

What is a Conservation Area?

Conservation Areas are defined in the Planning (Listed Buildings & Conservation Areas) Act 1990 as “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” [section 69(1)(a)].

It is the responsibility of Local Planning Authorities to designate and review Conservation Areas, using local criteria to determine and assess their special qualities and local distinctiveness. Once designated, Local Planning Authorities have a duty “to formulate and publish from time to time proposals for the preservation and enhancement of Conservation Areas and submit them for consideration to a public meeting in the area to which they relate” [section 71] and “in exercising their planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area [section 72].

Conservation Area status also places a statutory control, with certain exemptions, over demolition, works to trees and advertisement display.

Conservation Area status is by no means intended to imply a prohibition on development. Conservation Area Management is largely the management of change to ensure that the special character and local distinctiveness of place are respected.

Conservation Area Appraisal

The assessment of a Conservation Area’s special architectural or historic qualities takes the form of a Conservation Area Appraisal, which is a written and pictorial assessment of the special character and appearance of the area. It is intended to be a factual and objective analysis.

The Conservation Area Appraisal serves as the basis for the formulation and evaluation of Development Plan policies and as a material consideration in the making of development control decisions by defining and protecting those physical elements that contribute to the special qualities of the area. An Appraisal can include management proposals to ensure the preservation and enhancement of an area by means of policies, action points, design guidance and site-specific design statements, where appropriate. It can also inform planning and design by private and commercial developers.

The role of the Development Plan

The primary means by which the District Council as Local Planning Authority ensures the preservation and enhancement of the character and appearance of a Conservation Area is through policies in the Development Plan, which comprises the East Sussex and Brighton & Hove Structure Plan (adopted May 2000) and the Rother District Local Plan (adopted 2006). These policies generally seek to ensure that, in the granting of any planning permissions, the special character and appearance of the area will be maintained.

The East Sussex and Brighton & Hove Structure Plan outlines its aims in Chapter 9 (The Environment):

- 9.31 *The first priority is to safeguard the archaeological resource on land or sea either in situ or by record, and to protect the plan area's stock of historic buildings, parks and gardens, from development or change that would damage them. Where sites are particularly sensitive, proper evaluation of the sites' importance is required and for the local planning authority to be satisfied no damage will be caused to the objectives of designation before planning permission can be contemplated.*
- 9.32 *Protection of the setting of historic sites, conservation areas and historic towns is also important. There is a need to encourage the development of programmes of action to secure the maintenance and enhancement of archaeological and historic features.*

The following general policy relating to design in the environment is included:

- EN1 *Development and change will be required to sustain, conserve and, where possible, enhance the character, local diversity and quality of the landscape and natural and built environment of the plan area including, where appropriate, the creation of new, equally good and distinctive local character. Features contributing to landscape character will be protected. A landscape assessment of the plan area will be carried out and advice provided as supplementary planning guidance for use in local plans.*

The Plan also includes the following policies relating to Conservation Areas:

- EN23 *Sites and features of demonstrable historical or archaeological importance and their settings, including ancient monuments, listed buildings, conservation areas, historic parks and gardens, battlefields and other historic features will be protected from inappropriate change and development.*

The Rother District Local Plan contains the following advice on Design & Respecting Local Character:

- 5.18 *Rother District is fortunate in the legacy that exists in terms of the quality of the built environment. Towns and villages have grown up over time and display a special relationship with their surroundings. The pattern, form and appearance and use of buildings and spaces are peculiar to each location and contribute to the unique sense of place and cultural identity.*
- 5.19 *Good design should respect the character of its setting, whether urban or rural, and can make a positive contribution to reinforcing local distinctiveness. This should still allow room for imaginative design solutions that respond sensitively to the site and setting. Particular care needs to be taken to ensure that developments do not create an alien, cramped appearance or, in some locations such as rural settings, an equally inappropriate suburban appearance. Where an area has a well-defined and distinctive character, particular care should be taken to maintain it.*

