

Annex to report on Work of the Conservation Team

Conservation Area Appraisals and boundary changes - procedure

Statutory Requirements

Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities:

'from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas.'

And it continues:

'(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.'

The majority of Conservation Areas (CAs) in the District were designated in the 1970s and 80s and many are now in need of review. While the places they apply to are all considered to be appropriate, reviews are needed to determine whether their boundaries need to be extended, anomalies corrected or parts excluded because of recent development.

There is also a need to extend the coverage of conservation area character appraisals. Whilst there is no statutory requirement to prepare conservation area appraisals, the Act requires

'a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.'

At the time of designation this requirement was fulfilled by the detailed policies contained in the various local plans now no longer in effect. Now the NPPF¹ expects local authorities to make information about the significance of the historic environment publicly accessible and appraisals perform this role for CAs and explain what makes an area special. They are not however a mandatory duty, but are best practice.

Appraisals carry weight in planning appeals or appeals against enforcement action, assist in making informed planning decisions and can offer constructive guidance about local character to guide development proposals. Although 15 Appraisals have been approved to date resources are likely to be insufficient to complete full appraisals for all the remaining 73 conservation areas and therefore priorities have been identified.

Our programme

Currently, and where time allows, the team are working on the basis that future priority will be given to the review of conservation areas

- In the larger settlements and market towns where they have not been reviewed and there is no current appraisal in place.

¹ NPPF 141

- Areas where there is substantial pressure for change within or to the setting of the area.
- Areas where changes since designation have led to significant boundary anomalies.

The appraisal of the recently designated extended Charlton Mackrell/West Charlton area is first priority. This will be followed by review and appraisal at:

- Iminster – currently underway
- Somerton
- South Petherton
- Martock and Bower Hinton
- Milborne Port
- North and East Coker - currently in hand with parish Neighbourhood Plan team preparing initial stages of the work.
- Henstridge

We are also required by the Act to designate New Conservation Area where appropriate while ensuring that:

'an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'. (NPPF 127)

Designating any part of the district as a conservation area also carries resource implications for the council. Further designations will therefore be made only if the council is satisfied it can meet its consequential duties and responsibilities and is satisfied that there is a strong local commitment.

Over the past ten years 4 new conservation areas have been designated but there are now considered to be very few wholly new areas that warrant consideration. Areas that will be considered for new designations are:-

- Barwick
- Allowenshay

Where boundary reviews or new designations are proposed we aim to produce an appraisal to accompany the proposal wherever possible.

Procedure

The designation of a CA is a decision for the Area Committee.

There is no statutory requirement to consult but we believe reviews or new proposals should involve consultation with local residents and businesses, Ward Members, Parish Councils and local amenity societies wherever possible to ensure that the special interest described in the appraisals and the boundaries reflect the views of the local community.

In assessing any new areas the recommendations in the guidance in 'Understanding Place: Conservation Area Designation, Appraisal and Management' (English Heritage 2011) will be utilised.

Once a decision has been made by committee, the only requirement is for the change or new area to be advertised in the London Gazette and appropriate local press. We notify changes widely and the Local Plan and website are updated.