

# **SOUTH SOMERSET**

# **HISTORIC ENVIRONMENT STRATEGY**

Draft for Consultation: October 2016

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# 1. Introduction

- 1.1. South Somerset District Council (hereon “the Council”) has a statutory duty to conserve and enhance the historic environment. The Council recognises that the historic environment in South Somerset is one of our most important resources, and is part of what makes South Somerset unique and treasured.
- 1.2. The breadth of heritage and historic assets in the district represents both a challenge and an opportunity. The challenge is how best to provide appropriate protection to the large number of different designated assets, ensuring there are secured for the long term; the opportunity is to maximise the contribution these assets make to the economic, cultural and social make-up of South Somerset.
- 1.3. The Council has consistently been a champion for the historic environment, and has established a policy framework through which to conserve and enhance assets. The Council has adopted strategic policies to deliver on its obligations and these are formalised in the South Somerset Local Plan (2006 – 2028).
- 1.4. On a day-to-day basis, decision-taking on applications for development that could affect assets are determined on the basis of these strategic policies, in conjunction with the National Planning Policy Framework (NPPF) and the Council’s statutory duties<sup>1</sup>. In addition, the Council has produced a series of guides, pamphlets, and guidance documents to advise residents and developers how best to ensure heritage assets are protected for future generations.
- 1.5. However, in the short to medium term the ability to continue to meet challenges and deliver on opportunities is set against a context of wholesale local government reform, and a much reduced Conservation, Heritage and Landscape capacity within the Council. Therefore, the relationship between the Council’s current resources and its statutory obligations is at the heart of this Historic Environment Strategy (HES).
- 1.6. Nevertheless, the Council is also committed to defining its approach to conserving and enhancing the historic environment in more detail. To achieve this, the Council has produced the HES.

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<sup>1</sup> NPPF Paragraph 126

## 2. Aims of the Strategy

- 2.1. This strategy provides the mechanisms to ensure the Council continues to comply with the duties required by the primary legislation, which is the Planning Act 1990 (Listed Buildings and Conservation Areas); achieves the objectives for the protection and enhancement of the historic environment identified in the South Somerset Local Plan; and fulfils the requirement of the NPPF (in particular Paragraph 126) to set out a positive strategy for the conservation of the historic environment.
- 2.2. The HES is designed to set out a 'positive strategy' to support and supplement the broad policies contained in the South Somerset Local Plan (2006 – 2028) and the NPPF. The HES is to be read alongside the policies in the Local Plan and the NPPF and will be a material consideration in decision-taking on planning applications.
- 2.3. The HES is intended to act as a guide to the Council's approach to the overall conservation of the historic environment and the Council's expectation for the management of designated and non-designated assets in the district.
- 2.4. It defines the way that development proposals in relation to the historic environment will be assessed and the principles that will be applied. It sets out what is expected from developers and those wishing to implement changes affecting heritage assets and identifies sources of information and guidance produced by the Council and others.
- 2.5. The HES will also be used to define an 'action plan' for how the Council will update and refine its understanding of assets, formally designated areas (e.g. Conservation Areas), and local designations. The action will become a de facto work programme for the Conservation, Heritage and Landscape team within the wider Planning service.
- 2.6. The action plan will also look to define other controls, mechanisms and approaches that the Council can develop to proactively shape its approach to dealing with the historic environment. In addressing these topics, the action plan will clarify the resources and capabilities at the disposal of the Council, and the indicative timetable against which this work programme can be delivered.

## 3. Background and Policy Context

### 3.1. What is the Historic Environment?

3.1.1. The Glossary to the NPPF defines the historic environment as<sup>2</sup>:

***“All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.”***

3.1.2. The whole of the urban and rural landscape to varying degrees and in different ways is an archaeological and historic artefact, the product of complex historic processes and past uses by previous inhabitants. Thousands of years of human activity have created patterns of settlement, land use, buildings and features that reflect the many layers of human history and the way it has been influenced by geology, topography and climate. In South Somerset the evidence of this history survives in variety and abundance and continues to shape the way we live today. Indeed it is increasingly recognised that the historic environment is a powerful contributor to our quality of life and to our economic vitality.

3.1.3. The physical evidence that makes up the historic environment of course is in the form of a wide variety of different elements or component features. These components are collectively referred to as ‘heritage assets’.

3.1.4. The Glossary to the NPPF defines a heritage asset as<sup>3</sup>:

***“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”***

### 3.2. Historic Environment of South Somerset

3.2.1. The varied landscapes of South Somerset have provided a wide range of environments which have been exploited, settled and managed by people over many thousands of years. They have left the evidence of their activities as a built and archaeological record made up of the routes and settlements, earthworks and man-made landscapes that form our present-day historic environment.

3.2.2. The physical character of the area is heavily influenced by underlying geology, composed mainly of Jurassic clays, sands and limestones; it has created landforms of wide clays vales or rolling lowland with occasional hilly outcrops of limestone. The central lowlands form part of the peat moor grazing lands that extend out north-westwards into the Somerset Levels with their characteristic long vistas and rectilinear drainage patterns. The Oolitic limestones of the south-east part of the district form part of the limestone belt that runs away north through the Cotswolds and beyond. Here the availability of good quality building stones has given us the rich legacy of fine stone buildings so distinctive to the area.

