

# WEST NORTHAMPTONSHIRE COUNCIL

## PLANNING POLICY COMMITTEE

28 February 2023

**Rebecca Breese – Planning, Built Environment and Rural Affairs**

Report Title	Brockhall Conservation Area
Report Author	<b>Anna Wilson, Heritage Policy Assistant,</b> <b>anna.wilson@westnorthants.gov.uk</b>

### Contributors/Checkers/Approvers

<b>Legal</b>	Theresa Boyd	Approval email received 09/02/2023
<b>West S151</b>	Martin Henry	Approval email received 23/01/2023
<b>Other Director/SME</b>	Stuart Timmiss	Email sent 23/01/2023
<b>Communications Lead/Head of Communications</b>	Becky Hutson	Approval email received 23/01/2023

### List of Appendices

**Appendix A – Written Responses**

**Appendix B – Brockhall Conservation Area Boundary Map**

**Appendix C – Local List Candidates**

**Appendix D – Details of Article 4(1) Direction**

#### **1. Purpose of Report**

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To consider the responses to the consultation exercise on the draft Brockhall Conservation Area Appraisal and Management Plan and further steps to implement the outcomes.

#### **2. Executive Summary**

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- 1.1. The report sets out the recommendations for the adoption of the conservation area boundary as set out in Appendix B, the adoption of the Brockhall Conservation Appraisal and Management Plan as a Supplementary Planning Document (SPD), the inclusion of buildings on the Local List, and proposals for an Article 4(1) Direction at

Appendices C and D. It includes details of how the statutory consultation was undertaken, and the results of the consultation (Appendix A).

### **3. Recommendations**

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3.1 It is recommended that Planning Policy Committee:

- a) Agrees that the conservation area boundary as set out in Appendix B be designated and supersedes the designation that was made in 1999.
- b) Agrees that the proposed changes to the Brockhall Conservation Area Appraisal and Management Plan in response to representations, as set out in Appendix A be approved.
- c) Agrees that delegated authority be given to the Interim Head of Planning and Climate Change Policy to make further minor editorial changes to the Brockhall Conservation Area Appraisal and Management Plan including to reflect that the document will be in its final adopted form.
- d) Agrees that the conservation area appraisal and management plan for Brockhall be adopted as a Supplementary Planning Document.
- e) Agrees the Local List entries for Brockhall set out in Appendix C.
- f) Agrees that an Article 4(1) Direction for Brockhall in accordance with the proposals in the conservation area appraisal and management plan be made subject to consultation.
- g) Agrees that delegated authority to confirm the Article 4(1) Direction be given to the Interim Head of Planning and Climate Change Policy in the event that there are no objections received in response to the consultation on the Article 4(1) Direction.

### **4. Reason for Recommendations**

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- The proposals fulfil the statutory duty of the council to review and designate conservation areas where they meet appraisal criteria.
- The proposals accord with legislation and the council's planning policies.
- The proposals will provide the council with the tools to preserve and enhance the heritage of Brockhall, which contributes to the historic character of the West Northamptonshire area. Without these tools, the special historic interest of the village may be harmed or lost.
- The proposals are consistent with previous decisions made to designate conservation area boundaries and adopt supplementary planning documents for other towns and villages in the area.

### **5. Report Background**

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5.1 The council has a statutory duty under the 1990 Planning (Listed Building and Conservation Areas) Act to review its conservation areas and to designate conservation areas where they meet appraisal criteria. At its meeting on 25 October 2022, the council resolved that consultation should take place on the draft conservation area appraisal and management plan for Brockhall. The consultation is now complete.

- 5.2 The proposals at Brockhall suggested amending the conservation area boundary to include an area of ridge and furrow earthworks and a small spinney on the southeast side of the village; to include a 19th century cart shed and a small spinney on the northeast edge of the conservation area; to include a belt of trees on the northwest edge of the conservation area called Gazewell Spinney, parts of which date back to the 19<sup>th</sup> century; and to include a small woodland called Rectory Spinney, parts of which date back to the first half of the 19<sup>th</sup> century.
- 5.3 The proposals also identified one candidate for the Local List, being situated to the north of Brockhall in the small settlement of Muscott, outside of the conservation area.
- 5.4 The appraisal also made proposals for an Article 4(1) Direction to cover the conservation area. The proposals suggest removing permitted development rights within Class A of Part 1 of Schedule 2 to the Order, these being the enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space; within Class B or Class C of Part 1 of Schedule 2 to the Order, these being the alteration or addition to the roof of any dwelling house; within Class A of Part 2 of Schedule 2 to the Order, this being the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space; and within Class C of Part 11 of Schedule 2 to the Order, this being any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure where the gate, fence, wall or means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space. The addresses proposed to be affected by the removal of these PD rights are set out at Appendix D, along with a plan of the affected area.
- 5.5 As per recommendation g) above, it is requested that the Committee delegates confirmation of the Article 4(1) Direction for Brockhall to the Interim Head of Planning Policy, in the event that there are no responses to the consultation on the direction.

