

## Report to Cabinet

Thursday, 8 June 2023

By the Cabinet Member for Planning and Infrastructure

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Adoption of Rusper Conservation Area Appraisal and Management Plan**

#### **Executive Summary**

There are 37 designated conservation areas in Horsham District. Each has a Conservation Area map which identifies the area boundaries. Legislation requires that Conservation Areas are reviewed and managed to ensure their historic character is retained. The Council has an ongoing programme of Conservation Area Appraisals.

Cabinet agreed on 29 September 2022 to approve the draft Rusper Conservation Area Appraisal and Management Plan for public consultation. These draft documents included some proposed boundary changes (additions) to the existing conservation area.

A five-week public consultation exercise was held between the 12 January 2023 and the 16 February 2023 inviting comments on the Conservation Area Appraisal and Management Plan. This report sets out the key issues raised by respondents to the draft Conservation Area Appraisal during the consultation period, and the recommended responses to the comments. It is recommended that a final version of the Conservation Area Appraisal and Management Plan, incorporating revisions following consultation, is adopted with effect from 26 June 2023.

#### **Recommendations**

Cabinet is recommended to ask Council to:

- i) approve the designation of the revised Conservation Area boundary for Rusper, as shown on the Conservation Area designation map (1) included in this report;
- ii) approve and adopt the Conservation Area Appraisal and Management Plan for Rusper, as set out in Appendix 2 to be used in the determination of planning applications from 26 June 2022; and
- iii) delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor editorial changes prior to final publication of the Conservation Area Appraisal and Management Plan.

## Reasons for Recommendations

- i) To formally designate the amended conservation area boundary.
- ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications and to designate the locally listed buildings.
- iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area Appraisal and Management Plan.

## Background Papers

1. Rusper conservation area designation map designated in 1976 – map published online 8 September 2011. (<https://www.horsham.gov.uk/planning/design-and-conservation/conservation-areas/conservation-area-maps> )
2. Representations and Responses to the draft Conservation Area Appraisal and Management Plan for Rusper (See Appendix 1)
3. Conservation Area Appraisal and Management Plan for Rusper (July 2023) (See Appendix 2)

**Wards affected:** Colgate and Rusper

**Contact:** Catherine Howe, Head of Strategic Planning x5505.

Nicola Mason, Conservation Officer x5289

## **Background Information**

### **1 Introduction and Background**

- 1.1 Conservation areas were introduced through the Civic Amenities Act (1967). Horsham District Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate conservation areas where appropriate, to review the designations regularly, and to plan for the management of conservation areas to ensure that they retain their special character and interest.
- 1.2 Section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires local planning authorities to review their conservation areas from time to time.
- 1.3 In accordance with Section 71 of the same Act the Council is also required to formulate and publish proposals for the preservation and enhancement of their conservation areas and consult the local community about the proposals.
- 1.4 There are 37 designated conservation areas in Horsham District. There is a conservation area map for each conservation area which identifies the designation boundaries. The Council has started a rolling programme of producing Conservation Area Appraisals and Management Plans. In Horsham District, eleven conservation areas now have an adopted appraisal. (Billingshurst, Bramber, Henfield, Horsham (Richmond Road, London Road and Horsham Town Centre), Pulborough (Lower Street and Church Place), Slinfold, Storrington, Steyning, and Warnham.
- 1.5 Without appraisals setting out the significance of each conservation area, there is a lack of up-to-date information to inform and support Horsham District Council in managing change positively in the remaining conservation areas. The conservation area of Rusper has been identified as experiencing pressure for development, and a Conservation Area Appraisal has been undertaken in accordance with current best practice as described in Historic England's document, Conservation Area Designation, Appraisal and Management, Historic England Advice Note 1 (2016).
- 1.6 The draft Conservation Area Appraisal and Management Plan for Rusper was published for public consultation between 12 January 2023 and 16 February 2023. The Rusper Conservation Area and Management Plan was discussed by Rusper Parish Council at its meeting on the 31 January 2023. All comments received from the parish meetings and the public consultation have been taken into consideration in the proposed Conservation Area Appraisal and Management Plan.

### **2 Relevant Council policy**

- 2.1 The Horsham District Planning Framework (HDPF) is the relevant Plan that sets out how growth and development will take place in the District in the period to 2031. Policy 34 "Cultural and Heritage Assets" sets how the Council will deal with proposals affecting cultural and heritage assets in the District. The appraisal, once adopted, will be used in conjunction with Policy 34 where relevant to help determine planning applications and as historic guides for local residents.

