

## Report to Cabinet

Thursday, 25 January 2024

By the Cabinet Member for Planning and Infrastructure

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Conservation Area Assessment and Designation; West Chilmington Lanes (Wells Cottages)**

#### **Executive Summary**

The Planning (Listed Building and Conservation Areas) Act 1990 places a duty on local planning authorities to review whether any parts or further parts of their area should be designated as conservation areas.

Cabinet agreed on 29 September 2022 to undertake public consultation regarding the proposed designation of a new Conservation Area for the area of West Chilmington encompassing a number of buildings collectively known as Wells Cottages.

A public consultation exercise was held between the 12 January 2023 and the 16 February 2023 inviting comments on the designation of the proposed Conservation Area, its 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 (i) the Wells Cottages area of West Chilmington is designated as a conservation area to be called the West Chilmington Lanes Conservation Area, and (ii) a final version of the Conservation Area Appraisal and Management Plan, incorporating revisions following consultation, is adopted.

#### **Recommendations**

Cabinet is recommended to:

- i) Approve the designation of the West Chilmington Lanes, (as shown on the Conservation Area designation map (**Map 1**) included in this report) as a conservation area.
- ii) Approve and adopt the Conservation Area Appraisal and Management Plan for the West Chilmington Lanes as set out in **Appendix 2**.
- iii) Delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor changes prior to final publication of the Conservation Area designation map and Conservation Area Appraisal and Management Plan.

## **Reasons for Recommendations**

- i) To formally designate the new conservation area boundary.
- ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications.
- iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area designation map and Conservation Appraisal and Management Plan, without the need for it to be referred back to Cabinet.

## **Background Papers**

1. Representations and Responses to the draft Conservation Area Appraisal and Management Plan for the West Chiltington Lanes (See Appendix 1)
2. Conservation Area Appraisal and Management Plan for the West Chiltington Lanes (November 2023) (See Appendix 2)

**Wards affected:** West Chiltington, Thakeham and Ashington

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## **Background Information**

### **1 Introduction and Background**

- 1.1 Conservation areas were introduced through the Civic Amenities Act (1967). Conservation areas exist to manage and protect the special architectural and historic interest of an area and contribute to forming a unique sense of place. 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. There are 38 designated conservation areas within the Horsham District at present.
- 1.2 The designation of a conservation area is undertaken where the local planning authority identifies that an area has a special architectural quality or historic interest. Evidence of the special interest of the Wells Cottages has been identified within the West Chiltington draft Neighbourhood Plan and earlier documents. Further sections of this report set out more detail on how the process of designating the West Chiltington Lanes as a new Conservation Area has been considered.

### **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 development proposals affecting cultural and heritage assets in the District. The appraisals, once adopted, will be used along with Policy 34 where relevant to help determine planning applications and as historic guides for local residents.
- 2.2 In December 2023, the Council agreed the Horsham District Local Plan be published for a formal Representation period in January 2024. Policy 21 of the emerging Local Plan “Heritage Assets and Managing change within the Historic Environment” also seeks to ensure that new development takes account of designated and non-heritage assets and their settings. The emerging policy requires development within Conservation Areas is consistent with the special character of these areas.