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<sup>2</sup> NPPF Glossary – Page 52.

<sup>3</sup> NPPF Glossary – Page 52.

### **3.3. Legislation**

- 3.3.1. Primary legislation relating to the historic environment is contained in several Acts of Parliament. The principal act is the Planning Act 1990 (Listed Buildings and Conservation Areas) which sets out the statutory duties and responsibilities in relation to designated heritage assets, their listing and protection. It also outlines the procedures for the designation and management of conservation areas.
- 3.3.2. The Town and Country Planning Act 1990 and other legislation contain relevant provisions for example the National Heritage Act 1983 and the Enterprise and Regulatory Reform Act 2013. Scheduled Ancient Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979.

### **3.4. National Planning Policy Framework**

- 3.4.1. The protection and enhancement of the historic environment (along with the wider built and natural environment) is one of the three key elements of sustainable development identified in the National Planning Policy Framework. This sets out the Government's economic, environmental and social planning policies which articulate a vision of sustainable development. These need to be interpreted and applied to meet local aspirations and underscore the various Acts of Parliament that provide the basis for the protection of heritage assets. National legislation provides for assets to be scheduled (under the Ancient Monuments and Archaeological Areas Act 1979); statutorily Listed or designated (under the Planning (Listed Buildings and Conservation Areas) Act 1990); or Registered and are referred to as 'designated heritage assets'.
- 3.4.2. Scheduled Monuments have the greatest protection in law and Statutorily Listed Assets have comprehensive protection along with archaeological sites and Conservation Areas. Registered Parks and Gardens and Historic Battlefields, while not statutorily protected, are material planning considerations to be taken account of when considering the effect of development on them. They are defined by the NPPF, along with Scheduled Monuments and highly graded Listed Buildings, as 'designated heritage assets of the highest significance'<sup>4</sup>. While undesignated (locally identified) assets are not formally protected their significance must be taken into account and the effect of any development on them is a material planning consideration.
- 3.4.3. The NPPF is the overarching national guidance for local planning authorities. It sets out detailed objectives for the conservation of the historic environment principally in section 12, (Paragraphs 126 – 141) but, because this is a central aim of the planning system, specific guidance in relation to heritage occurs throughout.
- 3.4.4. The NPPF makes it clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss to the asset should require clear and convincing justification<sup>5</sup>

### **3.5. Local Policy**

- 3.5.1. In addition to national policy, local policies are drawn up under local plans to deal with specific issues that a local planning authority determines through local consultations.

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<sup>4</sup> NPPF Paragraph 132

<sup>5</sup> NPPF Paragraph 132

- 3.5.2. The South Somerset Local Plan, which runs from 2006 to 2028, forms the basis of local policy for the care and protection of the historic environment in South Somerset. Policy EQ3 is of particular importance, and is set out below.

**Policy EQ3 – Historic Environment states that:**

*Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited. All new development proposals relating to the historic environment will be expected to:*

- *Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;*
- *Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;*
- *Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.*

### **3.6. Conservation Principles and National Guidance**

- 3.6.1. National and local policies recognise that heritage assets are a finite and irreplaceable resource and carry the expectation that they will be conserved<sup>6</sup>. However the historic environment is what we necessarily still inhabit and as such will always be subject to pressure for the changes we may require as time and needs evolve. Therefore its conservation involves the management of changes in ways that will safeguard its values in the best way possible. It cannot be expected that preservation will be absolute; we will need to balance our needs with an informed and consistent approach to the protection of assets, seeking always to minimise harm and apply protection according to the significance of the features or assets that may be impacted upon<sup>7</sup>.
- 3.6.2. English Heritage published *Conservation Principles*<sup>8</sup> that sets out best practice for the sustainable management of the historic environment.
- 3.6.3. Industry guidance and recommendations for best practice for the conservation of historic buildings are also set out in *BS 7913:2013 Guide to the conservation of historic buildings*.<sup>9</sup>
- 3.6.4. The national Planning Practice Guidance (PPG) is Government guidance on the implementation of the NPPF and in reference to the historic environment policies it contains provides additional detailed advice on interpreting the policies.<sup>10</sup>

**Action:** *The Council's approach and advice will always seek to be consistent with these principles and recommendations and also with Historic England's other national guidance. Therefore where this strategy is silent on a particular topic we will follow Historic England's published advice and recommendations.*

<sup>6</sup> EQ3 and NPPF 126

<sup>7</sup> NPPF 126

<sup>8</sup> *Conservation Principles, policies and guidance*, English Heritage 2008

<sup>9</sup> BS 7913:2013 *Guide to the conservation of historic buildings*, BS1 2013

<sup>10</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/>

## 4. General Principles to Managing, Conserving and Enhancing the Historic Environment

### 4.1. Overall Approach

- 4.1.1. The Council expects development proposals which affect heritage assets to have regard to legislative and policy requirements, including those set out in the Planning Act (1990), the South Somerset Local Plan (2006 – 2028), and the NPPF.
- 4.1.2. In order to provide a more comprehensive framework for considering development proposals, the Council has established overarching objectives against which all proposals for change in the historic environment will be expected to secure.

