseen by the Council's Policy and Environment Team. It is envisaged that there will be the future opportunity for volunteer assessors for example Parish Councils, local heritage societies and interested individuals to be trained and supervised by the Team. This will allow for a greater level of community eng. Proposed additions to the Local List will be processed in periodic batches and will include the following stages:

**Stage One: Initial Assessment** – A preliminary evaluation of the information submitted, to see if the asset is likely to meet the selection criteria sufficiently to warrant further investigation. If an asset is

not considered to meet the selection criteria, re-assessment will only take place if further information about the asset has come to light that reveals more about its heritage significance.

**Stage Two: Further Investigation** - Further research and evaluation including a site visit.

**Stage Three: Consultation** – Where it is considered that an asset merits consideration, a draft report outlining the reasons will be prepared for consultation. The owner (where known) will be invited to comment within a 28-day period. The presumption at this stage is in favour of including the asset on the Local List. The draft report will also be added to the Council’s website for public comment and local ward councillors, the relevant parish council, and other interest groups will be notified. It is important to note that the Council can only consider comments about the asset’s heritage interest and cannot consider personal circumstances or current or future development proposals. Any request for an asset not to be added to the list will need to be based on evidence that it fails to meet the requirements of the selection criteria.

**Stage Four: Final Assessment and Selection Review Panel** - Consultation responses will be assessed and summarised as part of the final assessment. Where assets are considered suitable for inclusion on The List a final draft report will be prepared. The report will comprise the following information: address and location plan; photographs; the known or believed date of construction; the present use (if relevant); a description of the asset; and the criterion under which it qualifies. The report will be taken to a Selection Review Panel for their assessment. The panel is not a decision making body, it will comprise representatives from Burnley Council (officer and members) and persons external to the Council, who have appropriate qualifications, experience, knowledge, or interest in the heritage sector such as members of local interest groups and external specialists. Invitations to sit on the Selection Review Panel will be made by the Council’s Strategic Head of Economy and Growth in consultation with the relevant Portfolio Holder. The Secretary of the Selection Panel will be provided by Burnley Council . The Panel can recommend that that the asset is considered for Local Listing; that the asset is not considered further; or that recommendation is deferred pending further evaluation.

**Stage Four: Final Decision**- Where the Selection Review Panel recommends addition to the Local List, this will be reported to the Council’s Executive; or the Council’s Strategic Head of Economy and Growth in consultation with the relevant Portfolio Holder under delegated authority for their final decision.

**Stage Five: Local List Update** - If the asset is agreed for inclusion on The Local List, it will be assigned an identification number and the Local List updated accordingly.

10.6. The Council will refer assets that have strong potential for inclusion on the National List to Historic England so that consideration can be given to whether they should be statutorily listed.

## Notification

10.7. Once a decision has been made by the Council to include an asset on the Local List, or remove it, the owner, where known or identified, will be notified in writing with an explanation of what this means and how it affects them.

10.8. Owners will have the opportunity to challenge the decision to include (or not include) their property on the Local List. Such appeals should be made in writing no later than 28 days from the date of the notification and should demonstrate why the asset does not (or does) meet each of the selection criteria.

- 10.9. The cases will be considered by an Appeals Panel. Reasons for removal would be that upon further investigation the significance of the asset was found to be less important than was originally thought. Reasons for addition following a Council decision not to include would be that further evidence has been discovered or revealed that proves the asset has greater significance than was originally thought such that it would meet the selection criteria. Future plans for alterations will not be accepted as justification for removal from the Local List. Owners are advised to read Section 7 of this document which sets out how local listing impacts their rights in terms of permitted development and the requirement for planning permission.
- 10.10. Assets added to the Local List will be plotted onto an electronic geographical information system and used for development control purposes.
- 10.11. The Council will share appropriate information gathered through the assessment and selection process with the Lancashire County Council Historic Environment Record (HER) in accordance with data protection requirements. The HER is an important local historic resource and collaboration in this respect will enable the HER to update their records accordingly.

### Removing Entries from the List

- 10.12. Requests for a long standing asset to be removed from the Local List must be supported by evidence to show that the asset no longer meets the selection criteria and therefore no longer merits inclusion on the List. The
- 10.13. Where removal from the Local List is recommended, a report will be taken to the same Selection Review Panel as set out in paragraph 10.5 above. Where the Selection Review Panel recommends removal from the Local List this will be reported to the Council's Executive; or the Council's Strategic Head of Economy and Growth in consultation with the relevant Portfolio Holder and/or Heritage Champion under delegated authority for their final decision.
- 10.14. The Local List will be updated accordingly and made available on the Council's website.