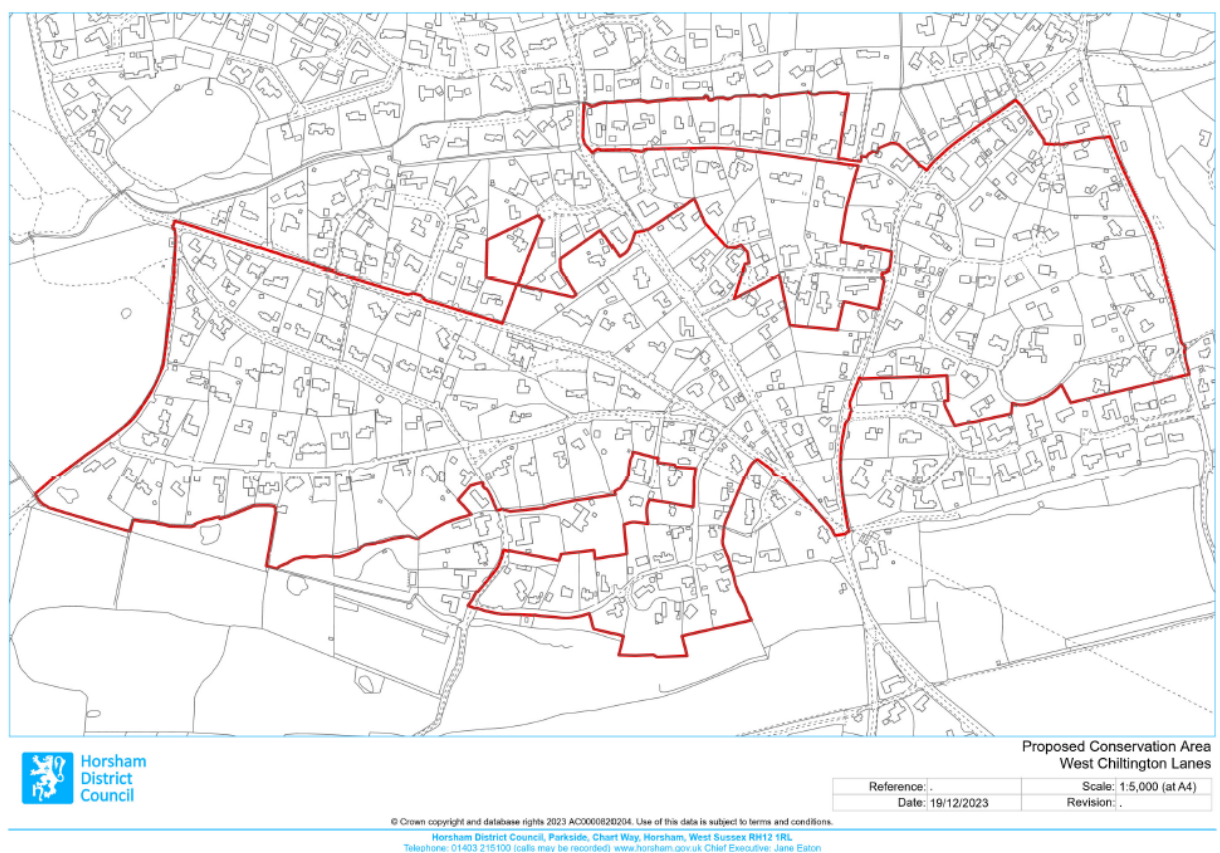
### **3 Details**

- 3.1 As part of the proposed designation of the West Chiltington Lanes Conservation Area, a draft appraisal was undertaken and management plan produced to provide guidance to preserve and enhance the area. The appraisal sets out the significance of the proposed conservation area and 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).
- 3.2 The proposed conservation area encompasses an area of special architectural and historic interest the character or appearance of which should be preserved. In addition to being part of a cherished and familiar local scene creating a strong sense of place, the proposed conservation area is of interest as the intended character of the buildings are still perceptible and the dwellings represent a vision of

interwar development influenced by the Arts and Crafts Movement. The National Planning Policy Framework (“NPPF”) is clear that local planning authorities should ensure that an area justifies its status as a conservation area because of its special architectural or historic interest and ensure that the concept of conservation is not devalued through the designation of areas that lack special interest.

- 3.3 The proposed West Chilmington Lanes Conservation Area would extend to Spinney Lane, Sunset Lane, Heather Lane, Westward Lane, Monkmead Lane, Common Hill, Roundabout Lane, Ling Common Place, Grove Lane, Bower Lane, Silver Glade, Birch Tree Lane, Fir Tree Lane and Threals Lane in West Chilmington as shown edged red in **Map 1**. This map also shows the location of the Wells Cottages (in red).

### Map 1 – Proposed Conservation Area Boundary



- 3.4 The Conservation Area Appraisal sets out background information relating to the historic development of the area and it includes details of its setting. The appraisal looks at the townscape and historic environment of the locality and describes the key features of the conservation area. There is a section on views and negative elements of the conservation area. There is also a Management Plan included with the Conservation Area Appraisal. The role of the Management Plan is to take forward the challenges and opportunities identified in the appraisal, and to identify means by which the special interest of the Conservation Area will become self-sustaining into the future. Two appendices are included within the document and a glossary of terms.

- 3.5 In response to the formal consultation on the draft Consultation Area Appraisal, a total of 51 comments from 44 respondents were received. Comments were received from West Chilton Parish Council, local landowners and local residents. All comments have been reviewed and, where appropriate, changes have been made to the text of the documents in light of the comments received. A summary of comments received, and the Council's response is included at **Appendix 1**. The updated Conservation Area Appraisal is included as **Appendix 2**.
- 3.6 A summary of the main consultation points raised is set out below.