**Objectives:**

1. *Safeguard or enhance the significance of heritage assets and their settings.*
2. *Reduce or remove risks to heritage assets.*
3. *Secure the optimum viable use of heritage assets in support of their long term conservation.*
4. *Be of an appropriate design for their context and make a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.*
5. *Where possible better reveal the significance of heritage assets and*
6. *make a positive contribution to economic vitality and sustainable communities.*

### 4.2. Working in Partnership

- 4.2.1. Management of the historic environment involves many people, ranging from individual building / land owners, the wider public with a concern for heritage, parish and town councils, local voluntary groups, and national bodies both with specific interests and statutory responsibilities.
- 4.2.2. The Council will work in partnership with such parties in an open and co-operative way while focussing on the best needs for the conservation of the historic environment.
- 4.2.3. Partnership working also extends to the relationship between the Council as decision-maker and any applicant seeking permission to develop. Where development may have an impact on historic assets, it is fundamental that the Council is involved at the earliest opportunity so that common ground can be reached as to the degree of potential impact, and the subsequent approach to mitigation.

**Action:** *The Council expects proposals which may affect the significance of a heritage asset, or its setting, to be subject to pre-application discussion with the Conservation Team. This will assist the understanding of proposals, an assessing the scale of impact and ensure opportunities for mitigation are discussed in a transparent and fair manner.*



### 4.3. Understanding the Significance and Value of Assets

- 4.3.1. It is self-evident that the historic environment and its components – the known and recorded, as well as the yet-to-be-discovered and identified – are irreplaceable. While its conservation is desirable as our needs evolve, all change cannot be prevented. The Council will seek to manage change in a positive and enlightened manner based upon understanding significance of the assets concerned.
- 4.3.2. In order to be able to evaluate the impact of proposals and manage change positively, the Council will expect a thorough understanding of the significance of any assets affected to be developed and will use this knowledge to inform its decision-making.
- 4.3.3. The value of heritage is explored and defined in Historic England's '*Conservation Principles*' with the objective of explaining why and how people value historic assets and places<sup>11</sup>. Historic England set out a range of complementary and overlapping values which help to articulate how the significance of a place, theme or asset is understood. The values are divided into four fields :
- evidential value - the potential of a place to yield significant evidence, usually physical, about past human activity
  - historical value - the way places can be connected to people, events or aspects of life in the past;
  - aesthetic value- derives from the positive experiences people draw from places including both deliberately designed places and those that have fortuitously evolved
  - communal value arises from meaning of a place for people who relate to it; places of commemorative, spiritual or symbolic importance or associated with collective experience,
- 4.3.4. Understanding each of these fields helps the decision-maker to understand the significance of the asset. The '*Conservation Principles*' defines significance as: '*the sum of the cultural and natural heritage values*'<sup>12</sup>.
- 4.3.5. To complement this perspective, the NPPF also provides a definition for the significance of an asset, describing it as: '*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*'<sup>13</sup>
- 4.3.6. Establishing an understanding of the significance and value of those assets that may be affected, before any changes are permitted, is an essential requirement for decision-making about the conservation of the historic environment. This is a requirement made clear in the NPPF<sup>14</sup>
- 4.3.7. In order to be able to assess the impact upon the significance of the assets (and their settings) that might arise through proposals for change, sufficient information to identify the significance of the affected asset(s) and to analyse the heritage impact that would arise must be presented in support of applications for change.

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<sup>11</sup> Conservation Principles EH 2008

<sup>12</sup> Conservation Principles EH 2008.

See also English Heritage Practical Conservation *Conservation Basics* 2013

<sup>13</sup> NPPF Annex 2; Glossary

<sup>14</sup> NPPF 128

- 4.3.8. This information may be part of a Design and Access Statement or as a stand-alone Heritage Statement<sup>15</sup>.

**Action:** *The Council will require proposals which may affect the significance of a heritage asset, or its setting, to be supported by a statement of heritage significance sufficient to be able to understand that significance and assess the degree of impact that would result. The Council expects the applicant to have consulted the Historic Environment Record (HER) and to provide a summary of this information in the statement.*

*The statement should feature as part of the technical evidence submitted as part of a planning or listed building consent application.*

#### 4.4. Harm or Loss Must be Justified

- 4.4.1. In considering the impact a proposal may have on heritage assets, the Council recognises, as does the NPPF, that there will be situations where substantial public benefits might outweigh the harm or loss that may result. However, when considering the impact of a proposed development on the significance of a heritage asset, in accordance with the NPPF, 'great weight' will be given to an asset's conservation<sup>16</sup>.
- 4.4.2. Because assets are irreplaceable and changes once carried out can affect an asset in ways that cannot be reversed, it is essential that proposed changes that may result in harm or loss to the asset's significance are clearly explained and their need clearly and convincingly justified.<sup>17</sup>
- 4.4.3. For example, the Council needs to ensure that substantial harm or loss to Grade 2 listed buildings and parks should only be 'exceptional', while substantial harm or loss to assets of the highest significance (e.g. Grade 1 and 2\* buildings and Parks, Schedules Monuments and Battlefields), should be 'wholly exceptional'. See Section 5 for more details.
- 4.4.4. Changes that do not take into account and respect the fabric, historic interest and setting of the asset, are based upon whimsical, fashionable or short term issues or can be effected in another, less harmful way will not be supported. As components of our national cultural heritage, the need for heritage assets to be conserved must outweigh other conflicting needs unless it can be shown that harm is necessary to achieve public benefits as set out in NPPF.<sup>18</sup>

