

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

3 August 2021

TITLE:	Consultation on Conservation Area Character Appraisals and Article 4 Directions
PORTFOLIO HOLDER:	Councillor Edwin Wain - Portfolio Holder for Planning, Development and Property
CONTACT OFFICER:	Mark James - Principal Planning Officer
WARDS INVOLVED:	Cheddleton, Caverswall, Checkley, Bagnall and Stanley

Appendices Attached –

- Appendix 1 - Draft Conservation Area Appraisals: Caverswall**
- Appendix 2 - Draft Conservation Area Appraisals: Cheddleton**
- Appendix 3 - Draft Conservation Area Appraisals: Upper Tean**
- Appendix 4 - Draft Conservation Area Appraisals: Stanley**
- Appendix 5 – Article 4 Directions**

1. Reason for the Report

- 1.1 It is proposed to publish Conservation Area Appraisals and a boundary review for Caverswall, Cheddleton, Stanley and Upper Tean. These documents require Member approval in order to engage in public consultation. It is also proposed to consult on the introduction of an Article 4 Direction to dwellings within these proposed Conservation Areas to control certain categories of permitted development which are harming the special character and appearance of the Conservation Area.

2. Recommendation

2.1 That the Cabinet:

- a) Approves the publication of the draft Conservation Area Character Appraisals and boundary review for Caverswall, Cheddleton, Stanley and Upper Tean for the purposes of consultation with the public
- b) Authorises a consultation exercise on the introduction of an Article 4 Direction affecting dwellings in Caverswall, Cheddleton, Stanley and

Upper Tean so as to remove the classes of permitted development as set out in Appendix 5 of this report.

- c) Delegates authority to the Head of Development Services to make minor amendments to the draft Character Appraisals ahead of public consultation to update some images.

3. Executive Summary

- 3.1 Best practice dictates that all Conservation Areas should have adopted Character Appraisals to consider what features make a positive or negative contribution to the significance of an area, thereby identifying opportunities for beneficial change or the need for planning protection. The Conservation Areas in Caverswall, Cheddleton, Stanley and Upper Tean do not currently have an adopted character appraisal and these have now been prepared and must be the subject of a public consultation exercise. A review of the boundaries has also been undertaken.
- 3.2 The draft appraisals have identified that the special interest of these areas is being eroded by external changes to dwellings which are currently permitted development. It is also of note that there is an inconsistency in planning controls between dwellings and commercial properties meaning that dwellings benefit from much more relaxed planning controls and therefore able to make numerous, unregulated external changes. It is therefore proposed that an Article 4 Direction is also introduced alongside the adoption of Conservation Areas Character Appraisals at Caverswall, Cheddleton, Stanley and Upper Tean to restrict harmful changes to properties. An Article 4 Direction was served on domestic properties within the Leek Conservation Area in 2014, and Oakamoor and Rudyard in 2016, and these have been operating effectively. Public consultation will also be undertaken on the proposed introduction of an Article 4 Direction in these areas.
- 3.3 The draft appraisals are included in the Appendices. Appendix 5 provides further details on the proposed Article 4 Direction.

4. How this report links to Corporate Priorities

- 4.1 The issues raised in this report relate to the priority outcomes relating to:
 - Help create a strong economy by supporting future regeneration of towns and villages
 - Protect and improving the environment

5. Alternative Options

- 5.1 The measures covered by the recommendations of this report are all linked and the options for the Council are:

(a) To adopt the character appraisals and introduce an Article 4 Direction. This option would offer the greatest protection to the character and appearance of these historic settlements and is in line with best conservation practice.

(b) To adopt the accompanying character appraisals (but leave the planning controls as they are). This will allow the significance of the settlements' heritage to be recognised and for planning applications to have regard to the character and appearance of the areas but it will leave the Council limited as to what it can protect. It will also allow the inconsistent planning controls to continue.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

No implications

6.2 Workforce

No implications

6.3 Equality and Diversity/Equality Impact Assessment

No adverse impact identified for protected groups.