#### Lack of Special Historic and Architectural Features

- 3.7 Objections were raised noting that within the proposed conservation area there are few properties that retain their original features, and that many properties have been altered over time and this has diminished their historic character. Whilst the incremental changes to some properties are noted, and some properties have lost some original features, it is considered that the area and its buildings retain sufficient notable qualities that it would be desirable to preserve or enhance. As a whole the proposed conservation area does have special architectural or historic interest. The proposed management plan seeks to inform and proactively encourage the retention of, or reinstatement of traditional features when carrying out building work, where this is reasonable and practicable. Whilst it is understood that costs of repair and renovation are a key concern, the historic features of an area are often the attributes that add to amenity and can make areas more attractive for prospective occupiers.
- 3.8 Objections also noted that owners are in the best position to understand and protect their buildings and that the added level of control would undermine this position. Whilst many owners and occupiers seek to protect the heritage of their buildings, this is not always the case and it is considered that the conservation area, together with the proposed management plan will provide greater certainty that the character of the area will be retained in the future. In particular the proposed Management Plan seeks to inform and proactively encourage the retention of or reinstatement of traditional features when work is considered and provide clear guidance to support owners.
- 3.9 Objections were received noting that in terms of the proposed conservation area "the horse had already bolted" and previous planning decisions had changed the character of the area. Although it is recognised that over time change has occurred, the character of the lanes and associated sense of place is still very much recognisable. The designation of conservation areas provides the opportunity to ensure that as time progresses and our appreciation of buildings of historic and architectural interest expands, areas can be reconsidered or identified where in the past they may have been considered too new or too commonplace. Buildings of the nineteenth and twentieth century are often the most undervalued and vulnerable and it is important to recognise that this irreplaceable resource contributes to our experience of place.
- 3.10 If agreed, the proposed conservation area would be a material consideration in any new planning application and this would require the special historic and architectural character of the locality to be taken into consideration. The designation of a conservation area would not prevent development but would

ensure that the features of the conservation area that give it its unique character are given appropriate weight. Where development does take place, it should make a positive contribution to local character and distinctiveness. This is further underlined within the NPPF which requires all development irrespective of whether it is within a conservation area or not is required to be well designed.

### Constraints and Costs of Conservation Area Designation

- 3.11 Several objections/comments were received relating to the costs of renovation to properties within the proposed conservation area. Concerns were raised that the conservation area would be detrimental to homeowners due to loss of house value as prospective buyers would be looking to extend and add potential alterations to improve their property for a more modern lifestyle. It was stated that homeowners who intended to enlarge their home both appropriately and sympathetically would no longer be able to do so due to the restrictions imposed by the conservation area.
- 3.12 Research by Historic England and the London School of Economics and Political Science have indicated that people value conservation areas for their distinctiveness, visual appeal and historic character. This value is reflected in the price of properties in conservation areas. Generally, they cost more and appreciate in price more than properties in other areas, even after adjusting for location and other factors. Extensions under permitted development can still be undertaken to properties within the conservation area depending on the size and location of the extension. Being within a conservation area does not preclude sensitive extensions where they preserve or enhance the special historic and architectural interest of the locality.
- 3.13 Concerns were also raised regarding the increase in bureaucracy such as the need to apply for works to trees and the construction of fencing. Anyone proposing to carry out works to a tree in a conservation area must give at least six weeks notice to the local planning authority. There are exceptions to this requirement, including when the tree is dead, dying or has become dangerous. This notice period gives the local planning authority the opportunity to decide if it is necessary to impose a tree preservation order on the tree in order to discharge its duty to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. If the authority decides the tree is not a part of the special character or appearance of the area, it may give consent or allow the notice to lapse without response. Trees enrich the locality and the conservation area designation would give the existing trees some level of protection, but would not preclude necessary works to trees to be carried out.

### Lack of Consultation

- 3.14 The proposal to designate a new conservation area has been considered by the Parish Council since 2004, and is noted within the emerging draft neighbourhood plan since 2017. As part of the current public consultation, letters were sent to all residents within and surrounding the proposed conservation area and a notice placed in the County Times. West Chiltoningon Parish Council and district councillors were also consulted. All comments have been considered and, where necessary, changes made to the proposed Conservation Area Appraisal and Management

Plan. The proposed conservation area designation was also discussed by West Chiltington Parish Council at its public meeting on the 17 February 2023.

#### Placement of Conservation Area boundary

- 3.15 Concerns were raised about the position of the conservation area boundary and the inclusion of properties that were not Wells Cottages, and that some Wells Cottages were excluded. The boundary of the conservation area was proposed to reflect the pattern and grain of the Wells Cottages and their setting. As a conservation area the designation includes spaces not just individual buildings. Where the buildings and landform reflect the characteristics and special qualities of the area they would be included. This is reflected in the proposed name change from the initial title 'Wells Cottages Conservation Area' to the 'West Chiltington Lanes Conservation Area', so as to encompass the wider sense of place, in addition to the cottages themselves.

#### Inclusion of positive and negative buildings within the Conservation Area

- 3.16 The draft Conservation Area Appraisal identified designated and non-designated heritage assets. It was suggested by respondents that a description of buildings outside these categories, which could be considered to positively or negatively contribute to the Conservation Area, should be included. This change was made as it was agreed that the inclusion of an analysis of non-designated 'positive' and 'negative' buildings, in addition to those that have been designated, would help better understand the quality of the built environment within the conservation area. This would inform opportunities to improve, and build upon, the character, heritage and setting of the Conservation Area by future development, in line with the NPPF's stance in Paragraph 185 that plans should set out positive strategies to the conservation and enjoyment of the built environment through new development making a positive contribution to local character and distinctiveness.