**Action:** *The Council requires proposals for change that would result in harm or loss to a heritage asset to be clearly and convincingly justified.*

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<sup>15</sup> NPPF 128

<sup>16</sup> NPPF132

<sup>17</sup> NPPF 132

<sup>18</sup> NPPF 133

## 4.5. Enabling Development

- 4.5.1. The cost of maintaining and repairing historic assets can be substantial. It is recognised in national policy<sup>19</sup> that development which would be contrary to policies in a Local Plan but which would secure the long term future of a heritage asset, called ‘enabling development’, can, in certain circumstances, be appropriate.
- 4.5.2. The amount and type of enabling development required will be the minimum necessary to generate the funds required to secure the asset and address its conservation needs. All enabling development proposals will need to be strongly justified and demonstrate clear evidence of the level of conservation deficit. Owners will also be expected to enter into a legal agreement to ensure that the benefits provided by the enabling development are secured for the project for which the enabling development was justified.<sup>20</sup>

**Action:** *The Council will expect applications that constitute enabling development to conform to the requirements set out in the Historic England Guidance – Enabling Development and the Conservation of Significant Places.*

## 4.6. Recording – Somerset Historic Environment Record

- 4.6.1. Information that adds to the understanding and appreciation of our past, the local area and its history, needs to be made publically available. The NPPF expects that, as part of the plan-making and development management process, information gathered about the historic environment should form part of a public record as part of an up to date evidence base that can assist in assessing the significance of heritage assets<sup>21</sup>. The Somerset Historic Environment Record (HER) is maintained as such a record.

**Action:** *The Council will support the use and development of the Somerset Historic Environment Record. Where possible and appropriate, evidence about the historic environment gathered as part of the development management process will be included in the Historic Environment Record in order to make it accessible to the public.*

## 4.7. Updating Historic Environment Policy in the South Somerset Local Plan

- 4.7.1. The Council has programmed an Early Review of the South Somerset Local Plan (2006 – 2028) by March 2018. Prior to this date, the Council will monitor the implementation of policies and assess their effectiveness.
- 4.7.2. Simultaneously the Council will be implementing the actions and advice set out in the HES. Together this information will be used to reflect on whether the policies in the South Somerset Local Plan need to be amended or replaced.

**Action:** *The Council will monitor the effectiveness of existing historic environment policies set out in the South Somerset Local Plan. If required, new or amended policies relating to the historic environment will be included in the Early Review of the Local Plan by March 2018.*

<sup>19</sup> NPPF 140

<sup>20</sup> Enabling Development and the Conservation of Significant Places English Heritage 2008

<sup>21</sup> NPPF 141

## 5. Managing Designated Assets

### 5.1. Scheduled Monuments and Other Nationally Important Archaeological Remains

- 5.1.1. Our archaeological heritage represents a finite and non-renewable resource, which in many cases is fragile and vulnerable to damage. Nationally important archaeological assets, whether scheduled or not, including buried deposits, buildings and structures, require careful protection against harm or loss to reflect their special significance. Preservation in situ is recognised as the most appropriate means to ensure such protection. The setting of these assets should also be protected against harm.
- 5.1.2. Any work to a designated monument requires specific Scheduled Monument Consent, for which applications are made to Historic England.
- 5.1.3. The South West Heritage Trust (SWHT) is retained as the Council's specialist advisor on archaeological matters, on the impact of development proposals on archaeological assets, the need and type of site investigations that may be necessary while also undertaking on-site monitoring to ensure compliance with conditions. For detailed information concerning archaeological investigation and assessment please refer to the Somerset Archaeological Handbook<sup>22</sup> or contact the SWHT. Other guidance is available from SWHT.

**Action:** *The Council will expect the physical preservation in situ of nationally important archaeological assets (whether Scheduled or not) together with the protection of their settings.*

### 5.2. Listed Buildings

- 5.2.1. The rich built heritage of the district is one of its defining characteristics, and makes a huge contribution to the character and attractiveness of its towns, villages and hamlets, to the quality of life of residents and to the local economy, attracting both inward investment and visitors.
- 5.2.2. When considering alterations or development affecting a listed building the Council is required 'to have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses'<sup>23</sup> See the Council's guidance on its approach to the alteration of listed buildings.

**Action:** *The Council will seek to protect listed buildings and their settings from development proposals which would have an adverse effect on their character and significance and will continue to provide specialist advice to ensure that their special interest is taken into account in any proposed changes.*

- 5.2.3. The statutory lists for the South Somerset Parishes were completely reviewed in the late 1980s. Since then a number of additions and deletions have been made to the lists and the lists are considered comprehensive and reasonably up to date although in many cases the descriptions of individual assets are inadequate.
- 5.2.4. From time to time the Council receives suggestions for buildings to be added to the statutory lists. Listing is the responsibility of Historic England. In such cases we will advise on the building meeting Historic England's criteria and priorities. Where

<sup>22</sup> Heritage Service Archaeological Handbook *Somerset County Council 2009*

<sup>23</sup> S.16 Planning (Listed Buildings and Conservation Areas) Act 1990

appropriate we will encourage individuals, Parishes or local amenity societies to take the lead on proposals for listing of buildings within their areas. The Council will seek to have a building added to the statutory list in cases of obvious omission or where new evidence demonstrates the significance of the building, where it is at urgent risk of demolition or major alteration and where there is no active local interested party.

