

Conservation Areas – Technical Note

What is the Council doing, and why?

The Council is currently consulting on an update to the existing conservation area management plan for the Grand Western Canal. Best practice guidance suggests that this should be done every 5 years. The review is part of the Council's duty to formulate and publish proposals for the preservation and enhancement of the Conservation Area.

The proposed Conservation Area Appraisal and Management Plan (CAAMP) is now subject to public consultation. No decision has yet been made on the proposed changes and there is no intention to remove the designation of the Grand Western Canal as a conservation area.

This document provides more detailed technical guidance to support anyone seeking to understand more about Conservation Areas and what the proposed changes mean in practice.

A FAQ document is also provided as part of the consultation materials in order to address more common queries and a short FAQ section is provided within the appendices of the appraisal document itself. The materials can be found on the Council's website under Conservation Areas.

What is a Conservation Area?

Conservation areas exist to manage and protect the special architectural and historic interest of a place. Best practice guidance says that 'Every local planning authority shall from time to time determine which parts of their areas are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.¹

Local planning authorities should ensure that an area justifies such status because of its special architecture or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.²

Architectural Interest and **Historic Interest:** These are features that make it unique and distinctive. The design and construction of a building might be a good example of a style or period, or have been designed by a well-known architect. The area or building must illustrate important aspects of the nation's history and/or have a close historic association with the place, group, event or individual and will afford a strong connection with the valued aspect of history.

There are many different types of conservation areas from our historic villages and towns within Mid Devon to the historic transport link of the Grand Western Canal. The buildings and spaces within these areas should contribute to its special interest; our understanding of the areas historic development, character and local distinctiveness. Within our towns and

¹ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69.

² National Planning Policy Framework (2023), Section 16 Paragraph 197.

villages this could typically be illustrated by the many historic buildings and the important phases of development for the area. The special interest of other areas such as model housing estates, country houses and our historic transport links (canals, railways etc.) can be illustrated by their planned layout and the architectural quality of the buildings within these areas.

What is a Conservation Area Appraisal and Management Plan?

Conservation Area Appraisals are produced by the Council to describe the special architectural and historic interest of the area and seek to conserve those positive elements identified. The document should assist applicants who are considering making planning applications for works within the area or nearby.

Management Plans provide guidance to applicants and owners on how positive change and good quality design can **preserve or enhance** the character or appearance of the area. Management plans may identify additional planning controls such as Article 4 Directions.

Article 4 direction: The local authority can withdraw specified permitted development rights across a defined area. This can include alterations to buildings within the Conservation Area such as replacement windows and doors. The Article 4 Direction should be limited to situations where it is necessary to avoid wholly unacceptable adverse impacts.

Why do we review existing conservation areas?

There is a statutory obligation upon local planning authorities to formulate and publish proposals for the preservation and enhancement of any part of their area which are conservation areas. These areas are subject to change following designation and the implementation of positive management proposals or changes to these areas to reflect the changing methodologies of good practice and to provide a robust strategy towards the area.

It is important to ensure that an area justifies inclusion within the Conservation Area because of its historic or architectural interest.

Will I need to apply to permission for alterations to my property?

The designation of an area as a conservation area does bring in some extra planning controls, removing certain permitted development rights. The legislation that allows certain development without planning permission restricts development on article 2(3) land. The cladding of any part of the exterior of a dwelling/house, enlargement, demolition or construction within a conservation area will generally require planning permission. Mid Devon District Council will provide advice on whether you should seek permission, including the offer of pre-application advice.

If the building is included upon the National Heritage List for England (NHLE) then Listed Building Consent is likely to be required, this may be in addition to planning permission. Please seek the advice of the conservation officers for works affecting listed buildings including whether Listed Building Consent is required.

Can I remove a tree within a conservation area?

Trees may be specifically protected by Tree Preservation Orders (TPOs) or more generally if they are within a conservation area. Trees within conservation areas are protected if they have a trunk diameter of 7.5cm and are 1.5 metres above ground level.³ 6 weeks before carrying out certain work on such trees, these provisions require people to notify the local planning authority using a section 211 notice. This notice period gives the authority the opportunity to consider whether to make an order on the tree (a Tree Preservation Order).

What happens if there are changes to the Conservation Area?

The local planning authority should ensure that an area justifies its status because of its special architectural or historic interest. The local planning authority shall give notice of any variation or cancellation of any such designation to the Secretary of State, to also be published in the London Gazette and one newspaper circulating in the local area.⁴

What is setting?

Setting is defined within the National Planning Policy Framework (NPPF) as the surroundings in which a heritage asset 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 (NPPF Annex 2: Glossary).

There is a statutory obligation on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (see in particular Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In practical terms, this means that land within the 'setting' of heritage assets is given due consideration within the decision-making process.

³ Town and Country Planning Act 1990, Section 211.

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 70