### Review and Monitoring

- 10.15. The local list will be monitored and updated on an on-going basis to take account of new information that is available about specific assets that justifies its inclusion or removal. This would include information that comes to light when preparing or updating Conservation Area Appraisals and information received through the development control process.

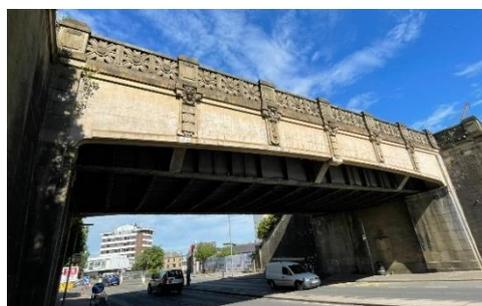


Fig 11: Yorkshire Street Aqueduct Burnley

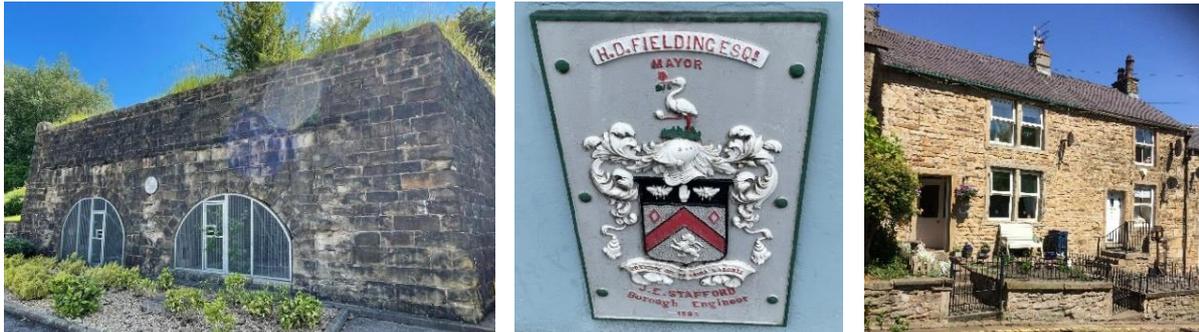
The Talbot Hotel Burnley

Albert Street Padiham

## 11. Viewing the Local List

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- 11.1. The Local List is available to view on the Council's website. A hard copy of the Local List is also available to view at the Council's Offices by appointment. GIS data will also be available on request.<sup>7</sup>
- 11.2. A brief description of each entry and a summary of the reasons for inclusion on the Local List will be available for every new and updated entry; accompanied by an image of the entry taken from the public highway, where possible. The description for each entry may not be exhaustive, and further research may reveal a greater understanding of the site which would meet other selection criteria.



**Fig 12: Lime Kilns Canal Embankment Burnley   Gannow Bridge Burnley   Mill Street Padiham**

## **12. Guidance on works to local listed buildings**

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- 12.1. Owners are advised to consider the following guidelines before carrying out works to a Locally Listed building or structure, whether or not it requires planning permission. Where planning permission is required, Local Plan a policy HE3 will be the starting point for consideration:
- 12.2. Proposals should seek to preserve, enhance or restore the special heritage interest.
- 12.3. A repair rather than replace approach should be adopted. It is important to retain historic fabric as far as possible to preserve the authenticity (this includes features such as doors, windows, chimneys, roofs, barge-boards, facing materials, boundary materials etc). Many of the buildings and structures on the Local List are traditional vernacular buildings. Their construction is different to that of modern buildings and as such fabric repairs should normally adopt traditional materials and methods.
- 12.4. Building materials often play a large part in defining the character of a building or structure on the Local List e.g. local stone walls, natural slate roofs, timber windows and doors, metal decorative roof features etc. The use of such materials for repairs or replacements will be encouraged.
- 12.5. It is important that any special features which contribute to the heritage interest of an asset are retained. Historic architectural features such as windows, doors, roof pitch, dormers etc. are all important elements which, if lost or significantly altered, can harm the heritage interest of the

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<sup>7</sup> In the future, this may be available for people to view and download via the Council's website

asset. Features of architectural and historic interest both internally and externally, should be preserved and restored wherever possible.