- 5.2.5. It is important that owners are aware that their building is listed, and that new purchasers understand their responsibilities as 'guardians' of this valued heritage.

**Action:** *The Council will keep details of the implications of listing and the responsibilities of owners available on the conservation pages of the Council's website where links to both the National Heritage List for England and the Somerset Historic Environment Record will be maintained to allow the public to be able to check the status of any building or feature.*

*The Council will continue to give owners (and potential owners) of historic buildings advice about works requiring listed building consent and on appropriate ways to carry out such works of alteration or repair without harm to their special interest. Wherever possible, owners will be referred to publications that set out Council policy and/or technical guidance.*

### 5.3. Listed Places of Worship

- 5.3.1. The listed churches/chapels of the Church of England, and other exempted denominations, (Roman Catholic Church, Methodist Church, Baptist Union and United Reformed Church) are covered by the Ecclesiastical Exemption scheme<sup>24</sup> whereby they are exempted from the need for listed building consent (but not planning permission). All but minor maintenance works require formal approval through the particular denomination's internal system of control. Consultation with the LPA is expected where proposals involve material alteration to the exterior of an exempted listed place of worship, are likely to affect the archaeological importance of a building or archaeological remains within the building or its curtilage or involve demolition affecting the exterior of an unlisted building in a conservation area.

**Action:** *As the local planning authority, the Council expects to be consulted on proposals as directed by the Faculty Jurisdiction Rules 2013 and will provide a timely response to all consultations from Parochial Church Councils, the Diocesan Advisory Committee(DAC) the other exempted denominations and the local authorities representative on the DAC.*

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<sup>24</sup>24 See The Operation of the Ecclesiastical Exemption: Guidance (DCMS 2010)

## 5.4. Setting of Heritage Assets

- 5.4.1. The need to consider the impact of development proposals upon the setting of a heritage asset is given considerable weight in the NPPF: '*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*<sup>25</sup> Setting is defined as '*The surroundings in which a heritage asset is experienced*' (NPPF Glossary) and '*The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape*' (Conservation Principles English Heritage 2008). It embraces all the surroundings from which the heritage asset can be experienced and that which can be experienced from or with it.

**Action:** *The Council will seek to ensure any development within the setting of a heritage asset will not result in harm to the asset or its setting.*

## 5.5. Curtilage

- 5.5.1. Buildings and historic structures within the curtilage of a listed building are listed along with the principal building<sup>26</sup>. The curtilage of a particular building is not statutorily defined but, because other buildings and features in addition to the principle listed building may be subject to similar controls, the Council will seek to clarify what it considers constitutes such curtilages in order to guide building owners and purchasers and avoid unnecessary confusion. Where new evidence comes to light amendments to the information will be made.

**Action:** *The Council will produce maps to show what it would regard as the curtilage of any listed building for decision making purposes and to provide advice upon request.*

## 5.6. Development in the Curtilage

- 5.6.1. Where land within the curtilage or associated with a listed building is able to be developed for a use unrelated to the building and/or for sale into a different ownership, the Council will ensure that, in allowing development, the long term preservation of the listed building is secured, and that future viability of the building is not inappropriately diminished.

**Action:** *In these cases the Council may require a condition survey of the listed building to identify any needs for repairs and require the necessary repairs to be paid for through proceeds from the development and secured through a legal agreement.*

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<sup>25</sup> NPPF 132

<sup>26</sup> S.1 (5) Planning (Listed Buildings and Conservation Areas) Act 1990

## 5.7. Registered Parks and Gardens and Historic Battlefields

- 5.7.1. A nationally important battlefield site and the many formal and informal parklands and gardens created around large country houses from the C17<sup>th</sup> are significant features of the historic environment and landscape of the district.
- 5.7.2. There are 18 Historic Parks and Gardens and the site of the Battle of Langport (1645) on the national register in South Somerset (although the major part of one park lies in Dorset and that of another in Wiltshire). These are identified as belonging to the group of heritage assets of the highest national significance to which 'great weight' should be given to their conservation and any loss or harm should be 'wholly exceptional'<sup>27</sup>.

**Action:** *The Council will seek to protect Registered Parks and Gardens and the Battle of Langport site, their landscape, component features and settings from development proposals which would have an adverse effect on their character and significance and will continue to provide specialist advice to ensure that their special interest is taken into account in any proposed changes. We will work with Historic England, the Somerset Gardens Trust, the Battlefields Trust and local history societies to ensure that these sites are fully understood and appropriately designated.*

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<sup>27</sup> NPPF 132



## 5.8. Conservation Areas

- 5.8.1. In development management, it is a duty that ‘special attention should be paid to the desirability of preserving or enhancing the character or appearance’ of a conservation area<sup>28</sup>. Opportunities for new development in conservation areas will arise from time to time and, in line with national policy, the Council will require this to be of appropriate scale and quality and make a positive contribution to local character.