#### Traffic Management

- 3.17 Several respondents identified concerns with the speed and amount of traffic moving through the conservation area. Although Horsham District and West Chiltington Parish Councils have no decision-making powers relating to traffic management, the Management Plan does suggest that opportunities for traffic management/calming are investigated in partnership with the Highway Authority, West Sussex County Council.

#### Use of Resources

- 3.18 An objection was raised to the Conservation Area Appraisal and Management Plan with concern being raised that the costs of the exercise would be more appropriately used elsewhere. It was also noted that a number of changes had already taken place within the proposed conservation area and therefore the appraisal was unnecessary. As noted above the local planning authority has a duty to review whether any parts or further parts of their area should be designated as conservation areas under the Planning (Listed Buildings Conservation Areas) Act 1990 and the production of appraisals and management plans are considered best practise. The Conservation Area Appraisal seeks to support local residents in

retaining the areas special character and it could be considered that the lack of the conservation designation in the past has resulted in changes that have taken place that may not be as sympathetic to the character of the area. The Conservation Area Appraisal does not seek to prevent development but to encourage sympathetic proposals that reduce the incremental changes that can erode character over time.

## **4 Next Steps**

- 4.1 If the recommendations are approved by Cabinet, officers will comply with the requirements contained in paragraph 8 of this report and update the Conservation Area Maps accordingly.
- 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**

- 5.1 A meeting of the Planning & Infrastructure Policy Development Advisory Group (PDAG) was held in July 2023 where an update was provided to Members relating to the proposed conservation areas. Further information was provided at the PDAG meeting on the 31 October 2023. Feedback from this group, including the suggestion to change the name of the Conservation Area to West Chilmington Lanes has been incorporated.

## **6 Consultation**

- 6.1 Public consultation was carried out on the draft Conservation Area Appraisal between the 12 January 2023 and the 16 February 2023. All relevant Parish Councils and district councillors were consulted. In addition, a public notice was put into the West Sussex County Times. All address points within the proposed Conservation Area and within 20m of the boundary of the relevant area were written to (a total of 314 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.

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

- 6.2 The option of not producing the Conservation Area Appraisal and Management Plan 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 review whether any parts or further parts of their area should be designated as conservation areas, as well as 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 Appraisal 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 The Appraisal’s 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 consultation to designate a new conservation area and Conservation Area Appraisal and Management Plan.

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

### Equality and Diversity Implications

- 11.1 The Equality Act 2010 is concerned with discrimination in respect of specific “protected characteristics” being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Public Sector Equality Duty requires Local Authorities to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.
- 11.2 The Council has therefore considered whether or not the designation of a Conservation Area will have direct or indirect impacts on any of these protected characteristics. The purpose of a conservation area is to identify an area of historic importance and ensure that any development which comes forward in this area retains that special character and interest. Given the relatively narrow purpose of such a designation, it is therefore not considered that the designation will not have any direct or indirect impacts on Gender reassignment, marriage or civil partnerships, race, religion or belief or sex.
- 11.3 The designation of a conservation area may however have the potential to affect nature and extent of some changes or alterations that residents may wish to make to a property as a consequence of their age, due to pregnancy (ie expanding families) or a disability. Taking account of the age structure of Horsham District and West Chiltington parish, both of which have an aging population, the most likely impacts would be on the need to make adaptations for age / age related disabilities.
- 11.4 As set out earlier in this report, as part of the work to designate a conservation area, and prepare a management plan the Council has undertaken a process of public consultation, including contact with all affected properties, ensuring those with any protected characteristics (including those where no direct impact has been identified) to have had an opportunity to feedback. The comments, feedback and actions in response to this feedback are set out in earlier sections of this report. In summary, given that the purpose of the Conservation Area is to ensure that changes which take place are sympathetic to the heritage of the area rather than preventing changes in their entirety. It is therefore not considered that any impacts on age or disability are significant and no mitigation measures in respect of Equalities matters have been identified as necessary.

### Human Rights

- 11.5 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 new conservation area and associated appraisal's main focus is to provide guidance in protecting the historic environment but also indirectly delivers on the environmental objectives embedded in the Council 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 the conservation areas in relation to planning matters. Implications and benefits in terms of climate change adaptations are set out in section 3.

## **13 Other Considerations**

- 13.1 It is not considered that the adoption of the draft Conservation Area designation and associated 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 the West Chilton Lanes Conservation Area.**

See separate Appendix 1

## **Appendix 2**

### **Conservation Area Appraisal and Management Plan for West Chiltington Lanes Conservation Area.**

See separate Appendix 2