- 12.6. Extensions should be designed so that they preserve the appearance, scale and character of the building or structure. They should relate appropriately in terms of siting, style, scale, massing, height and materials; and should normally be visually subservient to the main building. It is important that extensions and alterations do not compromise elements of the building which are of historic or architectural interest. Extensions could be of a traditional or contemporary design. If a traditional (historic) approach is adopted it is important that historic accuracy is employed with regard to detailing, materials, colour and scale. If a contemporary approach is adopted and considered appropriate, a high quality of design detail and materials is essential.
- 12.7. For further advice please also see Local Plan Policies SP5: Development Quality and Sustainability, HS5: House Extensions and Alterations, and the Residential Extensions SPD (forthcoming).
- 12.8. The setting of the heritage asset should normally be preserved where this contributes to its heritage interest. This means that careful consideration should be given to the location and design of new buildings or street works within the grounds or in close proximity. Elements which are likely to contribute to the setting of buildings are the historic arrangement of buildings/structures, views in to and out of the site; levels of enclosure or openness; the use of landscape features to frame or enhance buildings or as a method of screening; surfacing and boundary treatments. New developments should preserve positive settings and enhance settings which are poor. This should be achieved through appropriate positioning, layout, design, landscaping and boundary treatment.



Fig 13: Employment Exchange, Finsley Gate

The Waggoners Inn and Barn, Manchester Road

## 13. Further Advice and Information

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- 13.1. If you are in any doubt about whether planning permission or any other consent is required for any works you wish to carry out to a building/structure included on the Local List, please contact the Development Management Team at [planning@burnley.gov.uk](mailto:planning@burnley.gov.uk).
- 13.2. If you would like to make a nomination for the local list please carefully consider the asset against the criteria set out within this document.
- 13.3. You will need to complete the nomination form as included in Appendix Three and return it to the Policy and Environment Team at [localplan@burnley.gov.uk](mailto:localplan@burnley.gov.uk) or by post to Policy & Environment, Economy and Growth, Town Hall, Burnley, BB11 9SA. This form will be available as a printable PDF or Word document to complete on the Council's website.
- 13.4. Any requests for geographical information should be addressed to [localplan@burnley.gov.uk](mailto:localplan@burnley.gov.uk).

# Appendices

## Appendix One: Glossary of Terms

<p><b>Article 4 Direction (including Permitted Development)</b></p>	<p>The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out a number of classes of development that are permitted development (i.e. have been granted planning permission) subject to the exceptions, limitations and conditions mentioned in the Order. Provided development is carried out in accordance with these no application for planning permission needs to be made. Under the Order, Local Planning Authorities can remove selected permitted development rights using an Article 4 Direction.</p> <p>The effect of such a Direction is that planning permission will be required for specific types of development which would otherwise be regarded as permitted development. Directions can cover a variety of works and might include: the replacement of doors and windows, the erection of gates, fences, garages, sheds, porches, or the installation of satellite antennae</p>
<p><b>Conserve/Conservation</b></p>	<p>The active process of maintaining and managing change to the historic environment in a way that sustains and where appropriate enhances the special interest (significance) of heritage assets. The aim is to recognise and reinforce heritage significance, while accommodating the changes necessary to ensure their long term future and enjoyment.</p>
<p><b>Designated Heritage Asset</b></p>	<p>A building, monument, site, place, area or landscape designated and protected through legislation such as, A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area.</p>
<p><b>Enhance</b></p>	<p>To improve the values that contribute to the significance of heritage assets.</p>
<p><b>Heritage</b></p>	<p>All inherited resources which people value for reasons beyond mere utility and pass on from one generation to another. Heritage encompasses our built heritage which in itself is not just buildings, but also streets and public spaces, gardens, parks, monuments, industrial complexes, waterways and roads, archaeological sites and open landscapes. Our heritage also includes languages, stories, traditions and foods. An awareness of heritage gives people and places an identity and significance. It gives localities their distinctive character and marks their individuality as neighbourhoods and as part of the wider town and region.</p>
<p><b>Heritage Asset</b></p>	<p>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. Heritage Assets include designated heritage assets and non-designated heritage assets such as those designated through the Local Listing process.</p>

