

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

14<sup>TH</sup> SEPTEMBER 2021

**Portfolio Holder for Environment, Transport, Transport, Highways  
& Waste – Councillor Phil Larratt**

<b>Report Title</b>	Hellidon Conservation area, Spratton Conservation area, Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021).
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## Contributors/Checkers/Approvers

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## List of Appendices

- Appendix A – Hellidon Written Responses**
- Appendix B – Hellidon Survey Responses**
- Appendix C – Spratton Written Responses**
- Appendix D – Spratton Survey Responses**
- Appendix E – Supplementary information to be place in Section 6, Spratton CAAMP.**
- Appendix F - Hellidon and Spratton Conservation area Boundary Maps**
- Appendix G – Hellidon and Spratton Candidates for the Local list**
- Appendix H – Draft Hellidon Article 4(1) Direction**
- Appendix I – Draft Spratton Article 4(1) Direction**

## Appendix J - Draft Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford

Appendices available from Democratic Services on request

### Addendum to Appendix C – Consultation Response from George and Jennepher Matts

#### 1. Purpose of Report

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- 1.1 To consider the responses to the consultation exercise on the draft Hellidon conservation area appraisal and management plan and draft Spratton conservation area appraisal and management plan and proposed changes to the appraisals and further steps to implement the outcomes.
- 1.2 This report also seeks permission to make and consult upon the article 4(1) directions appended at appendix J for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021).

#### 2. Executive Summary

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##### 2.1 Hellidon and Spratton Conservation Areas

The report contains background information on the process of reviewing the Hellidon conservation area and proposing a new conservation area, the Spratton conservation area. The report also provides a summary of the proposals for both of the conservation areas and the responses received during the consultations. It gives details relating to the proposed candidates for the Local list in Hellidon and Spratton, and the process of making and consulting upon the draft Hellidon article 4(1) direction and draft Spratton article 4(1) direction. Appendices A and B contain the full consultation responses relating to the Hellidon conservation area, as well as officer responses and the details of any resulting changes to the appraisal or boundary. Appendices C and D contain the full consultation responses relating to the Spratton conservation area, as well as officer responses and the details of any resulting changes to the appraisal or boundary. The proposed revised boundary for the Hellidon conservation area and the newly proposed conservation area boundary in Spratton are shown at appendix F, and candidates for the Local list in Hellidon and Spratton at appendix G. The draft Hellidon article 4(1) direction at appendix H, and the draft Spratton article 4(1) direction at appendix I.

##### 2.2 Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021)

As part of the ongoing programme of conservation area reviews in the former Daventry District geographic area, article 4(1) directions have been proposed to be put in place in the said conservation areas. This report contains the background

information to that process in Section 5, and also the draft article 4(1) directions in appendix J.

### 3. Recommendations

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3.1 It is recommended that the Cabinet/Committee:

- a) Endorses that the conservation area boundaries as set out in appendix E be designated as conservation areas.
- b) Endorses that the proposed changes to the Hellidon conservation area appraisal and management plan and Spratton conservation area appraisal and management plan in response to representations, as set out in appendices A to D be approved.
- c) Endorses that further minor editorial changes be made to the Hellidon conservation area appraisal and management plan and Spratton conservation area appraisal and management plan including to reflect the fact that the documents will be in their final adopted form.
- d) Endorses that the conservation area appraisal and management plans for Hellidon and Spratton be adopted as a supplementary planning documents.
- e) Endorses the local list entries for Hellidon and Spratton set out in appendix F.
- f) Endorses that article 4(1) directions for Hellidon and Spratton, in accordance with the proposals in the conservation area appraisal and management plans, be made subject to consultation (appendices G and H).
- g) agree to “make” the article 4(1) directions contained at appendix J.
- h) agree to consult upon the article 4(1) directions contained at appendix J.

### 4. Reason for Recommendations (NOTE: this section is **mandatory** and **must be completed**)

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#### 4.1 Hellidon and Spratton Conservation Areas

This course of action will put measures in place to help safeguard the heritage of Hellidon and Spratton.

#### 4.2 Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021)

The introduction of article 4(1) directions within conservation areas allows the council to manage change within historic areas on a case-by-case basis through the planning system. If the article 4(1) directions are made and confirmed it will therefore help to preserve and enhance the character and appearance of conservation areas. Consultation is required as part of the legal process for making and confirming article 4(1) directions.