The Plan also contains the following policy of which Section (viii) relates to development affecting Conservation Areas:

Policy GD1 All developments should meet the following criteria:

- (i) it meets the needs of future occupiers, including providing appropriate amenities;*
- (ii) it is in keeping with and does not unreasonably harm the amenities of adjoining properties;*
- (iii) it provides for adequate and safe access by all modes of transport, including appropriate parking provision;*
- (iv) it respects and does not detract from the character and appearance of the locality;*
- (v) it is compatible with the conservation of the natural beauty of the High Weald Area of Outstanding Natural Beauty;*
- (vi) it respects the topography, important views to and from the site and retains site features that contribute to the character or amenities of the area;*
- (vii) it protects habitats of ecological value and incorporates, wherever practicable, features that enhance the ecological value of the site, with particular regard to wildlife refuges or corridors, or fully compensates for any necessary loss;*
- (viii) it does not prejudice the character, appearance or setting of heritage features, notably scheduled ancient monuments and sites of archaeological importance, listed buildings, conservation areas, registered historic parks and gardens, the registered battlefield at Battle, or other buildings and spaces of historic importance;*
- (ix) the infrastructure and facilities necessary to serve the development are available, or suitable provision is made as part of the development, in accordance with Policy GD2;*
- (x) it provides adequate and appropriate means for foul and surface water drainage, with suitable alleviation and mitigation measures where necessary;*
- (xi) it is compatible with deterring crime, including maximising opportunities for natural surveillance of public places;*
- (xii) it promotes the efficient use of energy and water through the layout and design of buildings.*

Article 4 Direction

The status of a Conservation Area, and consequently the ability of the Local Planning Authority to protect its special character, can be enhanced greatly by an Article 4 Direction (specifically, a Direction made under Article 4 of the Town and Country (Permitted Development) Order 1995). Without an Article 4 Direction, many alterations to private dwelling houses can be carried out, even in Conservation Area, as Permitted Development. That is to say, they require no planning permission. Such alterations can have a tremendous impact on the special character of a Conservation Area, and even relatively minor changes can dilute the qualities of the historic town.

An Article 4 Direction removes specified Permitted Development Rights for dwelling houses. This means that anyone wishing to carry out such work must first obtain planning permission from the Local Planning Authority.

Winchelsea Conservation Area

Winchelsea was designated a Conservation Area in September 1969 by East Sussex County Council. A draft Conservation Area Appraisal was published by Rother District Council in November 2007. This includes a new Article 4 Direction. In order that the Direction can be made without the prior consent of the Secretary of State, it applies only to dwelling houses and only to the extent that the development fronts a highway, waterway or open space.

- *Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwelling house. (This includes window or door replacement or removal, the provision of new external openings, and the blocking-up of existing external openings.)*
- *Class C of Part 1 of Schedule 2, consisting of the alteration of a dwelling house roof. (This includes the alteration of roofing materials and the insertion of rooflights.)*
- *Class D of Part 1 of Schedule 2, consisting of the erection or construction of a porch outside any external door of a dwelling house.*
- *Class E of Part 1 of Schedule 2, consisting of the provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other such alteration of such building or enclosure. (This includes garages, car-ports, garden sheds, glasshouses, summerhouses, and garden structures such as gazebos, pergolas and arbours.)*
- *Class F of Part 1 of Schedule 2, consisting of the provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house.*
- *Class H of Part 1 of Schedule 2, consisting of the installation, alteration or replacement of a satellite antenna on a dwelling house or within the curtilage of a dwelling house.*
- *Class A of Part 1 of Schedule 2, consisting of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.*
- *Class C of Part 1 of Schedule 2, consisting of the painting of the exterior of any building or work. This is to apply only to the painting of hitherto unpainted surfaces, or to works consisting of a change in paint colour.*

Permitted Development Rights under Class B of Schedule 1, consisting of the enlargement of a dwelling house consisting of an addition or alteration to its roof, are already removed by virtue of Conservation Area status.