**Action:** *In conservation areas the Council will seek to ensure all new development preserves or enhances the character or appearance of the area and its setting and proposals will create buildings and places which will make a positive contribution to the character of area.*

- *Development will be required to employ materials and colours that reflect those characteristic of the area and conform to the existing pattern of historic built form and historic property boundaries.*
- *There will be a general expectation that buildings that contribute positively to the character of a conservation area should be retained.*
- *Development proposals which involve the demolition of a building that is considered not to contribute to a conservation area’s significance will be supported only if a detailed programme of redevelopment has been agreed.*
- *Open spaces, gaps in frontages, undeveloped areas and large gardens, views and vistas can often be important elements in the character of a conservation area. Conservation area appraisals, where they are prepared, will identify these features Where they have not been prepared the Council will endeavour to identify significant features at pre-application stage. The Council will expect the protection of these features.*
- *Proposals must demonstrate that any conservation area appraisal has been taken into account.*

- 5.8.2. Details of all existing conservation areas in South Somerset, including boundaries, dates of designation and character appraisals where they have been approved, are published on the Council’s website. Boundary information is also available in the Somerset HER.

## 5.9. Conservation Area Review

- 5.9.1. The Council has a duty to review its conservation areas ‘from time to time’ to assess whether their boundaries need to be amended and to consider designating additional areas where appropriate<sup>29</sup>.
- 5.9.2. The majority of the Conservation Areas were originally designated between 1970 and 1990 and many are now in need of review. While all are considered to be appropriately designated, reviews may be needed to determine whether their boundaries need to be extended or minor anomalies corrected. Ensuring that conservation areas are up-to-date will form a sound basis for decision-making.
- 5.9.3. There is also a need to extend the coverage of conservation area character appraisals. Whilst there is no statutory requirement to prepare conservation area appraisals, the NPPF expects local authorities to identify and assess the significance of heritage assets and appraisals perform part of this role. Appraisals carry weight in planning appeals or appeals against enforcement action, assist in

<sup>28</sup> S.72 LB&CA Act

<sup>29</sup> under s.69 Planning (Listed Buildings and Conservation Areas) Act 1990



making informed planning decisions and can offer constructive guidance for owners when preparing their own development proposals.

- 5.9.4. Although appraisals have been approved for a number of areas to date there is likely to be insufficient resource to complete full appraisals for all of the district's Conservation Areas and therefore priorities have been identified in the Action Plan. Where appropriate and resources allow the Council will support and advise local communities who wish to review and appraise their own conservation area themselves and once in an appropriate form, take these forward for formal approval.

**Action:** *The Council will give future priority to the review of conservation areas:*

- *in the larger settlements where they have not been reviewed and there is no current appraisal in place;*
- *areas where there is substantial pressure for change within or to the setting of the area; and*
- *areas where changes since designation have led to significant boundary anomalies*

*Such reviews will involve local residents and businesses, ward members, Parish Councils and local amenity societies wherever possible to ensure that the special interest described in the appraisals reflects the views of local residents. The future "Action Plan" will help define who and how any future Conservation Area reviews will take place.*

## 5.10. Care of Conservation Areas

- 5.10.1. Quite minor alterations to buildings can cumulatively have a harmful effect upon the quality of a conservation area and can undermine the effectiveness of other positive restoration work achieved through other schemes. Such alterations often do not require planning permission or consent under the Advertisement Regulations and can damage an area's special interest. Controls known as Article 4 Directions, which remove specific permitted development rights, are already in place in many conservation areas in order to help the upkeep of the quality of the areas. Bringing such things as the demolition of boundary walls and railings and alterations to roofs and street-facing facades under planning control helps to ensure that the character of conservation areas is preserved.

**Action:** *The Council will consider the introduction of further Article 4 Directions to control otherwise permitted alterations whenever either a conservation area is reviewed and appraised or a new designation is made.*

- 5.10.2. The quality of the public realm in historic places is as important as the buildings they contain. Public spaces are often of historic significance in themselves, as the setting of the built fabric and the place from which the public experience the area. The management of the public realm involves a number of agencies dealing with maintenance of surfaces and street furniture, lighting, traffic management, signage, parking arrangements, and so on; and the visual appearance of all these can have a significant affect open the character of historic areas.
- 5.10.3. Many objectives for the care of the public realm are generic and are shared across most areas although there will obviously be issues or objectives specific to individual areas too. Specific objectives for its management may be included in the individual conservation area appraisals when they are prepared including the

identification of significant features or areas of historic paving for preservation or opportunities for enhancement.

**Action:** *The Council will consider the introduction of further Article 4 Directions to control otherwise permitted alterations whenever either a conservation area is reviewed and appraised or a new designation is made.*

## 5.11. New Conservation Area Designations

- 5.11.1. 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’.<sup>30</sup>
- 5.11.2. Designating any part of the district as a conservation area also carries resource implications for the Council. Further designations will therefore be made only if the Council is satisfied it can meet its consequential duties and responsibilities and is satisfied that there is a strong local commitment.
- 5.11.3. Over recent years some new conservation areas have been designated but there are now considered to be very few wholly new areas that warrant consideration.
- 5.11.4. In assessing any new areas the advice and recommendations in the guidance in ‘Conservation Area Designation, Appraisal and Management’ (Historic England 2016) will be utilised.

