

Implementing Measures to Improve Build Out Transparency: Technical Consultation Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England including the marine planning area. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to respond to the open consultation on Implementing measures to improve Build Out transparency¹.

We will be responding separately to the consultation on Planning Reform Working Paper: Speeding Up Build Out².

A significant number of the consultation questions do not have a direct bearing on the conservation of the historic environment, and we will therefore provide general comments on the proposed measures.

This is a technical consultation on measures to support build out of new homes with a proposed threshold of 50 dwellings. It is unclear the extent to which this is just in relation to new build homes (i.e., it does not include new residential units provided by conversion of existing buildings) and clarity would be welcome on this point.

Conversion of existing, historic buildings to residential has the capacity to contribute significantly to the government's objectives of delivering 1.5 million new homes over this parliament³, and consideration should be given to including conversion of existing buildings within the scope of these build out measures if they are not currently included (consultation question 2).

Conversion of redundant historic mills⁴ into flats, as an example, might meet the proposed 50 unit threshold, although any measures to improve build out transparency (and any possible sanctions linked to failure to deliver against agreed build out rates) must recognise the different build out rates associated with conversion of existing, historic buildings and any potential variables once conversion commences.

¹ https://www.gov.uk/government/consultations/implementing-measures-to-improve-build-out-transparency-technical-consultation?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=49d77d0c-dc70-4bca-bc2c-c07f6af7155b&utm_content=daily

² <https://www.gov.uk/government/publications/planning-reform-working-paper-speeding-up-build-out/planning-reform-working-paper-speeding-up-build->

³ Our research shows that there is an opportunity to provide 560,000 to 670,000 new homes in England by repairing and repurposing existing historic buildings (<https://historicengland.org.uk/research/heritage-counts/heritage-and-economy/vacant-buildings-to-new-homes/>).

⁴ See Research and Guidance on the Re-Use of Mills (<https://historicengland.org.uk/advice/caring-for-heritage/industrial-heritage/mills-of-the-north/research-and-guidance/>)

Where there is an associated consent, such as listed building consent for the conversion of a listed mill building, any reporting measures (consultation sections 3-5: build out statements, commencement notices, development progress reports, etc.) should include the associated consent alongside reporting on the parent planning permission.

Where any permission has been granted on the basis of providing a public benefit (especially if put forward as part of the planning balance) reporting measures should include statements on when and how that public benefit will be secured and delivered. This must include any off-site provision, such as improvements to nearby green infrastructure and, as noted above, should include reporting on any linked or related consents; particularly if these are not secured through a section 106 agreement or proposals have been put forward as enabling development (for example under paragraph 221 of the National Planning Policy Framework, 2024).

Where sites have multiple developers building out (consultation section 6) any reporting measures, etc., should include details of how all associated public benefits will be delivered if, for example, part of the development does not come forward.

It is unlikely that such detailed matters could/would be covered in regulations (consultation paragraphs 67-9), and we would therefore suggest it would be helpful to have published guidance to assist both local planning authorities and developers.

We hope these comments are of value and would be happy to offer further comments if needed.

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