<b>Heritage Harm</b>	Change for the worse, here primarily referring to the effect of inappropriate repairs, alterations or entirely new development on the significance of a heritage asset. Harm can result from loss of fabric, alteration or destruction, or from development within the setting of heritage assets.
<b>Historic Environment</b>	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
<b>Lancashire Historic Environment Record (HER)</b>	The Lancashire Historic Environment Record (HER) is the definitive record of all known archaeology in the county. It contains information on over 35,000 known sites across the Lancashire including standing ruins, prehistoric and medieval earthworks, features identified on an aerial photographs, historic landscape, townscape and buildings.
<b>Material Planning Consideration</b>	A matter that is relevant to making the planning decision in question (i.e. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide. The effect of an application on a non-designated heritage asset is a material consideration when deciding planning applications.
<b>National Planning Policy Framework (NPPF)</b>	The National Planning Policy Framework, together with Planning Policy for Traveller Sites and a number of written ministerial statements sets out the Government’s planning policies for England and how these should be applied.
<b>Non-Designated Heritage Asset</b>	Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions because of their heritage interest but do not meet the criteria for being designated heritage assets.
<b>Preserve</b>	To cause no harm to the significance of a heritage asset.
<b>Setting</b>	The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
<b>Significance</b>	The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, historic or communal. In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of a heritage asset’s significance.

## Appendix Two: Key Local Plan Policies

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### Policy HE1: Identifying and Protecting Burnley's Historic Environment

- 1) The Council will proactively manage and work with property owners and other stakeholders to ensure positive, well-informed and collaborative conservation that recognises and reinforces the historic environment's contribution to local identity and distinctiveness and its potential as a driver for economic growth, attracting investment and tourism and providing a focus for successful regeneration.**
- 2) Key elements that contribute to the distinct identity of the borough that will therefore be a priority to protect, enhance and promote, include:**
  - a) The industrial heritage related to the textile industry, in particular, mills, weaving sheds, chimneys and associated housing; public buildings and the legacy of public parks and gardens;**
  - b) The heritage assets associated with and that contribute to the character of the Leeds & Liverpool Canal, including canal-related infrastructure such as bridges, wharfs and warehouses;**
  - c) Pre-industrial townscape including barns, farmhouses, cottages and higher status buildings of 16th and 17th Century origins; and**
  - d) Historic town centres.**
- 3) In addition to its role in sustaining and enhancing the significance of heritage assets in response to development proposals, the Council will maximise the benefits of the borough's historic environment through the following actions:**
  - a) Identifying grants and funding opportunities for heritage-led regeneration initiatives, especially in those areas where the historic environment has been identified as being most at risk;**
  - b) Maintaining a record of Heritage Assets at Risk through neglect, decay or other threats and addressing such assets in a positive manner, proactively seeking solutions for assets at risk through discussions with owners and a willingness to consider positively development schemes that would ensure the repair and maintenance of the asset and, as a last resort, using statutory powers;**
  - c) Introducing Article 4 Directions where there is clear justification to introduce stricter controls;**
  - d) Maintaining a Local List as a principal means of identifying non-designated heritage assets that make a positive contribution to local character and sense of place because of their heritage value;**

- e) **Maintaining and developing effective control and taking enforcement action in respect of unauthorised works to designated heritage assets or within their settings where it is expedient to do so; and**
  - f) **Engaging local people in discovering, presenting and conserving the borough's heritage and offering help, advice and information as appropriate.**
- 4) **The Council will encourage, wherever possible, opportunities to enhance or better reveal the significance of heritage assets or their setting for example through repairs, reinstatement of lost architectural features, reversal of previous inappropriate changes and measures to secure their long term maintenance. This will normally be a requirement where grant assistance is being offered or enabling development considered.**

### **Policy HE3: Non-Designated Heritage Assets**

- 1) **The Council will maintain a local list and will seek to help ensure the retention, good maintenance and continued use of non-designated heritage assets.**
- 2) **Where a non-designated heritage asset or its setting, including where identified through the planning process, is affected by development proposals (directly or indirectly) there will be a presumption in favour of its retention.**
- 3) **Proposals affecting non-designated heritage assets should relate appropriately in terms of siting, style, scale, massing, height and materials.**
- 4) **Development proposals affecting the setting of a non-designated heritage asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.**
- 5) **Where the loss of the whole or significant part of a non-designated heritage asset is determined to be acceptable, the applicant will be expected to secure recording to the appropriate level, the results of which should be deposited with the Council.**