### **Responses to consultation**

- 5.6 One response to the consultation was received via the online survey, which expressed disagreement with the proposed extensions, particularly two areas of woodland identified as BA1 and BA2. This was based on the impact conservation area status might have on adjacent pasture land which is part of a 'Mid Tier' Countryside Stewardship Scheme to encourage greater biodiversity. This particular parcel of land has been within the conservation area since it was last reviewed in 1999 and the current review does not confer any additional constraints that would impact its management under the Countryside Stewardship Scheme. The response is set out in Appendix A. No responses were received via letter or email.

- 5.7 Historic England did not seek any changes.
- 5.8 The draft appraisal included initial proposals for an Article 4(1) Direction in Section 10.2. There are no suggested changes as a result of the consultation exercise and it is suggested that an Article 4(1) Direction be prepared for the proposed restrictions set out in the draft appraisal.

## **6. Issues and Choices**

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- 6.1 Conservation area status and an adopted appraisal and management plan, which has the status of a Supplementary Planning Document (SPD), adds weight to the consideration of non-designated heritage assets in decision-making. It also provides detail for applicants and decision makers on the special interest of the conservation area as a designated heritage asset. The proposed conservation area boundary and appraisal and management plan have been produced with the aim of providing proportionate and effective means of protecting the special architectural and historic interest of Brockhall for the benefit of present and future generations.
- 6.2 The alternative options would be not to endorse the designation of the conservation area boundary and the adoption of the Brockhall Conservation Area Appraisal and Management Plan as a supplementary planning document, not to endorse the candidates for the Local List, and not to 'make' the Article 4(1) Direction.
- 6.3 Not endorsing the boundary designation, the adoption of the appraisal and management plan, not endorsing the candidates for the Local List, and not 'making' the proposed Article 4(1) Direction would leave the council without valuable tools with which to protect and enhance the special architectural and historic interest of Brockhall.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

- 7.1.1 Adopting the appraisal, designating a new conservation area boundary and making Article 4(1) directions would have no material financial effects. Minor costs for placing adverts in the London Gazette and a local newspaper will be covered from existing budgets.

### **7.2 Legal**

- 7.2.1 Supplementary Planning Documents (SPDs) are defined by the Planning and Compulsory Purchase Act 2004. The detailed requirements for SPDs and their adoption are provided by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 7.2.3 The SPD would supplement existing policies, predominantly the West Northamptonshire Joint Core Strategy and the Settlements and Countryside Local Plan (Part 2) 2020.
- 7.2.4 Directions under Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (No. 596) require planning permission to be obtained for works which would otherwise be permitted development.
- 7.2.5 A claim for compensation can be made to the Local Planning Authority if planning permission is refused or granted subject to conditions other than those conditions imposed by the General Permitted Development Order 2015 (as amended). However, no compensation for the withdrawal of certain permitted development rights is payable if the Local Planning Authority gives notice of the withdrawal between 12 months and 24 months in advance.
- 7.2.6 The proposal requires the making, publicising and confirmation of an Article 4(1) Direction in accordance with the legal process and procedures prescribed by Schedule 3 of the General Permitted Development Order 2015 (as amended).

### **7.3 Risk**

- 7.3.1 There are no material risks foreseen in the endorsement of the conservation area designation, adoption of the appraisal and management plan or the making of the Article 4(1) Direction.
- 7.3.2 Not endorsing the conservation area designation, adoption of the Appraisal and Management Plan and the making of the Article 4(1) Direction would be likely to weaken protection for heritage in Brockhall and thus increase the risk of its loss.