**Action:** *The Council will consider new Conservation Area designations or extensions to existing areas where areas possess demonstrable quality and special architectural or historic character and where there is local community commitment to its designation and preservation. The future “Action Plan” will help define who and how any new Conservation Areas will be defined.*

## 5.12. Areas of Outstanding Natural Beauty (AONB)

- 5.12.1. Parts of three AONBs lie within the district. These are designated for their landscape qualities for the purpose of conserving and enhancing their natural beauty (which includes landform and geology, plants and animals, landscape features and the evidence of human settlement over the centuries)<sup>31</sup>.

**Action:** *The Council will seek to ensure any development in an AONB will conserve the area’s cultural heritage and is in conformity with that area’s management and historic environment plans. There will be a general expectation that buildings that contribute positively to the significance of an AONB should be retained.*

## 5.13. Heritage at Risk

- 5.13.1. It is a matter of national policy that listed buildings should be preserved and, while the expectation is that they are maintained in good order by their owners, it is the duty of local planning authorities to take steps to see this happens.<sup>32</sup> Generally, through the listed building consent procedure and enthusiasm of the majority of owners this objective is achieved.

<sup>30</sup> NPPF 127

<sup>31</sup> NPPF 115

<sup>32</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 s. 16

- 5.13.2. There are cases however where listed buildings are not properly cared for and it was to highlight this neglect of the nation's heritage that English Heritage first promoted the production of registers of Buildings at Risk. Since 1990 the Council has maintained a register of Listed Buildings at Risk with entries assessed according to criteria based upon the current national Historic England model. The register is not published although, where appropriate, cases may be publicised or details release to enquirers.

**Action:** *The Council will continue to maintain an up-to-date Register of Listed Buildings at Risk in South Somerset and will act corporately to secure their repair and reuse. It will monitor them and, where appropriate, intervene to see they are protected or repaired with the aim of reducing the number of buildings at risk and ensuring that all listed buildings in the district, including those in its ownership, are adequately maintained.*

*We will work with Historic England to maintain the National Heritage at Risk register and participate in actions to resolve cases in South Somerset.*

- 5.13.3. The Council will seek to achieve these objectives through negotiation and by offering proactive assistance, advice and encouragement. When appropriate and necessary however, the Council will make use of its statutory powers under sections 47, 48, 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and under section 215 of the Town and Country Planning Act 1990.
- 5.13.4. Where concerns are raised by the public, Parish Councils, Ward Members or other relevant third parties about the appearance of prominent buildings or sites that have suffered long-term neglect and are affecting the amenity of historic areas the Council will consider the use of Section 215 Notices to achieve amenity enhancement<sup>33</sup>.
- 5.13.5. Charitable Building Preservation Trusts operate to rescue historic buildings in disrepair, repair them, find them appropriate new uses and usually pass them into new ownership.

**Action:** *The Council will continue to support Somerset Building Preservation Trust by appointing elected members to its management board, through funding and officer support where possible in order to encourage its active work for the historic buildings of Somerset.*

## 5.14. Design and Development in the Historic Environment

- 5.14.1. The Council is committed to the conservation of the district's existing heritage but it also seeks to meet the needs of the future through good quality architecture which will add sensitively and positively to this heritage where development is required or justified. In many historic areas there are sites and buildings that either make little contribution or cause actual harm to the area's character, and where new development that adds positively to the quality of the area could be a benefit. Architecture for such sites requires specialist design skills and understanding of the local historic environment, sensitivity to its character, scale, patterns of built form and urban grain.
- 5.14.2. The NPPF makes clear that new development in conservation areas and within the setting of heritage assets can be an opportunity for enhancement<sup>34</sup>. Some

<sup>33</sup> Under S.215 Town and Country Planning Act 1990

<sup>34</sup> NPPF 137

conservation areas have a very specific character that that requires carefully designed infill buildings that authentically reflect historic precedents. Other areas which have a more diverse appearance may be capable of accepting more innovative contemporary designs as long as scale, materials, colours and proportion respect the prevailing historic context.

- 5.14.3. The NPPF also makes it clear that ‘good design is indivisible from good planning’<sup>35</sup>. It sets out expectations for general design quality, amplified by the advice on design in the National Planning Policy Guidance the aspirations of which are reflected in SSLP policy. Government-sponsored urban design advice publications, although formally withdrawn, remain valuable in the way they set out good-practice design criteria. These include:
- By Design: Better places to live (2000);
  - Buildings in Context: New Development in Historic Areas (2001); and
  - The Urban Design Compendium parts 1 and 2 (2000 and 2007), also remains a standard reference guide to good urban design practice.
- 5.14.4. The Council from time to time produces guidance on various aspects of design in the built environment and proposals will be expected to conform to the recommendations these contain.
- 5.14.5. Developers of housing schemes will be encouraged to demonstrate, as part of their Design and Access Statement, how their proposals would meet the ‘Building for Life’ criteria.
- 5.14.6. The Somerset Building Preservation Trust runs a biennial Award Scheme for the promotion of conservation and design excellence in projects in Somerset. This a valuable means of acknowledging and publicising the best projects and raising awareness of good design and best conservation practice. The Council will continue to support the Trust for its Award Scheme and seek opportunities to work with the Trust to further promote high quality conservation and design excellence in the district.

