

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Cabinet

24 April 2018

TITLE:	Foxt Conservation Area Designation and Character Appraisal
PORTFOLIO HOLDER	Councillor Wain, Portfolio holder for Planning Development and Property
OFFICER:	Executive Director, Dai Larner
WARDS INVOLVED:	Ipstones

Appendices

- Appendix 1 - Comments received from the Consultation exercise**
- Appendix 2 - Final proposed Foxt Conservation Area boundary**
- Appendix 3 - Final draft Foxt Conservation Area Character Appraisal**

1. Reason for the Report:

- 1.1 To report back to Cabinet on the results of the public consultation exercise regarding the designation of a conservation area at Foxt and the accompanying draft character appraisal.

2. Recommendation

- 2.1 For the Cabinet to note the public consultation responses and approve designating the proposed conservation area at Foxt and the accompanying character appraisal as set out in appendix 2 and 3.

3. Executive Summary

- 3.1 The area's architectural and historic interest has been identified within the Churnet Valley Masterplan SPD and a possible conservation area designation around Foxt is a key action point. A draft boundary for the conservation area and accompanying draft character appraisals were considered by the Panel at its meeting held on the 15th November 2017 and approved for the purposes of public consultation.
- 3.2 This report sets out the results of the consultation undertaken and proposes that the conservation area at Foxt and its accompanying character appraisal are adopted.

4. **How this report links to Corporate Priorities**

- 4.1 This report concerns the best practice management of the District's heritage value, significance and future enhancement. This in turn, is related to the Council's corporate aim 3: To help create a strong economy by supporting further regeneration of towns and villages whilst maintaining the area's distinct identity and raising the quality of places.

5. **Options**

- 5.1 There are two principal options:

Option 1 – Accept all the recommendations

It is a statutory duty for Councils to periodically review and determine whether any of their areas warrant conservation area designation. Through the Churnet Valley Masterplan, Foxt has been identified as an area that potentially retains sufficient architectural and historic interest to warrant designation. Designating the proposed conservation area and adopting the character appraisal will maximise the protection afforded to the hamlet.

Recommended

Option 2 – Not accept any of the recommendations

The proposed conservation area boundary is designed to ensure the protection of Foxt's special character. Failure to designate the conservation area at Foxt would not meet a key action point arising from the adopted SPD (Churnet Valley Masterplan).

Not recommended

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

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

No implications

6.5 Legal

It is a statutory duty for local authorities to determine which parts of their area are worthy of conservation area status and to review these areas from time to time (Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990).

6.6 Sustainability

The sustainable retention and reuse of buildings is intrinsically linked to the designation and positive management of conservation areas.

6.7 Internal and External Consultation

In accordance with the Council's Statement of Community Involvement April 2016 officers consulted the following groups:

- Statutory Bodies
- Parish/Town Councils
- Ward Councillors
- Council Officers
- Local residents
- Local landowners

In addition to this, a copy of the boundary and appraisal was deposited at local Council offices and libraries (Leek). A leaflet regarding the proposed boundary and draft appraisal was circulated to all residents within and adjacent to the proposed conservation area. A press statement was prepared and a copy of the boundary and appraisal was available to view and comment upon on the Council's web site. Consultation was carried out during January 2018.

There were 11 comments received as a result of the consultation. There were 5 in support, 4 objections and 2 comments. The details of all comments received and officer's responses are set out in appendix 1. The objections and concerns are summarised below:

- Area does not warrant conservation area designation
- Previous planning approvals have eroded Foxt's character
- Designation would impact on modern farming practices
- Preservation of footpaths is important
- Proposed infill boundary for Foxt is detrimental
- Lack of archaeological evidence to support claims in character appraisal
- Designation would increase house prices, cost or renovations and properties remaining empty.
- Modern housing and infrastructure required for Foxt.
- Conservation area boundary should be widened.

- Historic features not mentioned in the character appraisal

6.8 Risk Assessment

No significant issues have been identified.

7. **Background**

- 7.1 Under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, it is a statutory duty for local authorities to determine which parts of their area are worthy of conservation area status and to review these areas from time to time. The Churnet Valley Masterplan identified the possibility that Foxt may warrant conservation area designation and this became a key recommendation from the Masterplan (7.5.3).
- 7.2 To respond to this recommendation, the Council appointed consultants (Mel Morris Conservation) to review the possible heritage value around Foxt and determine if any parts contain sufficient special architectural and historic interest to warrant designation. This review was completed last year and the Cabinet, at its meeting on the 8th December 2017, approved the draft boundary and character appraisal for the purposes of public consultation.
- 7.3 The proposed conservation area boundary has been drawn to follow well-defined distinct physical boundaries. It centres around the 'Old Town' which contains highly distinctive and irregular tear drop shaped enclosures and crofts with clusters of buildings dating or originating from the 17th century. To the south (east and west) the boundary is widened to include the striking terrain and wider landscape setting around the hamlet.
- 7.4 The designation of an area is a commitment from the local planning authority to protect the historic and architectural elements that make the place special. Designation seeks to preserve and enhance the character and appearance of the conservation area by imposing additional planning controls over demolition, advertisements, development and the protection of trees.
- 7.5 In order to recognise, preserve and enhance the area's special character, the Council, public and local agents need to understand and identify what are the elements that determine the area's historic significance. In response, a draft character appraisal has been completed for Foxt. This document has been prepared in accordance with Historic England's best practice and sets out the history and distinctive characteristics of the area. The preparation of character appraisals is invaluable when making informed development control decisions. They have been used to defend the Council's position in the event of refusal of planning permission and in fighting any subsequent planning appeals.
- 7.6 The National Planning Policy Framework contains policies regarding the designation of conservation areas and their assessment. These