6.4 Financial Considerations

See para. 7.10-7.12 below

6.5 Legal

Local authorities have a duty to review the overall extent of conservation area designations in their area regularly. Designations such as this remain the principal means by which conservation policies can be applied to particular areas. Detailed guidance on the appraisal of conservation areas has been produced and is published in the background papers. This report requests authority to commence a consultation exercise as an early step in the process.

6.6 Climate Change

A tailored approach may be required to retro-fitting properties to address climate change. Sustainability is at the heart of the Council's design/conservation policies. The conservation of the

historic environment is a key objective of the Government's National Planning Policy Framework. Subsequent planning applications will be considered in this context.

6.7 Consultation

Consultation will be carried out as set out in para.7.13 below.

6.8 Risk Assessment

No significant issues have been identified.

Neil Rodgers
Executive Director (Place)

Web Links and Background Papers

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

<https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/>

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7. Detail

- 7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to formulate and publish proposals for Conservation Areas, and to give special attention to preserving or enhancing their character or appearance.
- 7.2 Policies covering Conservation Areas are found in the National Planning Policy Framework (NPPF) and The Staffordshire Moorlands Local Plan. Guidance on the designation and management of Conservation Areas is published in the Government's Planning Practice Guide 'Conservation and Enhancement of the Historic Environment' and by Historic England: 'Understanding Place: Conservation Area Designation, Appraisal and Management'. The Planning Practice Guide advises that appraisals can be used to help planning authorities develop management plans and planning policies. The appraisals will help property owners understand what is significant about these areas and to put forward development proposals that respect their character. They can identify opportunities for beneficial change or the need for planning protection.
- 7.3 The Staffordshire Moorlands currently has 17 Conservation Areas but only 10 have adopted appraisals. This report is seeking approval to undertake public consultation on draft appraisals for Caverswall, Cheddleton, Stanley and Upper Tean, leaving only Biddulph Grange, Cauldon Canal and Checkley to complete. The documents have been prepared following a review of these areas, examining the historic development of the settlements and identifies

features which make a positive or negative contribution to their character and appearance.

Conservation Area Boundary Review and Proposed Extension in Cheddleton

- 7.4 The boundaries of each of the four Conservation Areas have also been reviewed. All are proposed to remain the same apart from Cheddleton where it is proposed to extend the boundary to the west to include the former National School and Hanfield Farm. The former school is an important part of the social history of the village, a building of historic interest and closely relates to the historic core. Hanfield Farm is a fine 19th century farmstead which has survived as an outlying farm and not been encroached upon by village expansion. This grouping of buildings, boundaries and open fields contribute greatly to the rural setting of the village.

Erosion of Historic Character: Article 4 Direction

- 7.5 An important issue raised in the appraisals is the loss of historic features which is eroding historic character and appearance of these areas. This includes the replacement of historic windows and doors with modern designs, loss of architectural detailing, demolition of chimneys, introduction of concrete roof-tiles in place of Staffordshire Blue Clay tiles, loss of front boundary walls often to create vehicle hardstandings in front gardens, and the construction of front porches. These are being undertaken as a result of Permitted Development Rights (PD Rights). PD Rights are a national grant of planning permission which allow certain minor building works to be carried out unchecked. Whilst ordinarily these minor changes have no detrimental impact on wider amenity, within sensitive historic areas these minor changes can cumulatively be very harmful to the overall appearance and character of an area.
- 7.6 It is also of note that there is an inconsistency in planning controls between dwellings and commercial properties, meaning that dwellings benefit from much more relaxed planning controls and therefore owners are able to make numerous, unregulated external changes.
- 7.7 There is recognition by the Government and Historic England (its advisors) that these incremental changes can cumulatively cause great harm to the historic character and appearance of these areas. An Article 4 Direction gives local planning authorities the power to restrict PD Rights where they have the potential to undermine the protection of the historic environment. This Direction brings certain types of development back under planning control so that potentially harmful proposals can be considered case-by-case through a planning application.
- 7.8 Historic England guidance (Understanding Place; Conservation Area Designation, Appraisal and Management) states that it is appropriate to serve an Article 4 Direction where there is a real and specific threat. They are most commonly used to control changes to elevations of buildings fronting a highway, waterway or open space. Further information on Article 4 Directions, their operation and the proposed categories of development to be affected are listed in Appendix 5.