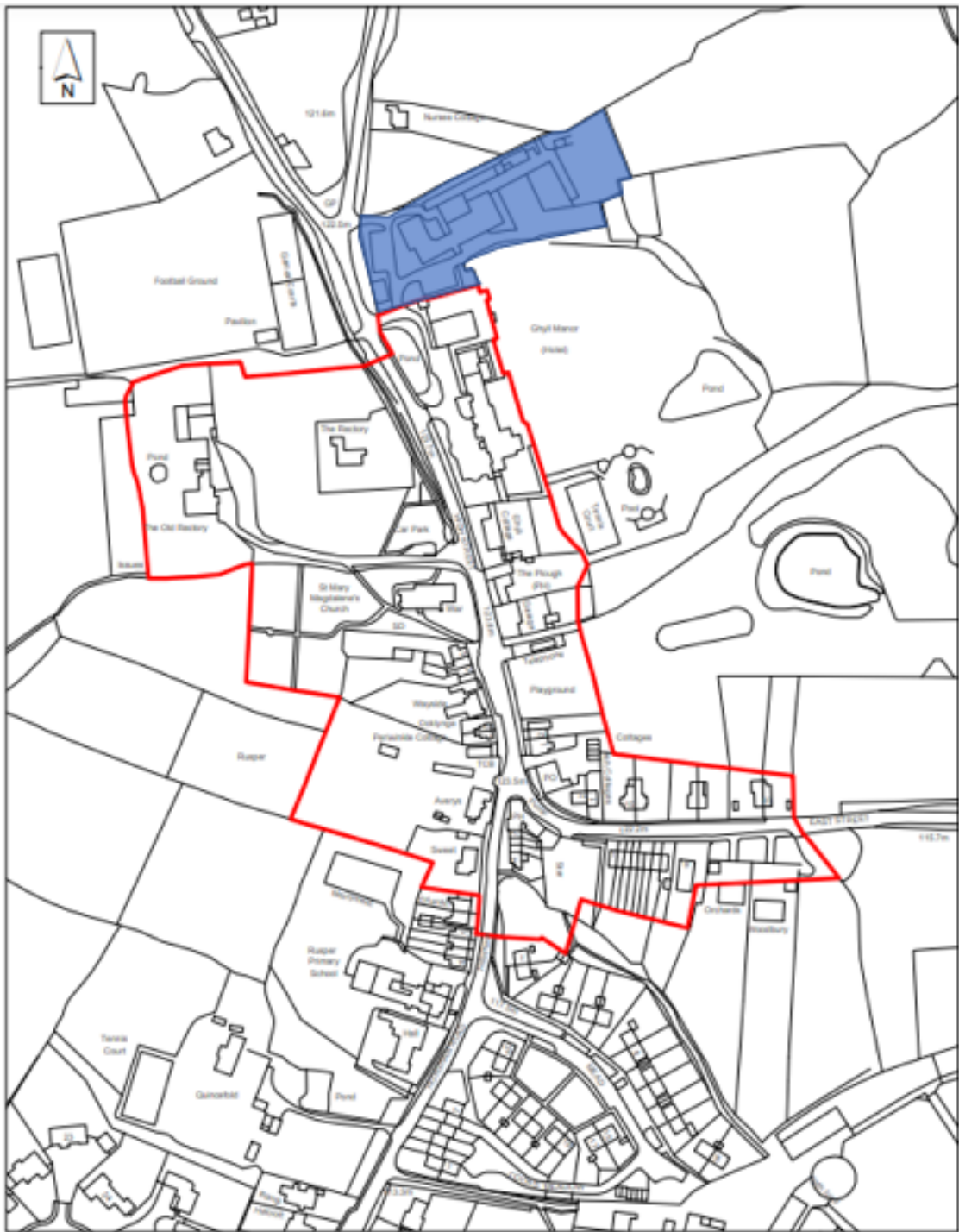
### 3 Details

- 3.1 The Conservation Area Appraisal sets out background information relating to the historic development of Rusper. It includes details of the conservation area's setting, its townscape and historic environment and describes its key features. The appraisal looks in turn at the character areas that have been identified. There is a section on views and negative elements of the conservation area. There is also a Management Plan. Two appendices are included within the document: a gazetteer of listed and locally listed buildings and a glossary of terms.
- 3.2 The conservation area appraisals would result in an extension to the conservation area, with no deletions. The Rusper Conservation Area would be extended to include the site of Rusperhouse Farm historic farmstead (the gardens of Ghyll Manor up to its northern boundary).
- 3.3 In response to the consultation on the draft Consultation Area Appraisals, one response was received to the Conservation Area and Management Plan. This response has been reviewed and where appropriate, changes are proposed to the text of the documents in light of the comments. A summary of observations received and the Council's response is included at **Appendix 1**.
- 3.4 The updated Appraisal is included as **Appendix 2**.
- 3.5 A summary of the main consultation points raised is set out below.

#### Addition of recreation ground to the Conservation Area

- 3.6 It has been suggested that the recreation field is included within the conservation area as it is a highly valued and sensitive part of the village.
- 3.7 The inclusion of the recreation field was carefully considered as part of the review of the conservation area boundary. However, whilst it is acknowledged that the recreation ground forms an important community facility the key criterion for conservation area designation relates to areas of architectural or historic interest. Whilst the recreation ground is a valued green space paragraph 186 of the NPPF states that "when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest." It is suggested that the recreation ground due to its position and open nature frames the conservation area and has a landscape value that enables the conservation area to be appreciated. It is not considered at this time that the space has the specific historic or architectural interest to warrant inclusion within the conservation area, although this does not detract from its importance in reinforcing the conservation areas rural setting or its communal value.
- 3.8 **Map 1** below shows the final Conservation Area Map for Rusper.