### **7.4 Consultation**

- 7.4.1 The Brockhall Conservation Area Appraisal and Management Plan consultation document was subject to a formal eight-week public consultation that began on 21 November 2022 and ended on 16 January 2023. This followed an initial online meeting and presentation held on 7 September 2022, which was attended by the ward councillors and 7 members of the public. A second virtual public meeting was organised to be held during the consultation period on 15 December 2022. Despite the meeting being publicised through the usual channels, there were no attendees. The PowerPoint presentation slides and notes were made available on the council's website.
- 7.4.2 The process for this type of Article 4(1) Direction requires that the direction be "made" and notice given by the LPA specifying a minimum period of 21 days, including the date on which the period is to commence, during which representations are to be made to the LPA (paragraph 1 (4)(d), Schedule 3 of the GPDA 2015 (as amended)). Any representations received during this period must be taken into account by the LPA in deciding whether to confirm the Article 4(1) Direction. Only if an Article 4(1) Direction is confirmed does it have legal effect.

Following consultation the matter would be brought back to Planning Policy Committee for the direction to be confirmed or not.

## **7.5 Consideration by Overview and Scrutiny**

Not applicable

## **7.6 Climate Impact**

- 7.6.1 The designation of the conservation area and adoption of the appraisal and management plan as a supplementary planning document are unlikely to have a negative impact on the climate.

## **7.7 Community Impact**

- 7.7.1 It is unlikely that the adoption of this document would have any material effect on crime or disorder.
- 7.7.2 The proposed course of action should not have any perceptible differential impact on people with protected characteristics.
- 7.7.3 Endorsing the designation of the conservation area boundary and the adoption of the conservation area appraisal and management plan as an SPD would assist in conserving the historic character of Brockhall and contribute to preserving the character of places that make up West Northamptonshire. As such, it would support the well-being of residents and those who work in or visit Brockhall and the wider area.

## **8. Background Papers**

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Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework

Planning (Listed Building and Conservation Areas) Act 1990

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020

West Northamptonshire Council Planning Policy Committee Report 25 October 2022 -  
Permission for consultation on draft Brockhall Conservation Area Appraisal and  
Management Plan and proposed boundary.

## Appendix A – Survey Responses

Respondent	Comments	Suggested response	Suggested action
<b>Do you agree with the proposed boundary for the conservation area? (map available for viewing through link on Conservation Areas webpage)</b>			
Ross Collins	Disagree proposed boundary.	Comments noted.	No change.
<b>Do you think this Appraisal captures the special interest of Brockhall? Please use the text box to highlight any specific features which you think either have or have not been captured.</b>			
Ross Collins	<p>It does not capture the special interest of Brockhall.</p> <p>The proposed extension to the existing conservation area has no relevance to the village centre of Brockhall, and is totally divorced from providing any benefit to the village.</p>	<p>Comment noted.</p> <p>The existing conservation area covers not only the village of Brockhall but also the gardens and parkland of Brockhall Hall and open pasture to the northwest of the village. Conservation areas often include open spaces and features other than buildings that have historic interest and/or contribute to the visual amenity of the landscape. Although the proposed areas are not situated within the built extent of the village itself, they are visible either from the village or on the approaches to it and the wider conservation area and, therefore, they provide visual amenity. In addition, all four proposed extensions demonstrate historic interest, as set out in the conservation area appraisal and management plan on p.12.</p>	<p>No change.</p> <p>No change.</p>