assessments should be taken into account when considering the impact of development. It is important that the Council prepares such documents as they provide the evidence base required to form robust plans and minimise the risk of challenge through planning appeals.

Dai Lerner
Executive Director

**Web Links and
Background Papers**

Foxt Conservation Area boundary
and Character Appraisals

Location

Files held electronically

Contact details

Joanne Brooks ext 3654

Appendix 1 – Consultation Responses

Respondent	Comment	Officer Response	Officer recommendation
M Cooke	<p>Does not agree with conservation area designation or boundary.</p> <p>Foxt has no significant interest and more deserving locations in SMDC. Foxt has some vistas but no outstanding panoramas. Planning applications passed since 2014 in gardens and agricultural land result in a cramped bubble. New modern bungalow severs the link between the Malthouse and Fox and Goose. The mock Tudor appearance of Yew Tree Cottage, solar panels on roofs and plastic windows in listed buildings does not merit conservation area status.</p>	<p>Note objection and concerns over recent approvals.</p> <p>Once adopted the designation and character appraisal will be a material consideration in the determination of planning applications that affect the conservation area or its setting.</p> <p>Even when designating a conservation area boundary there will always be elements that have previously been altered. The Council cannot reverse this but can use the designation and character appraisal to guide appropriate development within the future.</p>	<p>The point regarding planning permissions has been raised by a number of respondents and officers consider it prudent to make a general reference to the applications within the Character Appraisal.</p>
C Green	<p>Objecting to agricultural land in conservation area without consultation is wrong and very bad manners.</p> <p>The proposed extra regulations do not take into account modern farming practices and will be resisted vigorously.</p>	<p>Consultation leaflet was sent to landowners within the proposed conservation area boundary.</p> <p>There are no proposed restrictions that would affect modern farming methods. No further objections were received from the landowner.</p>	<p>No change proposed</p>
J & C Holt	<p>Agree to conservation area designation and content of character appraisal. However concerned that recently 4 planning applications have been approved that contradicts the spatial analysis section 4.7. This deals with the conflict of new housing and the inability</p>	<p>Note support and concerns over recent approvals. Once adopted the designation and character appraisal will be a material consideration in the determination of planning applications that affect the conservation area or its setting.</p>	<p>The point regarding planning permissions has been raised by a number of respondents and officers consider it prudent to make a general reference to the applications within the Character Appraisal.</p>

Respondent	Comment	Officer Response	Officer recommendation
	to preserve the original crofts and can therefore no longer achieve its objectives.		
Mr & Mrs Cope	Concerned about the conservation area designation as it will split neighbours as only certain part of the village included. Footpaths in village have been stopped.	Note concerns. The Council is aware that 1 footpath has been blocked and is subject to a Section 53 application with SCC (see point below).	No change proposed
J Sutton	Support conservation area designation. Concern over blocking of footpath.	Note support. The Council is aware that 1 footpath has been blocked and is subject to a Section 53 application with SCC. The character appraisal identifies the footpath network as a key characteristic of the area and their loss as a problem. Designation of these as public footpaths is a recommendation of the character appraisal.	No change proposed
J Snow	Support conservation area designation to stop further damage to valuable historical area.	Note Support	No change proposed
P Goram	Does not support the conservation area designation as too late given recent planning approvals. Concern over the imposition of the infill boundary policy of the emerging Local Plan.	Note objection and concerns over recent approvals. Once adopted the designation and character appraisal will be a material consideration in the determination of planning applications that affect the conservation area or its setting. There is no infill boundary proposed for Foxt under the emerging Local Plan . Within this Foxt is defined as a smaller village . Development will be controlled through policy SS 9. - <i>Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined.</i>	No change proposed Comment noted
S Mellor	Object to conservation area designation.	Note objection.	