**Action:** *The Council will assess development proposals on design quality and the contribution a design will make to local character and context or street scene and its impact in the wider landscape or any key views. Design statements in support of development proposals for historic sites and/or areas should identify how the design responds to context issues.*

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<sup>35</sup> NPPF 56 - 68

## 6. Managing Other Assets of the Historic Environment

### 6.1. Archaeological Sites and Areas

- 6.1.1. The Somerset Historic Environment Record contains records of known nationally and locally significant assets and should be consulted at an early stage in the planning process to highlight issues that may need to be considered and ensure that archaeological features are taken into account. Whilst it is recognised that the preservation in situ of significant archaeological remains is nearly always preferred, it is not feasible or preferable to protect all archaeological sites. In such circumstances the relative importance of the archaeological remains will need to be weighed against the need for development. This decision must be informed by an assessment of the significance and extent of the remains. Appropriate arrangements will be required to record archaeological remains which will be affected by the proposed development.

**Action:** *The Council will expect development proposals which affect locally important archaeological remains to take account of the relative importance of the remains and ensure that arrangements are made to record archaeological remains impacted by the development.*

### 6.2. Areas of High Archaeological Potential

- 6.2.1. Areas of High Archaeological Potential (AHAPs) are identified as areas likely to contain important archaeological features. These areas are shown on the inset maps in the Local Plan<sup>36</sup>. They may be up-dated from time to time as further research is completed and new areas defined. They are intended to identify areas where there is reason to believe remains exist and whose archaeological value has yet to be assessed. Where development proposals affect these areas a developer will be required to carry out an archaeological evaluation (of a type to be agreed appropriate) prior to the determination of a planning application.

**Action:** *The Council will expect development proposals to take account of the potential for archaeological remains present in Areas of High Archaeological Potential or elsewhere where there is reason to believe that important remains exist, and that appropriate assessment and necessary protection will be afforded to any archaeological remains identified.*

### 6.3. Historic Features of Local Historic or Cultural Interest

- 6.3.1. The Council recognises that a number of undesignated features - buildings, monuments, sites, places areas or landscapes - have considerable historic or architectural interest and/or significance to local culture and social history. These features can be regarded as heritage assets and have value in the contribution they make to local distinctiveness<sup>37</sup>.

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<sup>36</sup> Refer to SSDC website

<sup>37</sup> NPPF 135

**Action:** *The Council will support development proposals that would affect a local heritage asset or its setting, where it is demonstrated that the development proposal will not harm the historic, architectural, cultural, or landscape interest. Such interest and heritage significance must be described and evaluated and any change proposed should conserve and, where appropriate, enhance the heritage significance of the asset.*

*Article 4 Directions to impose planning controls over alteration and demolition may be applied in the interest of protection for such assets.*

## 6.4. Historic Landscape

6.4.1. The whole landscape of South Somerset is layered with evidence of past uses and activities from deserted villages and ancient field patterns to historic routes, lanes and boundary features. Such undesignated elements of the historic landscape are often of special local significance and, as part of the district's historic heritage, can be considered to be heritage assets.

6.4.2. The Historic Landscape Characterisation project has identified areas that may contain features such as pre-enclosure field systems, while specific known assets are identified in the Historic Environment Record. These types of features and others such as ancient holloways and hedge banks, historic orchards and rhynes should be given particular consideration where development may have an impact upon them.

**Action:** *Development proposals will be expected to take into account any direct or indirect impact that may arise to the historic landscape assets and justify any harm or loss, balancing harm or loss against the significance of the asset.*

## 6.5. Hedgerows

6.5.1. Hedgerows may be of considerable historic and archaeological significance and are afforded some protection by the Hedgerow Regulations 1997.

**Action:** *The Council will continue to carefully evaluate hedgerows notified for removal and seek the retention of those considered to be of significance to the historic landscape or its ecology.*

## 6.6. Trees

6.6.1. Proposals for works to or for the removal of trees in historic areas will be assessed taking account their quality and condition, the practical need for the work and the contribution the trees make to the character and distinctiveness of the area in order to establish their value and importance.

**Action:** *The Council will seek to preserve trees of value and significance to historic areas making Tree Preservation Orders where appropriate.*

## **7. Action Plan**

### **7.1. Overview**

- 7.1.1. The Conservation Team, in conjunction with the Development Management and Spatial Policy teams, will use the HES to define and implement an Action Plan.
- 7.1.2. The Action Plan will be tailored to reflect the resource availability within the Conservation Team, and will be used to help shape the future workload of the team, taking account of short, medium and long term priorities. The initial focus for work will be on the Conservation Area Mapping set out in sections 5.8.
- 7.1.3. A report to the Local Development Scheme Board will be prepared on an annual basis tracking progress against the Action Plan and providing an opportunity to update/amend the Action Plan where necessary.