## 5. Report Background

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### **Hellidon Conservation area**

- 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 28<sup>th</sup> May 2020, Daventry District Council's Strategy Group resolved that consultation should take place on the draft conservation area appraisal and management plan for Hellidon. The consultation is now complete.
- 5.2 The proposals at Hellidon suggested including the Old Barley Mow, Manor House Farm, the walled garden plot of Hellidon Grange, and the areas of archaeological earthworks to the north west of Leam Farm and those to the north of Priors Marston Road and west of Berry Lane.
- 5.3 The proposals also identified four candidates for the local list, all being situated in the proposed conservation area, and proposals for an article 4(1) direction.

### **Spratton Conservation area**

- 5.4 At its meeting on 4<sup>th</sup> March 2021, Daventry District Council's Strategy Group resolved that consultation should take place on the draft conservation area appraisal and management plan for Spratton. The consultation is now complete.
- 5.5 The proposals at Spratton suggested designating a conservation area covering Church Road, most of Yew Tree Lane, part of Brixworth Road, the east side of High Street, Manor Road and School Road.
- 5.6 The proposals also identified seventeen candidates for the local list, all being situated in the proposed conservation area, and proposals for an article 4(1) direction.

### **Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021)**

- 5.7 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to review existing conservation areas and make new designations from time to time. West Northamptonshire Council is in the process of undertaking reviews of its existing conservation areas, and designating new conservation areas where appropriate in the Daventry geographic area. Conservation areas are designated to protect local heritage, and certain permitted development rights are removed within conservation areas to facilitate this objective. However, not all permitted development rights are removed through designation. Article 4(1) directions are used where it is deemed expedient to remove further permitted

development rights, often in conservation areas. Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 makes provision for local planning authorities to issue directions to remove specific permitted development rights. These are often used as a planning tool to protect the character and appearance of conservation areas. They allow the council to remove specific permitted development rights in order to protect particular features, the loss or alteration of which could have a negative impact upon the character and appearance of the conservation area.

- 5.8 As part of the ongoing conservation area programme in the Daventry District geographic area, article 4(1) directions have been explored to help preserve and enhance the character of historic places within West Northamptonshire in the areas stipulated above.
- 5.9 Article 4(1) directions can be made with “immediate” or “non-immediate” effect. The former come into force immediately alongside consultation, meaning that planning permission is required for the development stipulated within the direction, whereas non-immediate directions do not come into force until confirmed by council, after a period of consultation. The directions in this report have previously been consulted upon as non-immediate directions, and were due to come into force on 28<sup>th</sup> September 2021. Due to difficulties aligning with committee dates, it has not been possible to confirm the directions in time, and so a further consultation is required to make and confirm the directions, and to put them in place. The directions relating to this report are therefore proposed to be made with “immediate” effect, taking into consideration that a consultation has already been undertaken once, and that there are no changes to the directions as a result.

## **6. Issues and Choices**

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### **Hellidon and Spratton Conservation Areas**

- 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 boundaries for Hellidon and Spratton and the appraisal and management plans have been produced with the aim of providing proportionate and effective means of protecting the special architectural and historic interest of Hellidon and Spratton for the benefit of present and future generations.
- 6.2 The alternative options would be not to endorse the designation of the conservation area boundaries and the adoption of the Hellidon conservation area appraisal and management plan and Spratton conservation area appraisal and management plan

as a supplementary planning documents, not to endorse the candidates for the local list, and not to 'make' the article 4(1) directions.

- 6.3 Not endorsing the boundary designations, the adoption of the appraisal and management plans, not endorsing the candidates for the local list, and not 'making' the proposed article 4(1) directions would leave the council without valuable tools with which to protect and enhance the special architectural and historic interest of these villages.

**Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021)**

- 6.4 Article 4(1) directions have been proposed for the conservation areas at Flore, Weedon, Little Everdon, Everdon, Staverton, Welford, Pitsford and Kilsby.
- 6.5 The article 4(1) directions proposed would cover dwelling houses only, and will not be made on listed buildings. The exclusion of listed buildings is due to the fact that these properties have their own, comprehensive consent system which requires consent for most changes.
- 6.6 Article 4(1) directions can be made with immediate or non-immediate effect, as stated above in section 5. The directions proposed within the conservation area appraisals are proposed to be immediate. The process of putting such an article 4(1) direction in place is as follows:
- (1) An article 4(1) direction is drafted, setting out the specific permitted development rights which are proposed to be removed, and detailing the properties at which these restrictions apply. This is accompanied by plans and a list identifying the properties.
  - (2) The direction is then 'made'. Notice is served on the relevant stakeholders and consultation takes place. Being an "immediate" direction, the article 4(1) direction comes into force on the same day as notification of consultation is served to householders and the Secretary of State.
  - (3) When the consultation period has elapsed all of the comments are considered. Any changes to the article 4(1) direction considered appropriate in the light of the consultation responses, would be recommended in a report to Cabinet.
  - (4) The direction can then be modified, if necessary, and in order to stay in place the direction must be 'confirmed' by the council within six months of coming into force. The direction can only be confirmed between 28 days and 6 months once notice has been served. Once confirmed the direction is then put in place in perpetuity.

- 6.7 It is proposed that a six-week consultation be undertaken, this time making the directions “immediate”.
- 6.8 As the directions are proposed to be immediate, this means that if they are made they come into force on the agreed date when notice is served on the affected households. This would mean that planning permission would be required for any works for which permitted development rights have been removed as stipulated within the directions.
- 6.9 Not “making” and “confirming” the article 4(1) directions would leave the council without valuable tools with which to preserve and enhance the special architectural and historic interest of these villages.

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

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### **7.1 Resources and Financial**

- 7.1.1 Adopting the appraisals and designating the revised conservation area boundary for Hellidon and new conservation area boundary for Spratton involves certain processes. This can be accommodated within existing resources.
- 7.1.2 Designating the conservation areas, adopting the appraisal and management plans and making an 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 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.

### 7.3 Risk

- 7.3.1 There are no material risks foreseen in the endorsement of the conservation area designations, adoption of the appraisal and management plans or the making of the article 4(1) directions.
- 7.3.2 Not endorsing the conservation area designations, adoption of the appraisal and management plans and the making of the article 4(1) directions would be likely to weaken protection for heritage Hellidon and Spratton and thus increase the risk of heritage loss.

### 7.4 Consultation

#### **Hellidon Conservation area Consultation**

- 7.4.1 The Hellidon conservation area appraisal and management plan consultation document was subject to a formal six-week public consultation which began on 23<sup>rd</sup> November 2020 and ended on 18<sup>th</sup> January 2021. This followed an initial exhibition held on 21<sup>st</sup> November 2019. Due to the circumstances surrounding the Covid-19 pandemic it was not considered that a physical public meeting could be safely held during the consultation. Instead, a virtual public meeting was held on 14<sup>th</sup> December 2020. This was attended by five individuals. The meeting was recorded and made available on YouTube and has subsequently been viewed eighteen times.
- 7.4.2 Nine responses to the consultation were received. They made written representations either via the online survey or email or a combination of these. Appendices A and B set out the responses received and the proposed resulting actions. There was general support for the proposals, including support from the Parish Meeting. One respondent objected to the inclusion of Leam House on the Local list, and one respondent objected to the proposals to include Manor House Farm, the field west of Berry Lane and the field north of Manor House Farm in the conservation area. Two respondents requested that the area shown as OS3 in the Open Space Analysis be identified as making a “significant” rather than a “moderate” contribution to the character of the conservation area.
- 7.4.3 The draft appraisal included initial proposals for an article 4(1) direction in section 10.2. Two respondents directly stated support for the removal of permitted development rights, and one objected not citing any specific reason. 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.

#### **Spratton Conservation area Consultation**

- 7.4.4 The Spratton conservation area appraisal and management plan consultation document was subject to a formal six-week public consultation which began on 15<sup>th</sup> March and ended on 26<sup>th</sup> April 2021. This followed an initial online exhibition held on January 7<sup>th</sup> 2021. Due to the circumstances surrounding the Covid-19 pandemic it was not considered that a physical public meeting could be safely held during the consultation. Instead, a virtual public meeting was held on 1<sup>st</sup> April. This was attended by 23 individuals, 2 who were members of the parish council and 21 who were members of the general public. The meeting was recorded and made available on YouTube and was subsequently viewed 8 times during the consultation period.
- 7.4.5 Responses to the consultation were received from Anglian Water and 23 individuals. They made written representations either via the online survey or email or a combination of these. Appendices A, B and C set out the responses received and the proposed resulting actions. There was some support for the proposed conservation area and two respondents suggested additional buildings be added to the local list, which were assessed and subsequently two were found to meet the criteria for inclusion. There were also several requests for changes to the boundary. Three respondents requested that the proposed boundary be changed to exclude their properties in Yew Tree Lane and Brampton Row. Four respondents had concerns about the costs of applying for planning permission for those types of development where permitted development rights would be removed. Historic England did not seek any changes.
- 7.4.6 The draft appraisal included initial proposals for an article 4(1) direction in section 10.2. Three respondents objected to the article 4(1) direction proposals due to the cost of submitting a planning application. The types of development for which permitted development rights would be removed are those which would normally be undertaken by householders on an occasional basis, for example, replacement of windows. Therefore, it is considered that the costs of submitting a planning application would not be prohibitive. 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.