Respondent	Comment	Officer Response	Officer recommendation
	<p>The criteria described as a few old buildings, a few rock formations and some trees is not adequate reasoning for the designation of a conservation area. The appraisal does not back up its assumptions with any archaeological evidence regarding rock formations and defensive use of village. Much more archaeological evidence would need to be provided to prove that it has any real historical value. This would be a further waste of money that could be spent on improving the village in general for the people who will live in the village.</p>	<p>The justification for conservation area designation is set out in the character appraisal. It defines and records the special architectural and historic interest of the area. The County Archaeologist has been consulted as part of this process and the report states any archaeological assumptions are 'probable.' A recommendation of the report states that future investigation and evaluation of potential archaeological sites should be carried out. It is also likely that any development proposals would need to be accompanied by an archaeological evaluation.</p>	<p>No change proposed</p>
	<p>The village could benefit from further modern properties being built and less opposition to sensible construction projects. Foxt has poor infrastructure and a lack of residents means limited support for any commercial ventures within the village and any social activities.</p>	<p>Designation does not preclude development but aims to ensure that these respect the character of the area. Designation does not restrict improved infrastructure.</p>	<p>No change proposed</p>
	<p>The cost of extending or repairing property will become more expensive as properties will need to adhere to stricter rules.</p>	<p>Conservation area designation does not always impose stricter rules but guides future development so that it preserves or enhances the character of the area. Irrespective of conservation area designation alteration to existing properties would need to be mindful of maintaining the local distinctive character of Staffordshire Moorlands and complementing the special character and heritage of the area. (Policy</p>	<p>No change proposed</p>

Respondent	Comment	Officer Response	Officer recommendation
	<p>The conservation area includes no properties or locations within it that would benefit the general public but would increase the value of the homes within it which may stand empty.</p> <p>The conservation area excludes several older residential dwellings on the other side of the village and doesn't include the church and churchyard and the historic area of the canal which are the most historically significant buildings in the village.</p>	<p>SS1 and DC1 emerging local plan)</p> <p>Preserving or enhancing the character of Foxt is of benefit to the general public. The value of property within the area is likely to be driven by location and the characteristics of the hamlet. Conservation area designation is unlikely to increase value significantly.</p> <p>The boundary of the potential conservation area was reviewed and a wide geographical area was considered at the outset. Areas assessed included St. Mark's Church and the Village Hall, the New Cottages and Villas, and Whirley Low Cottages, Red Row and Parkside. A separate conservation area was also considered for Ipstones Park, but this was discounted because of the level of alteration to the building fabric. The park lacks the special architectural interest to be included within a conservation area. Its historic interest is undeniable but the condition of its surviving historic fabric has been diluted by unsympathetic alterations and redevelopment of historic buildings, the poor condition of the walled boundaries, where these survive, and the loss of boundary banks and ditches.</p> <p>All buildings in the outlying area were photographed and considered for their relationship with the focus for the original nucleus of the village. Many of these elements, whilst of historic and architectural interest in their own right, were too detached and disparate to the main focus of the settlement to include within the conservation area.</p>	<p>No change proposed</p> <p>No change proposed</p>

Respondent	Comment	Officer Response	Officer recommendation
	<p>The pubs inclusion is confusing, as it will restrict its purpose for demolition in the</p>	<p>The main reason for this in terms of its relationship with the Church and Village Hall, was the poor quality of the environment between the Hall and Brook Cottage and lack of special architectural or historic interest; i.e. the character of the Central Garage site and its environs is too altered to make a coherent boundary with the main part of the village.</p> <p>The main focus has a core that is well-integrated and cohesive in character. This is very distinct and is easy to relate to its early form and location within the landscape.</p> <p>Froghall Wharf is part of the Caldon Canal Conservation Area and it would be appropriate to review the boundary of this when an appraisal is produced. At that time it may be more appropriate to include the tramways, wharfs and settlements along its length, including the industrial housing, the Villas and New Cottages, which were built for the copperworks and with which it holds a more close relationship.</p> <p>The option of including Whirley Low Cottages within the boundary would have involved long elements of fields and road with little or no intrinsic interest. On balance it was felt that this could not be considered as an integrated 'character area'.</p> <p>Conservation area designation does not necessarily preclude demolition but any proposals for</p>	<p>No change proposed</p>

Respondent	Comment	Officer Response	Officer recommendation
	future should it be better suited for residential use.	demolition would have to be clearly justified as part of the planning process.	
V Cowie	Support conservation area designation but feels that the conservation area boundary should be widened out to include church and village hall and additional fields and open spaces to retain the true character of the village.	Note support and see comment above re extent of boundary	No change proposed
P Cowie	Support conservation area designation but feels that the boundary should be widened to include far more properties and pasture land between buildings to preserve the open aspect. Additional properties for inclusion should be 'The Villas and 'New Cottages' , Church and village hall, Town Head Farm and cottages between and up to Whirley Low, cottages at Whirley Low and field opposite repair garage and haulage business yard (former quarry).	Note support and see comment above re extent of boundary.	No change proposed
Ipstones PC	<p>The document is out of date as it does not take into account planning approvals granted for several new dwellings.</p> <p>It does not mention an old historic Well - known as Endstone Well.</p>	<p>Note Comment</p> <p>This appraisal document defines and records the special architectural and historic interest of the proposed conservation area. It would be difficult to make reference and record every historical or architectural feature. However, just because a</p>	<p>This point has been raised by a number of respondents and officer consider it prudent to make a general reference to the applications within the Character Appraisal.</p> <p>Amend character appraisal to mention Henstone Well.</p>

Respondent	Comment	Officer Response	Officer recommendation
		feature is not mentioned it should not be taken that it is not important.	

APPENDIX 2 – PROPOSED FOXT CONSERVATION AREA BOUNDARY