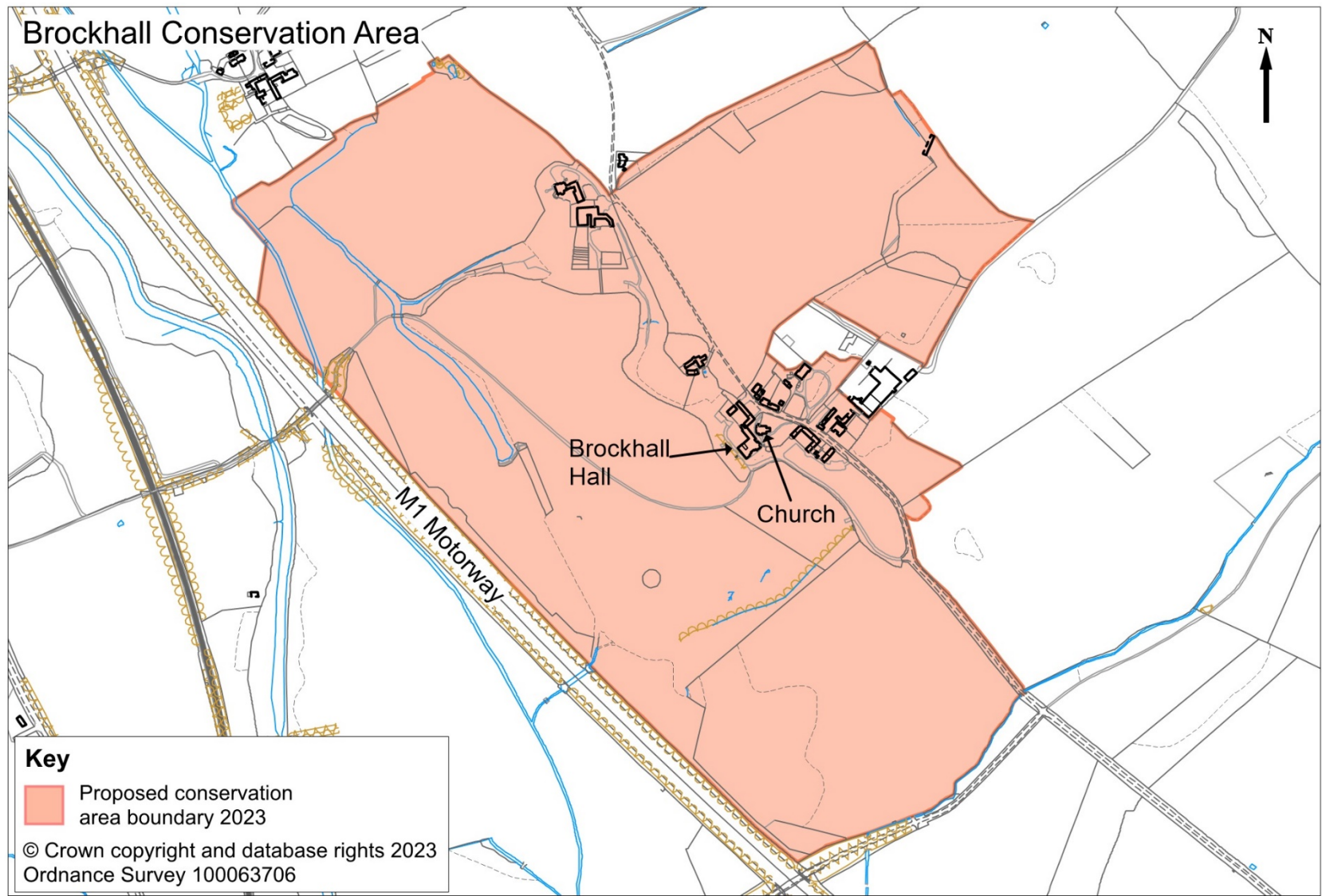
	<p>The areas being proposed are areas of woodland which adjoins land which already forms part of a government led environment scheme known as 'Mid Tier' which encourages flora and fauna. It is likely that any extension of the Conservation Area (as being proposed) will materially impact negatively on a far larger environmental scheme.</p>	<p>As the respondent says, two of the proposed extensions BA3 and BA4 (p.13 of the draft appraisal) are areas of woodland that adjoin land within the Mid-Tier Countryside Stewardship Scheme but they do not fall within it. Although the respondent has said that the land under the scheme will be negatively impacted by being adjacent to the conservation area they have not provided evidence as to why this would be the case.</p> <p>Proposed extensions BA1 and BA2 fall within land that is covered by the scheme. Conservation area status should not impact the management of land under the Countryside Stewardship Scheme other than conferring a requirement to notify the council prior to any works to trees. In fact, parts of the existing conservation area already include land that is covered by the scheme. Therefore, this land has been managed under both the conservation area designation and the Mid-Tier Countryside Stewardship Scheme for some time already, suggesting that neither has a negative impact on the other.</p>	<p>Section 9.8, p. 64, after fourth paragraph, add the following text:</p> <p><u>“The role of countryside stewardship schemes in enhancing biodiversity within the conservation area is recognised.”</u></p>
	<p>The inclusion of the tree belts offers no enhancement to the existing Conservation Area.</p>	<p>Please see comments above about how the tree belts/woodlands contribute to both the visual amenity of the conservation area and its historic interest.</p>	<p>No change.</p>

