

Living in a

Conservation Area

A guide for owners & occupiers



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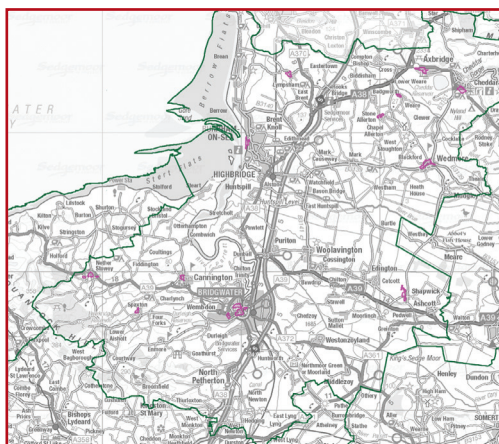
What is a conservation area?

Conservation Areas are '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'.

Sedgemoor District Council have a duty under section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990, to designate any areas of special architectural or historic interest. Conservation areas are designated and managed by Sedgemoor District Council.

There are currently 14 conservation areas within the Sedgemoor District.

Axbridge
Bridgwater Central & Docks
Bridgwater Northfield
Bridgwater St John's
Burnham-on-Sea
Cannington
Cheddar
Lymphsham
Nether Stowey
Shapwick
Spaxton
Stone Allerton
Weare
Wedmore



Is my building in a conservation area?

Sedgemoor District Council can advise whether or not a building is listed. Alternatively please visit our 'Building Conservation' webpage (www.sedgemoor.gov.uk/planning) and see the section about 'Conservation Areas'.

Further information about Sedgemoor's heritage can also be found on the Somerset Historic Environment Record (Somerset HER), via www.somersetheritage.org.uk

Is conservation area consent required?

As part of the Enterprise & Regulatory Reform Act 2013, which came into effect on the 1st April 2013, there is no longer a requirement to obtain conservation area consent, and this was replaced with the need to obtain planning permission.

Planning permission is required for the demolition of most buildings in a conservation

The above flexibility also applied to Approved Document L2B: Conservation of Fuel and Power in Existing Buildings other than Dwellings (2016).

In relation to replacement windows within unlisted buildings in conservation areas, please see the Council's adopted 'Window Policy Guidance Note' for further information.

Access and Use

Under Approved Document M: Access to and Use of Buildings (2016), historic buildings enjoy flexibility within the regulations, which state that 'requirements for accessibility should be balanced against preserving historic buildings or environments'.

Useful information

Historic England The government's advisor on all aspects of the historic environment: www.historicengland.org.uk

Building Conservation Directory A national directory of specialists including architects, suppliers and contractors: www.buildingconservation.com

Acts and Guidance Notes

Planning (Listed Buildings and Conservation Areas) Act 1990

The 1990 Act provides the legal framework for the protection of Listed Buildings: www.legislation.gov.uk/ukpga/1990/9/contents.

National Planning Policy Framework 2012 (NPPF)

Section 12 of this document provides planning policy guidance on the conservation of the historic environment: www.gov.uk/government/publications/national-planning-policy-framework-2.

National Planning Practice Guidance (NPPG)

This provides additional guidance to the NPPF: planningguidance.communities.gov.uk

Contact us

Please contact Sedgemoor District Council if you wish to discuss an application before you submit it, or if you are in any doubt as to whether you need consent to carry out works to your building. Relevant application forms for planning permission can be downloaded from our website: www.sedgemoor.gov.uk/planning

An alternative to address less urgent repairs would be a section 215 notice, served under s.215 of the Town and Country Planning Act 1990. This notice secures improvements to the external visible appearance of land or a building.

Conservation area appraisals & management plans

At present, there are no adopted conservation area appraisals or management plans. The Council's document 'The Conservation Areas of Sedgemoor', which was published in 1993 gives a brief insight into the character of the conservation areas. However, this document should only be loosely considered due to its age and the amount of change that is likely to have occurred within the conservation area since that date.

Conservation Area Character Appraisals and Management Plans are currently being prepared by the Council. These documents will provide an assessment of the current character of the conservation area, making suggestions for amendments to the boundaries and go onto formulate proposals for the conservation area's continued management.

It should be noted that the management plans may make suggestions for the imposition of Article 4 Directions, please see the 'Article 4 Directions' section of this booklet for more information on what these directions are and how they may affect you.

Further guidance notes

There are a number of guidance notes produced by Sedgemoor District Council that help guide your proposals to ensure that they are acceptable. They include:

- Planning Guidance Note on Conversion of Agricultural/Rural Buildings
- Double glazing and buildings in the historic environment – window policy guidance note

Building regulations

Several parts of the Building Regulations offer a degree of flexibility to historic buildings, most notably the following:

Conservation of Fuel and Power

Under Approved Document L1B: Conservation of Fuel and Power in Existing Buildings (2016), historic buildings enjoy flexibility within the regulations 'where compliance with the energy efficiency requirements would unacceptably alter the character or appearance of such existing dwellings'.

area. The total or substantial demolition of any building with a cubic content exceeding 115m³ (about the size of a double garage) will require planning permission.

