

**Conservation Area Management Framework
Background Paper
May 2008**

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1 Introduction

1.1 The national and statutory context

- 1.1.1 A conservation area is defined in Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Conservation areas were introduced nationally in 1975, but little definitive guidance has been produced to inform what characteristics an area should have in order for it to be designated. There is no right of appeal against designation, and no scrutiny at a higher level of the exercise of the power by local planning authorities to designate conservation areas. There is no requirement to consult before designating a conservation area, although it is considered best practice to do so.
- 1.1.2 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities “to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas”. It also states “Proposals...shall be submitted for consideration to a public meeting in the area to which they relate” and “...the local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting”. There is no further guidance on what form proposals might take.
- 1.1.3 In the last two decades the government’s advisers on the built environment, and the building conservation profession itself, have considered what is needed to focus attention, both on the quality of places that are, or are to be, designated as conservation areas, and also on the actions necessary to protect and reinforce those qualities. Establishing the qualities of a place that justify conservation area status is addressed by production of conservation area character appraisals. The preparation of conservation area management plans is intended to address the issue of the protection and enhancement of those qualities.
- 1.1.4 There is no statutory requirement to prepare either conservation area appraisals or management plans. It is however generally now accepted as best practice, and it is the strong advice of English Heritage that appraisals should be prepared for all newly designated conservation areas. It is suggested that the appraisal and the management plan should form separate but related parts of the same document. Preparation of a management plan is intended to follow on logically from the initial analysis contained in an appraisal of the character of a proposed or existing conservation area.

1.1.5 It is the National Park's intention to prepare conservation area character appraisals and management plans for all its conservation areas.

1.2 *Conservation areas in national parks*

1.2.1 Planning controls in a national park are more extensive and rigorous than outside, and are in fact almost identical to those that apply within a conservation area. The exception relates to the demolition of the whole or the substantial majority of all but the smallest buildings, consent for which is required.

1.3 *Conservation areas in New Forest National Park*

1.3.1 The National Park Authority inherited 18 conservation areas, generally centred around nucleated historic settlements, such as Lyndhurst, Beaulieu and Bucklers Hard, with the exception of the scattered settlement of Burley.

1.3.2 A review of conservation area designations in the National Park began in 2007 and continues in parallel with these proposals. The review has assessed areas of the Park where there is a special relationship between buildings and the landscape as a result of the way in which the land has evolved and been managed. This includes settlements around the edges of unenclosed Forest which reflect encroachment and agricultural exploitation of the forest edge and areas of larger privately owned estates beyond. It has resulted in the designation of four new conservation areas. The review moves on to look at the appropriateness of the boundaries of the inherited conservation areas.

1.3.3 There are still 18 conservation areas in the National Park (the new designations encompassed four existing conservation areas). These are listed in **Annex A**.

2 Conservation area management framework

2.1 *Introduction*

2.1.1 A three part conservation area management framework has been developed:

Conservation area character appraisals - one for each conservation area, which identifies the special historic and architectural qualities of an area which justify its designation;

Conservation areas management plan - covering all conservation areas:

Conservation area specific management plan - covering individual conservation areas.

2.2 *Conservation area character appraisals*

- 2.2.1 An appraisal assesses and analyses the character of an area and describes its special interest. The appraisal can be used either to justify designation as a conservation area, or as part of a review of existing conservation areas to determine whether that status continues to be justified.
- 2.2.2 Four of the National Park's conservation areas have completed character appraisals.
- 2.2.3 Character appraisals will be produced for the remaining conservation areas as part of the review of their boundaries.

2.3 *Conservation area management plan*

- 2.3.1 The preparation of a management plan should follow on as soon as possible after an appraisal is completed. The presentation of the two documents alongside each other allows two halves of one exercise to be seen and read together.
- 2.3.2 The management plan comprises two parts, the conservation areas management plan which applies to all conservation areas and the conservation area specific management plans which contain guidance relating to specific conservation areas.
- 2.3.3 The conservation area specific management plans will be prepared as soon as practicable after the preparation of the appraisals for those conservation areas. They will cover issues to do with conditions and circumstances particular to that conservation area and the management of specific sites.

