



North Yorkshire

Campaign to Protect Rural England

## Response to local authority consultation

Authority:  
**Richmondshire**

Type of consultation (insert LDF/planning application and number/appraisal etc)  
**Conservation area appraisal**

Type of response insert comment/support/object **COMMENT**

Date of submission  
**2018 April 14**

All responses or queries relating to this submission should be addressed to  
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The charity will be referred to as CPRENorthYorkshire throughout this document

Full details of application/consultation

Draft Conservation Area Appraisal and Management Plan and Proposed Article 4  
Direction, Spennithorne

All CPRENorthYorkshire comments are prepared by the charity using professional  
planners whose research and recommendations form the basis of this response in  
line with national CPRE policies.

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## Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as “CPRENorthYorkshire” or “the branch”) welcomes the opportunity to comment on the draft Conservation Area Appraisal and Management Plan for Spennithorne.

## Comment

The document is thorough and well detailed and accords with the framework for assessment set out by Historic England in its advice note, ‘Conservation Area Designation, Appraisal and Management’ (Feb 2016). As such CPRENorthYorkshire fully endorses the adoption of this document by Richmondshire District Council as Supplementary Planning Guidance.

As part of its consultation on the Conservation Area Appraisal and Management Plan, Richmondshire District Council is also consulting on a potential Article 4 Direction for the Conservation Area which would remove certain, non-specified permitted development rights. Whilst the Management Plan provides useful guidance to home owners about the use of appropriate, vernacular materials and traditional detailing the document does not have the power to enforce this advice. As such the document alone cannot meet the requirements of the Act to ‘preserve and enhance’ the special character of the Conservation Area.

Appendix 1 of Historic England’s Advice Note on Conservation Areas relates to Article 4 Directions. It states that, *‘a conservation area management plan developed from a conservation area appraisal may identify areas where removal of permitted development rights is necessary to prevent the loss of characteristic architectural detailing or gradual erosion of the character and appearance of the conservation area through inappropriate development.’* Similarly, provision 71 (f) of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the *‘Formulation and publication of proposals for the preservation and enhancement of conservation areas.’* It states that it *‘shall be the duty of a local planning authority ... to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.’*

By designating Spennithorne as a Conservation Area the Council has accepted a duty to ‘preserve and enhance’ the character of the settlement. As preservation and enhancement cannot be achieved through the Conservation Area and Management Plan alone the Council has no option but to adopt an Article 4 Direction if it is to satisfy its duty of care. This argument is supported by the Conservation Character Appraisal which highlights that, despite being designated as a Conservation Area in 1982 there has been continuous erosion of architectural and historic character. Traditional stone slate and Welsh slate rooves have been replaced with non-vernacular concrete tiles and a high proportion of traditional timber windows and doors have been supplanted with modern, ubiquitous replacements of inappropriate material and detailing.

The Conservation Area also forms part of the historic, nested settings for many listed buildings within the settlement. By contributing to an understanding of these listed buildings the Conservation Area contributes to the significance of these listed buildings. The desirability of preserving listed buildings and their settings is enshrined within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states, *'the local planning authority ... shall have special regard to the desirability of preserving the building or its setting'*.

An Article 4 Direction would therefore not only help preserve the special architectural and historic character of the Conservation Area it would help preserve the setting of numerous listed buildings.

If an Article 4 Direction is not made it is likely that erosion of the special architectural and historic character that initially made Spennithorne worthy of designation as a heritage asset will continue, potentially to the point where the settlement is no longer worthy of designation. The NPPF stresses at page 30 that heritage assets are an *'irreplaceable resource'* and places on local authorities a duty to *'sustain and enhance'* heritage assets which includes both conservation areas and listed buildings. If the Council does not make an Article 4 Direction in Spennithorne the CPRENY feels that it will be failing in its duty to *'preserve and enhance'* the conservation area and similarly failing to meet the NPPF benchmark of *'sustaining and enhancing'*.

Notwithstanding the above, if there is not the political will for an overarching Article 4 Direction within Spennithorne, a compromise solution may be to make an Article 4 Direction of more limited scope which brought, for example, only those permitted development rights under control which relate to the most visually dominant elements of the conservation area e.g. roofscape and boundary treatments including gate posts. This compromise approach would seem suited to Spennithorne where many of the buildings are gable on rendering doors and windows slightly less visually dominant.

If the Council is minded to make an Article 4 Direction in Spennithorne we would recommend an Article 4 (1) Direction rather than an Article 4 (2) Direction. A significant percentage of the roof slopes and principal elevations do not face a public right of way due to the gable on positioning of many buildings and as such would not be protected by an Article 4 (2) Direction.

We look forward to hearing how the Council decides to proceed.