#### **Article 4(1) Directions Consultation (Hellidon and Spratton)**

- 7.4.7 As noted in the appraisal a separate consultation exercise is beneficial before an article 4(1) direction has effect. The process for this type of article 4(1) direction requires that they be 'made' and then consulted on. Only if an article 4(1) direction is confirmed does it have legal effect. Following consultation the matter would be brought back to cabinet for the direction to be confirmed or not.

#### **Article 4(1) Directions for conservation areas at Weedon Bec, Flore, Everdon, Little Everdon, Staverton, Kilsby, Welford and Pitsford (2021)**

- 7.4.8 As each conservation area appraisal has been prepared, potential candidates for Article 4 Directions have been identified. These candidates have been consulted upon as part of the consultation on the appraisal, this enabled the public to have an early opportunity to become more familiar with Article 4 Directions and the specific proposals identified through the appraisals. Any comments on these proposals have been formally reported to and considered by the former Daventry District Council (DDC). In the case of the Article 4s the subject of this report, DDC's Strategy Group considered reports on the Conservation Area Appraisal consultations and then, at its meeting on 10<sup>th</sup> September 2020, and 28<sup>th</sup> May 2020 in the case of Welford, resolved to further consult on the proposed Article 4 directions. The grouping which is the subject of this report was consulted on following an initial tranche of Directions confirmed in February 2020.
- 7.4.9 This consultation is now complete, but as noted above in paragraph 5.3 a further consultation is required due to difficulties with committee alignment.
- 7.4.10 The Directions to be consulted upon are in no way different to those previously given permission for consultation on 10<sup>th</sup> September 2020. The only change is that they are now "immediate" rather than "non-immediate". This has some procedural differences noted above at paragraphs 6.3-6.5.
- 7.4.11 Consultation on the immediate Article 4 Directions requires that all the affected properties are notified, as well as the Secretary of State. Site notices should also be put up in no fewer than two locations relating to the Direction, and there must be publicity via local advertisement.
- 7.4.12 The Consultation period must be no shorter than 21 days from the notice given, and in this case it is recommended that a six-week consultation be undertaken during which time members of the public can put their views forward.

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

- 7.5.1 No further comments from Overview and Scrutiny.

## **7.6 Climate Impact**

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

## **7.7 Community Impact**

- 7.7.1 It is unlikely that the adoption of these documents would have any material effect on crime or disorder.

- 7.7.2 It is unlikely that the making or confirmation of Article 4 Directions would have any material effect on crime or disorder.
- 7.7.3 The proposed course of action should not have any perceptible differential impact on people with protected characteristics.
- 7.7.4 Endorsing the designation of the conservation area boundary and the adoption of the Hellidon conservation area appraisal and management plan and Spratton conservation area appraisal and management plan as SPDs would assist in conserving the historic character of the village and contribute to preserving the character of places which make up West Northamptonshire. As such, it would support the well-being of residents and those who work in or visit Hellidon and Spratton and the wider area.

## 8 Background Papers

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- Department of Communities and Local Government (2019) 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
- Daventry District Council Strategy Group 4<sup>th</sup> March 2021 - Permission for consultation on draft Spratton Conservation area appraisal and management plan and proposed boundary.
- Daventry District Council Strategy Group 28<sup>th</sup> May 2020 - Permission for consultation on draft Hellidon Conservation area appraisal and management plan and proposed boundary changes.
- Daventry District Council Strategy Group 10<sup>th</sup> September 2020- Permission to consult on Draft Article 4 Directions for conservation Areas at Flore, Weedon, Everdon, Little Everdon, Staverton, Welford, Pitsford and Kilsby



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