3 Current situation - systems and procedures

3.1 *Legislation and guidance*

- 3.1.1 Conservation area consent is required for the demolition of any building over 115m² which includes dwellings and their associated outbuildings. This is valuable power in the protection of buildings which are threatened by demolition and redevelopment.
- 3.1.2 Buildings which make a valuable contribution to the character and appearance of the four new conservation areas have been identified as part of the character appraisals of these areas.
- 3.1.3 Planning Policy Guidance Note 15 – Planning and the Historic Environment sets out the guidance on the historic environment. The advice is a material consideration in the determination of any planning application relating to the historic environment. There are

comprehensive sections regarding development and management relating to conservation areas.

3.2 *Development*

3.2.1 Planning policies form the basic tools for the effective management of a conservation area. They should be seen, not as being prescriptive, but as being clearly defined parameters within which good quality and imaginative design and the use of appropriate materials can produce sympathetic and sustainable development that contributes to, the character and appearance of the conservation area.

3.2.2 There are a number of planning policies within each of the three current local plan documents which relate directly to conservation areas as set out at **Annex B**. These policies are currently under review as part of the preparation of the Local Development Framework.

3.3 *Building condition and repair*

3.3.1 Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables a local authority to carry out urgent works for the preservation of listed buildings in their area after giving notice to the owner. These powers can be used only in respect of an unoccupied building, or the unused part of a partly occupied building.

3.3.2 Section 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables the Secretary of State to direct (after consulting English Heritage) that the powers shall apply to an unlisted building in a conservation area if it appears that its preservation is important for maintaining the character or appearance of that area.

3.3.3 These powers refer only to urgent works and imply emergency repairs only, for example, works to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The work must be the minimum required.

3.3.4 These powers are currently used in relation to listed buildings.

3.4 *Building alterations and permitted development.*

3.4.1 Article 4(2) directions remove the normal permitted development rights from dwelling houses, so that planning permission is required for specific works. A direction is selective both between and within the types of development listed in **Annex C** and would relate to selected properties.

3.4.2 Article 4(2) directions exist only for buildings in the conservation areas of Beaulieu and Breamore.

3.4.3 Article 4(2) directions require evidence that harm is being caused to be produced as justification for their implementation.

3.5 *Management of trees and woodland*

3.5.1 Trees are valued features of our villages and countryside and make an important contribution to the character of the local environment. Some trees in conservation areas may already be protected by tree preservation orders. This means that the National Park Authority's consent must be obtained before they can be cut down, topped or lopped.

3.5.2 The contribution that trees can make to the character and appearance of a conservation area is further reflected in the special provision of protection for trees in conservation areas which are not the subject of tree preservation orders. Subject to a range of exceptions, (including small trees and ones that are dead, dying or dangerous), anyone proposing to cut down, top or lop a tree in a conservation area is required to give six weeks' notice to the National Park Authority. The purpose of this requirement is to give the Authority an opportunity to consider bringing the tree under their general control by making a tree preservation order.

3.5.3 Work is in progress to identify the ancient and veteran trees in the National Park and to review tree preservation orders.

3.6 *Enhancement schemes*

3.6.1 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities pay special attention to the desirability of enhancing the character of conservation areas.

3.6.2 At this time the National Park Authority has no physical enhancement schemes within any of its existing conservation areas.

3.7 *Monitoring and Review*

3.7.1 The boundaries of conservation areas inherited by the National Park Authority were last reviewed in 1999. The current review will be completed by the end of March 2009.

3.7.2 There is no established monitoring or review process for the physical condition of conservation areas or the quality of their special historic and architectural character.

3.7.3 Any monitoring or review process is dependent on baseline information against which change can be measured and which would need to be established.

4 Future opportunities

4.1 Development control policy

4.1.1 The current review of planning policy and the establishment of new policies for the National Park Authority is an ideal opportunity to develop policies which seek to encourage development that is in keeping with or enhances the character of conservation areas.