- 7.9 It should be noted that the Secretary of State for MHCLG made a statement on 1st July 2021 announcing that changes will be made to the NPPF to ensure that the use of Article 4 Directions is highly targeted to protect historic high streets but not to unnecessarily restrict housing delivery. Although the changes to the NPPF have not yet been made, the change to policy in this Ministerial Statement takes immediate effect. It is considered that this policy change will not impact on the intention to introduce Article 4 Directions in the four Conservation Areas as they will not impact on housing delivery. On the contrary, they will protect the historic character of these areas, be in line with the Council's duty to protect the character and appearance of these areas, be limited in their extent to just the conservation area and prevent the adverse effect of unrestricted householder alterations.

Financial Implications

- 7.10 The service of an Article 4 Direction will have a number of financial implications relating to a potential increase in planning applications (although these are no longer fee-exempt¹) and (in the short term) potential for compensation. There will also be an increase in the number of planning applications that need to be considered by the Council due to the removal of permitted development rights. However, this increase is expected to be relatively modest. An assessment of the number of additional planning applications determined by the Council in light of the introduction of Article 4 areas in 2016 has been undertaken. Eight additional applications were identified in Oakamoor with a further five in Rudyard over a five year period.
- 7.11 The service of an Article 4 Direction can lead to compensation claims, within 12 months of the confirmation of an Article 4 Direction, if property owners have been refused planning permission or permission granted subject to conditions solely as a result of the Article 4 Direction. Compensation may be claimed for abortive expenditure or for other loss or damage attributed to the withdrawal of permitted development rights. In the case of the proposals for Caverswall, Cheddleton, Stanley and Upper Tean, compensation may be claimed if it can be successfully argued that their property has been adversely affected by the Direction – for example if an order for replacement windows had already been placed before the Article 4 Direction came into force.
- 7.12 A study commissioned for Historic England in 2008 examined the impact on resources arising from the serving of an Article 4 Direction. It concluded that the increase in planning applications is likely to be minimal as clear, concise controls, backed up by appropriate guidance, tend to encourage like-for-like repair or replacement in matching materials which do not require planning permission. It also concluded that compensation claims arising from abortive expenditure or for other loss or damage attributed to the withdrawal of permitted development rights was extremely rare with no evidence of any compensation payments actually being made. The Article 4 Directions served on all properties in Leek, Rudyard and Oakamoor have resulted in no compensation claims and very few applications.

¹ As per The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017

Consultation

- 7.13 In accordance with the Council's Statement of Community Involvement it is proposed to consult the following individuals/groups:
- Residents and local businesses in these areas (leaflet drop)
 - Relevant Parish Councils and Ward Councillors
 - Staffordshire County Council and other relevant public sector organisations/ amenity groups
 - Key Council Officers
- 7.14 The documents listed in the appendices will be available to view on the Council's web site and copies will be available to view at Moorlands House. It is recommended to delegate authority to the Head of Development Services to make minor amendments to the Character Appraisals prior to the public consultation. This will enable more up to date photographs to be used in some cases than those currently incorporated into the versions appended to this report.
- 7.15 It is proposed to consult on these proposals during September and October and a further report outlining the findings of the consultation will be prepared at the end of this period. The Council will also need to carefully consider the potential resource implications as per above before any final decision is made in relation to the introduction of Article 4 Directions.
- 7.16 It is anticipated that consultation on the remaining character appraisals for Biddulph Grange, Cauldon Canal and Checkley will be undertaken next year, and will be the subject of a future report.