# Map 1 Rusper Conservation Area Map



**Horsham District Council**

Park North, North Street, Horsham,  
West Sussex. RH12 1RL  
Rod Brown : Head of Planning & Environmental Services

Reproduced by permission of Ordnance Survey map on behalf  
of HMSO. © Crown copyright and database rights (2011).  
Ordnance Survey Licence.100023865

**Rusper Conservation Area**

Reference No :

Date : 08/09/11

Drawing No :

Scale : 1:2500

Revisions :

## **4 Next Steps**

- 4.1 Following Cabinet, the relevant Conservation Area Maps will be updated on the Horsham District Council website and appropriate publicity will be carried out to inform all those in Rusper that the revised conservation area boundary is in place.
- 4.2 The completed Conservation Area Appraisal and Management Plan, once adopted, will help inform private owners, interested parties and developers about the conservation area and constitute a material consideration in future planning decisions regarding developments within or adjoining the areas. Management Plans take forward the issues raised in the Appraisal, identifying the means by which the special interest of the conservation area will become self-sustaining into the future.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The draft Conservation Area Appraisal was due to be discussed at the Policy Development Advisory Group (PDAG) on 12 September 2022, however this was cancelled due to the death of the Queen.
- 5.2 In lieu of the meeting a briefing note was circulated to members of PDAG outlining the changes to the existing conservation area. No further feedback was received.
- 5.3 Public consultation was carried out on the draft Conservation Area Appraisal between 12 January 2023 and 16 February 2023. The relevant Parish Council and district councillors were consulted. In addition, a public notice was put into the West Sussex County Times. All address points within the Conservation Area and within 20m of the boundary of the Conservation Area were written to (a total of 74 letters). Details of the public consultation and electronic copies of the draft Conservation Area Appraisal were available to view and download on the Council's website.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The option of not producing Conservation Area Appraisals and Management Plans was considered but it was decided that the development pressures on this sensitive location was too great not to produce the conservation guidance which clearly sets out the Council's expectations for development proposals in these areas. It is also a duty of local authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for parts of their area which are Conservation Areas.

## **7 Resource Consequences**

- 7.1 The cost of implementing the Conservation Area appraisals will be met from within the existing budgets and will largely consist of staff time.

## **8 Legal Considerations and Implications**

8.1 Local Planning authorities must:

- (i) determine areas which are desirable to preserve and enhance, and, designate them as conservation areas pursuant to section 69 (1) Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”);
- (ii) review the past exercise of functions under the Act to determine whether further areas should be designated as conservation areas and designate them if appropriate, pursuant to section 69 (2) of the Act;
- (iii) give notice to the Secretary of State and the Historic Buildings and Monuments Commission for England of any areas designated (varied or cancelled) as conservation areas under the aforementioned sections, pursuant to section 70(5) of the Act;
- (iv) publish details of any designation (variation or cancellation) in the London Gazette and in at least one newspaper circulating in the area of the Local Planning Authority; and
- (v) formulate and publish proposals for the preservation and enhancement of conservation areas and consult the public in the area in question, taking account of views expressed pursuant to section 71 (1, 2 and 3) of the Act.

8.2 The designation of any areas as a conservation area shall be a local land charge pursuant to section 69(4) of the Act.

8.3 In the exercise by Local Planning Authorities of planning functions within the conservation area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” pursuant to section 72(1) of the Act.

## **9 Risk Assessment**

9.1 Updating the existing Conservation Areas will reduce the risk of challenge to decisions made on planning applications in these areas. In addition, the review and updated information will give both applicants and officers in Development Management improved information to develop and assess proposals, resulting in higher quality development.

## **10 Procurement implications**

10.1 There are no procurement implications which arise from the adoption of the Conservation Area Appraisals and Management Plans.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

### Equality and Diversity Implications

- 11.1 The publication of the Conservation Area Appraisal and Management Plan are not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. It is not considered that the Conservation Area Appraisal or their policies will have any direct impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

### Human Rights

- 11.2 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 would be relevant in consideration of planning applications within the conservation area. Consideration of Human rights would form part of any planning assessment.

## **12 Environmental Implications**

- 12.1 If adopted, the conservation area appraisal's main focus is to provide guidance in protecting the historic environment but also indirectly delivers on the environmental objectives embedded in the Corporate Plan such as protecting and enhancing air quality, the quality of places we work and live, protecting existing habitats and green infrastructure. It is considered that these policies will help to protect and enhance the local environment of each conservation area in relation to planning matters.

## **13 Other Considerations**

- 13.1 It is not considered that the adoption of the Conservation Area Appraisal and Management Plan will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.



## **Appendix 1**

### **Representations and Responses to the draft Conservation Area Appraisal and Management Plan for Rusper**

See separate Appendix 1

## **Appendix 2**

### **Conservation Area Appraisal and Management Plan for Rusper Conservation Area.**

See separate Appendix 2