4.1.2 The opportunity should be taken to establish a set of core principles within the conservation areas management plan that will guide development in conservation areas. These core principles can then be used to inform the review of planning policy so that new policies affecting conservation areas reflect the aims of these core principles.

4.2 Other management tools

4.2.1 In the production of a conservation area framework there is an opportunity to establish the baseline data required to underpin the effective management of conservation areas in the National Park. Within the conservation areas management plan there should, therefore, be a methodology or process established that will result in the accumulation of baseline data on the physical condition of, and the special historic and architectural character of, each conservation area.

4.2.2 These baseline data can then be used to inform the management proposals put forward in the conservation area specific management plans. In particular the information will direct how the tools available to manage conservation areas should be used.

4.2.3 The baseline data can also be used to determine if and how conservation areas can be improved through physical enhancement works. The data can be used to establish the need, and provide support, for grant schemes and how they can be targeted in individual conservation areas. This will allow a proactive approach to sourcing funding and provide the necessary background support that is required for funding applications.

4.2.4 The production of the conservation area framework and the documents contained therein will highlight the resources needed to meet the objectives and timescales set out in the documents.

4.2.5 The baseline data will also be available for use in monitoring the decline or improvement in the condition, character and appearance of conservation areas in the National Park. The consistent and periodic monitoring and review of this data will assist in decision making processes on the future management of conservation areas.

5 Targets

Action:	
1.	By the end of March 2009, complete the ongoing conservation area review.
2.	By the end of March 2009, establish a work programme to ensure that all conservation area character appraisals will be reviewed within a period of five years.
3.	By the end of September 2008 complete the production of the conservation areas management plan.
4.	By the end of March 2013 complete conservation area specific management plans for all conservation areas.

6 Monitoring and review

- 6.1 The National Park Authority will produce an annual report to assess progress towards achieving objectives and actions.

Annex A - Conservation areas in New Forest National Park

Conservation Area	Designated	Original designation
Forest South East	24 January 2008	24 January 2008
Forest Central (North and South)	24 January 2008	24 January 2008
Western Escarpment	26 March 2008	26 March 2008
Forest North East	26 March 2008	26 March 2008
Ashlett Creek (part New Forest District) Bank	02 February 2000 17 February 1999	08 September 1993 18 February 1981
Beaulieu	29 September 1999	19 March 1971
Breamore (part New Forest District) Brockenhurst (Waters Green)	05 April 2000 29 September 1999	18 February 1981 01 June 1983
Buckland (Lymington) (part New Forest District) Bucklers Hard	01 December 1999 29 September 1999	10 February 1988 19 March 1971
Burley	29 September 1999	18 February 1981
Exbury	13 May 1998	13 May 1998
Fritham	17 February 1999	18 February 1981
Lyndhurst	21 April 1999	19 February 1975
Keyhaven	01 December 1999	16 July 1975
Swan Green	17 February 1999	19 February 1975
Sway Tower	29 September 1999	18 February 1981

Annex B - Existing planning policies

New Forest District Council	Test Valley District Council	Salisbury District Council
DW-E21 – Change of use of Listed Building or other important building (in or affecting the setting of a conservation area)	ENV 13	
DW-E22 – Exceptional development to retain Listed Buildings or other important building (in or affecting the setting of a conservation area)		
DW-E23 – New Development in Conservation Areas	ENV 15	CN8
DW-E24 – Demolition in Conservation Areas	ENV 14	
DW-E25 – Shopfronts in Conservation Areas		
DW-E26 Advertisements in Conservation Areas		

Annex C - Article 4(2) directions

Article 4(2) directions can be selective both between and within these types of development:

- the erection, alteration or removal of a chimney on a dwellinghouse, or on a building within the curtilage of a dwellinghouse;

and any of the following permitted development rights for development **which would front a highway, waterway or open space:**

- the enlargement, improvement or other alteration of a dwellinghouse;
- the alteration of a dwellinghouse roof;
- the erection or construction of a porch outside any external door of a dwellinghouse;
- the provision, within the curtilage of a dwellinghouse, of a building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
- the erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
- the painting of a dwellinghouse or a building or enclosure within the curtilage of a dwellinghouse.