### **Policy HE4: Scheduled Monuments and Archaeology**

- 1) **Development proposals that will lead to substantial harm to, or the total loss of the significance of Scheduled Monuments or other archaeological assets that are of demonstrably equal significance, will only be permitted in wholly exceptional circumstances. Proposals that will lead to less than substantial harm to significance will be permitted only where the harm is clearly and convincingly justified and is outweighed by the public benefits of the proposal.**
- 2) **Where development would or is likely to affect the significance of Scheduled Monuments or other archaeological assets that are of demonstrably equal significance, proposals should be accompanied by an assessment of significance and impact. The assessment should describe the likely impacts of the proposal on the significance of the archaeological asset and set out appropriate measures for its preservation, protection, management; together with any mitigation measures, excavations and recording proposals. The level of information required will be appropriate to the assets significance and the scale of likely impact of the proposal, and may require a desk-based archaeological assessment and/or field evaluation. Proposals should also give adequate consideration of how the public understanding and appreciation of such sites could be improved.**

**3) Where it is accepted that in-situ preservation is not possible or not desirable, adequate provision must be made for excavation, recording and analysis in accordance with a Written Scheme of Investigation approved by the planning authority including where appropriate arrangements for the storage/relocation of assets. Research and recording must be appropriately archived in a way agreed with the Council.**

**4) Proposals that affect other non-designated archaeological assets will be judged on the significance of the asset and the scale of likely harm to establish whether the development is acceptable in principle. Whilst the preferred approach will be to seek to avoid damage to such remains through their preservation in situ, when in-situ preservation is not judged to be necessary, the developer will be required to make adequate provision for excavation, recording and analysis and where appropriate the storage/relocation of assets. Research and recording must be appropriately archived in a way agreed with the Council.**

## Appendix Three: Nomination Form

### Local List of Heritage Assets Nomination Form



Before completing this nomination form please refer to the Local List of Heritage Assets Supplementary Planning Document (SPD) for guidance.

#### Heritage Asset Details:

<b>Heritage Asset Name</b>	
<b>Address including postcode</b>	
<b>Asset Type</b>	
<b>Date of construction (if known)</b>	
<b>Owner (if known)</b>	
<b>Parish</b>	
<b>Short description of heritage asset* (e.g. materials, style, features of interest)</b>	

How intact is the heritage asset? Tick as appropriate	Completely Intact	Largely Intact	Partially intact	Largely spoilt	Completely spoilt

**Significance:**

Please provide an explanation of how the heritage asset meets at least one of the following criteria. It is important to remember that significance can be informed by available written records, for example the Historic Environment Record or records in published books, texts or articles.

<b>Architectural/Artistic Interest</b>	
<b>Historic Interest</b>	
<b>Artistic Interest</b>	
<b>Authenticity (Age, Rarity, Intactness)</b>	
<b>Social and Communal Interest</b>	
<b>Group Value</b>	
<b>Townscape/Landscape Interest including Landmarks</b>	
<b>Does the asset hold any other heritage interest?</b>	

**Additional Information:**

<b>Sources of Information</b> Include notes of where you have sourced your information	
<b>Details of Photographs Provided (where relevant)</b>	
<b>Grid Reference (if known)</b>	
<b>Additional Supporting Information/Notes</b>	

**Details of Nominator:**

<b>Name</b>	
<b>Address</b>	
<b>Email</b>	
<b>Preferred means of contact</b>	

**Notes:**

Please complete as much of this form as possible. Each nomination must be supported by at least one digital photograph.

This form, together with relevant supporting information should be e-mailed to [Localplan@burnley.gov.uk](mailto:Localplan@burnley.gov.uk) or posted to Burnley Borough Council, Local Plans, Town Hall, Manchester Road, Burnley, BB11 9SA

An expert panel considers all nominations. Decisions are based on a majority view of whether a nomination meets set criteria. A letter will be sent to you notifying you of the Panel's decision.

**Data Protection Notice:**

Information from this application will be processed in accordance with the Data Protection Act 2018. By completing this form you consent to the Council contacting you in relation to your request. The personal information you supply to us will only be used for purposes relating to the compilation, consultation and publication of the Local List.

The personal information contained in the application may, in exceptional circumstances, be subject to disclosure to third parties under either the [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/acts/2018/12), the [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/acts/2000/36) or [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/si/2004/1033) to the extent the law allows and in accordance with the Council's Publication Scheme. Disclosure will only be made where in all the circumstance's it would be fair to do so and in the public interest.

Please note that the Council may process your information in the absence of consent, for the purpose of crime prevention or detection, so far as is in accordance with the law.

Further information please see Council's data protection web page by following the link below: [Privacy Notice \(Fair Processing Notice\) | Burnley Borough Council](#)





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