<b>Do you agree with the candidates for the Local List? (see pages 66-67 of the Appraisal). Are there any more potential candidates which you would like to suggest? Please use the text box to identify candidates for the Local List, giving an address where possible.</b>			
Ross Collins	Don't know/no opinion	Comments noted.	No change.
<b>Do you think there is enough clear guidance regarding conservation areas for residents or those submitting or commenting on a planning application or application for listed building consent? Please use the text box to identify specific areas where guidance is either satisfactory or lacking.</b>			
Ross Collins	There is not enough clear guidance.	No further information was provided by the respondent as to further guidance needed.	No change.
<b>Do you think there are any actions missing from our Management Plan? (see pages 71-74 of the Appraisal). Please use the text box to identify specific actions, giving justification where possible.</b>			
Ross Collins	Whilst we accept that large scale development will have a negative impact on Brockhall, and support this principle, there does need to be some consideration to established businesses (farms) which may require some development without the onerous restrictions from a Conservation Area designation.	It is recognised that Brockhall is a working, rural village and agricultural landscape and that this is integral to its character. This is acknowledged in the appraisal and management plan (p.64, Section 9.8). The purpose of the conservation area is not to prevent development from taking place but to ensure that development is undertaken in such a way that it preserves and enhances the historic character and distinctiveness of the village, park and garden and surrounding landscape. Conservation area status does not remove permitted development rights for agricultural buildings or practices, although even with permitted development particular conditions must be met.	No change.

<b>Do you think the proposed Article 4 Directions (see pages 86-87 of the Appraisal) would help to preserve special features of the conservation area? Please use the text box to identify specific locations or features at risk or permitted development rights that you feel should be removed?</b>			
Ross Collins	Article 4 Directions would not help to preserve special features	Comments noted. No further details were provided by the respondent.	No change.
<b>Are there any other matters within the Appraisal and Management Plan that you would like to comment on? Please reference any comments to the specific part of the Appraisal where possible (using paragraph or section numbers) and, if seeking a change be clear what change is sought and provide justification where possible.</b>			
Ross Collins	<p>As highlighted above, the proposed extension to the existing conservation area has no relevance to the village centre of Brockhall, and is totally divorced from providing any benefit to the village.</p> <p>The areas being proposed are areas of woodland which adjoins land which already forms part of a government led environment scheme known as 'Mid Tier' which encourages flora and fauna. It is likely that any extension of the Conservation Area (as being proposed) will materially impact negatively on a far larger environmental scheme.</p> <p>The inclusion of the tree belts offers no enhancement to the existing Conservation Area.</p>	Please see the response under the second question above, in relation to the same comments made by the respondent.	No change.

	<p>Established farming businesses must have the flexibility to futureproof their businesses for future generations without onerous restrictions being implemented in areas which have limited benefit from a Conservation perspective, especially when there is already extensive work being undertaken to improve on the natural habitats on farm.</p>	<p>It is acknowledged that the management of the farmland through the Countryside Stewardship Scheme is positive in improving aspects of the natural environment. However, the purpose of the conservation area designation is to conserve and enhance the historic environment. The Brockhall Conservation Area Appraisal and Management Plan (p. 13) sets out the various reasons why the proposed extensions contribute to the historic character of Brockhall. As mentioned previously, conservation area status does not remove permitted development rights for agricultural buildings or practices.</p>	<p>No change.</p>
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**APPENDIX B – Brockhall Conservation Area Boundary Map**



## **APPENDIX C – Local List Candidates**

### Muscott

East (1 and 2) and West (3 and 4) Cottage

## **APPENDIX D – Details of Article 4(1) Direction**

### Permitted Development Rights proposed to be removed

- The enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space, Class A of Part 1 of Schedule 2 to the Order;
- The alteration or addition to the roof of any dwelling house, Class B or Class C of Part 1 of Schedule 2;
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class A of Part 2 of Schedule 2 to the Order;
- Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure where the gate, fence, wall or means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class C of Part 11 of Schedule 2 to the Order.

ALL THE land and buildings situated thereon together comprising the following properties and which are more particularly shown red on the plans attached hereto:

#### Brockhall Road

The Old Dairy

1 The Coach House

2 The Coach House

**Plan of properties for which permitted development rights are proposed to be removed by Article 4(1) Direction**