Planning permission is also required for the demolition of any gate, wall, fence or railing which exceeds one metre in height adjoining a highway or two metres in height in any other case. For the avoidance of doubt, please contact the Development Management Team before carrying out any demolition works in a conservation area.

The unauthorised demolition of any buildings, gate, wall, fence or railing without first obtaining planning permission is a criminal offence.

There is a general presumption in favour of retaining buildings that make a positive contribution to the character or appearance of the conservation area. Conversely, the demolition of a building that makes a negative contribution to the area may be welcomed where it offers the opportunity to enhance the character of the area.

How do I know which buildings make a positive contribution?

At present, the Council's document 'The Conservation Areas of Sedgemoor', which was published in 1993 is the only published appraisal of the character of the conservation area.

However, Conservation Area Character Appraisals and Management Plans are currently being prepared by the Council. Each appraisal will include a map of those buildings that make a particularly positive contribution to the area. Where no such appraisal has been prepared, you should contact the Council's Conservation Officer for an informal opinion.

What about listed buildings?

Listed buildings are subject to separate and much stricter controls than unlisted buildings within a conservation area.

If your building is listed, please see the Council's 'Living in a listed building' leaflet and contact the Council's Conservation Officer for further information.

Planning permission

In most cases, the need to apply for planning permission is unaffected by the conservation area designation. However, any application for planning permission would need to be in accordance with the National Planning Policy Framework 2012 (NPPF), the National Planning Practice Guidance (NPPG), Sedgemoor District Council's Local Plan, and both national and local guidance. For more guidance please see the 'Further Guidance Notes' section on page 5.

The Town and Country Planning (General Permitted Development) (England) Order 2015 outlines what works are permitted development. In addition to demolition works, the following works will require planning permission where they are carried out in a conservation area:

Extensions

An extension to a dwelling that would extend beyond the side elevation of the original dwelling, or the extension would be more than single storey and extend beyond the rear wall of the dwelling.

Loft Conversions

Enlarging a dwelling via an addition or alteration to the shape of its roof. Roof lights do not usually require planning permission.

Cladding

Cladding any part of the exterior of the dwelling with artificial or natural stone, timber, plastic or tiles.

Outbuildings

The building, enclosure, pool or container that would be located on land between the side elevation of the dwelling and the boundary of the dwelling.

Chimneys, flues and soil and vent pipes

Installing any chimneys, flues or soil and vent pipes on a wall or roof slope which fronts onto and is visible from a highway.

Satellite dishes

Installing a satellite dish on a chimney, on a building more than 15m in height, or on a wall or roof slope fronting onto a highway. This includes unadopted roads and private roads.

Change of use

Planning permission would be required for some changes of use between particular classes. In particular, the conversion of an agricultural building into a residential dwelling within a conservation area would require planning permission.

Pre-application advice service

It can be very helpful to seek advice about your proposals before submitting your application for planning permission. This can involve a site meeting, or just sending your proposals in for consideration. This can help overcome potential difficulties and make sure your application deals with all the important relevant considerations. You may also find it helpful to obtain advice from an independent historic building specialist when drawing up your scheme.

There is a charge payable for this service as a result of the time and resources involved in giving advice. This charge is on a sliding scale depending on the type of development being proposed.

Further information on the charges payable how to engage with this service can be found in the 'Pre-Planning Application Advice' leaflet available on our website.

Works to trees

Anyone intending to cut down, top, lop or uproot any tree in a conservation area must give the Council six weeks' notice of their intention to do so.

This gives the Council the opportunity to consider making a Tree Preservation Order where appropriate. This requirement does not apply to trees that have a trunk with a diameter of less than 75mm (3") when measured 1.5 metres above ground level.

Article 4 directions

Where there is proven public support, the Council may remove certain permitted development rights from dwellings in a conservation area. This is done by making a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

An Article 4 Direction can be applied across all or part of a conservation area. It can address any form of permitted development that might harm the character or appearance of such an area, such as the replacement of windows or roof coverings, or the painting of bare brick or stone facades.

At present, no conservation areas within the Sedgemoor District are covered by Article 4 Directions. However, this is being reviewed as part of the Conservation Area Appraisals and Management Plans.

Please note that flats and commercial premises have no permitted development rights.

What about buildings in a poor condition?

The Council have powers to preserve buildings that make a particularly positive contribution to a conservation area, that are in need of repair. Where such a building is unoccupied, and where the works appear urgently necessary to preserve the character of the conservation area, the Secretary of State may, via Historic England, direct that the Council undertake urgent works to the building under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.