

# ENVIRONMENTAL PROTECTION

## Chapter 4

### HISTORIC & BUILT ENVIRONMENT

The South Somerset Local Plan (SSLP) was adopted on 27 April 2006 and “saved” until 26 April 2009 pending the preparation of replacement Local Development Framework (LDF) documents.

The Government Office for the South West have agreed to extend most Policies and Proposals beyond the 3 year saved period”.

**Policies** that have not been extended are struck through in the text. For ease of reference these are:

Chapter 6: Utilities	Policy EU1	Renewable Energy
	Policy EU2	Wind Turbines
	Policy EU5	Flooding
Chapter 10: Housing	Policy HG5	Replacement Dwellings in the Countryside
	Policy HG13	Sites for Travelling Show People
	Policy HG14	Sites for Travelling Show People

A number of **Proposals** have also not been extended as they have already been implemented or have Planning Permission and are under construction. These are:

Chapter 12: Area East	Proposal ME/CACA/3(ii)	Torbay Road, Castle Cary
Chapter 13: Area North	Proposal HG/SOME/4	The Mill House, Sutton Road, Somerton
	Proposal HG/SOPE/2	Land at Lightgate Lane, South Petherton
	Proposal TP/SOME/5	Widening of Cartway Lane, Somerton
	Proposal TP/SOME/6	Pedestrian Priority in West Street, Somerton
Chapter 14: Area South	Proposal CR/FIVE/1	Land at existing playing field, Fivehead
	Proposal HG/YEOV/2	Former Factory site, west of Larkhill Road, Yeovil
	Proposal HG/YEOV/3	Former Jewsons Yard, Newton Road, Yeovil
	Proposal ME/YEOV/6	Land east of Buckland Road, Pen Mill, Yeovil
Chapter 15: Area West	Proposal CR/BRYM/3	Land at Abbey Farm, Yeovil
	Proposal HG/CHAR/2	Land off Lower Touches, Chard
	Proposal HG/ILMI/1	Land north of Summervale Medical Centre, Wharf Lane, Ilminster
	Proposal MU/ILMI/2	Land off Shudrick Lane, Ilminster



## CHAPTER 4: HISTORIC AND BUILT ENVIRONMENT

### INTRODUCTION

- 4.1 The historic environment is composed of individual buildings, groups of buildings and spaces, archaeological remains and other features important to the overall character of a town or village. Many settlements in South Somerset are rich in architecture and archaeology and it is important that these features are conserved and enhanced for future generations.
- 4.2 The District Council has an important role to play in promoting and protecting these resources from the pressures of development and a primary means of achieving this is through strict and careful use of the development control process. Positive action can also be taken through the designation and enhancement of conservation areas, providing support through advice and grant aid for maintenance and environmental improvement schemes. The preservation of listed buildings is a primary duty of the District Council.

### LOCAL PLAN OBJECTIVES

- 4.3 The Local Plan will seek to safeguard and enhance the quality of the historic environment through the following objectives:
1. To preserve and/or enhance the character and appearance of the built environment, particularly conservation areas and listed buildings;
  2. To preserve sites of archaeological value and to increase public awareness of their importance and interest by proper management and interpretation;
  3. To implement proposals and provide advice and assistance to promote preservation and enhancement of the historic environment;
  4. To ensure that new developments, through the application of development control and the promotion of positive management, preserve and preferably enhance the historic environment.

### POLICIES

- Conservation Areas.
- 4.4 Local Planning Authorities have a duty to designate conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These should be “areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance”. Designation of conservation areas is not part of the Local Plan process but the Local Plan illustrates these areas and contains policies for their protection and enhancement.
- 4.5 The Local Plan identifies the 85 designated conservation areas in the District as shown on the Inset Maps and listed in Appendix A.3. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review recognises that new development should maintain and where possible enhance the historic built environment which provides settlements with their character and local distinctiveness and the Local Plan builds upon this policy. A proactive approach to conservation is also required and Joint Structure Plan Policy 8 identifies Outstanding Heritage Settlements in Somerset, of which 19 are in the South Somerset District and all of which have designated Conservation Areas. As financial resources for enhancement measures are limited, the Joint Structure Plan policy gives priority to Outstanding Heritage Settlements for investment in the protection and enhancement of the historic environment.
- 4.6 Although conservation areas are designated because of their special architectural and historic interest, the setting for these designated areas is also important. Therefore attention will be given to proposals in or adjoining conservation areas to ensure that there is no harm to the character and appearance of the area. Where appropriate the District Council will consider the use of Article 4(1) or Article 4(2) directions to protect specific architectural elements of conservation areas.

### Policy EH1

All development in a conservation area or outside the area, which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area by:-

1. Conforming with the historical pattern of development and property boundaries;
2. Using landscape design as an active element in the overall design;
3. Using materials for buildings, surfaces and enclosures which are appropriate to the building's function and compatible with its surroundings;
4. Providing buildings and spaces which make a positive contribution to the character, setting and appearance of the area.

- 4.7 In conservation areas the detailed aspects of a proposal are important and outline planning applications will not provide the District Council with sufficient information to make a formal decision. Applicants for planning permission should, as a minimum, provide a short written statement setting out design principles adopted as well as illustrative material in plan and elevation. The material should also show the wider context of the proposal. Such material will be particularly important in relation to complex proposals or those involving sensitive sites. Pre-application discussions with the District Council's Area Planning Teams, Conservation Unit and Planning Policy Unit are advised before submitting an application.

#### Demolition of Buildings in Conservation Areas

- 4.8 The demolition of buildings in conservation areas can lead to unsightly gaps or unsympathetic redevelopment marring the overall character of the designated area. When considering proposals for the demolition of buildings or part of buildings within conservation areas, the general presumption will be in favour of retaining any buildings which make a contribution to the character of the area. Additionally a prime consideration will be whether or not the proposal preserves or enhances the character of the area in question.

Careful consideration will be given to the part played by the building in the architectural and historical interest of the area and the wider effects on the setting of the building and the conservation area as a whole.

### Policy EH2

Development proposals in a conservation area which involve the demolition of a building, or part of a building, whether listed or not, will not be allowed unless the development preserves or enhances the conservation area. A condition linking demolition to a programme of redevelopment will be imposed where it is considered important to prevent unsightly gaps in the conservation area.

- 4.9 As with all proposals in conservation areas, detailed plans showing redevelopment proposals and the wider setting of the site will be required to assess the impact of the proposed demolitions on the area. The quality of the proposed redevelopment will be taken into consideration when determining whether or not permission should be granted for demolition to take place.
- 4.10 Sometimes demolition of a building is not necessarily followed quickly by redevelopment leading to unsightly gaps and pressure for inappropriate development to be permitted. In such circumstances the District Council may, under the appropriate legislation, require an agreement linking the permission for demolition to a programme of redevelopment.

#### Conservation Area Appraisals

- 4.11 The District Council has a duty set by the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for the preservation and enhancement of conservation areas. As a statement of intent, detailed appraisals of each conservation area will be undertaken to define the special interest of the area and where necessary to review and revise the boundaries. These Conservation Area Appraisals may assist in the determination of planning applications. If the appraisals are required as Supplementary Planning Documents, these will be programmed into the Local Development

Scheme having regard to other priorities. This forthcoming work is expressed in the following *Statement of Intent*.

- *The District Council will undertake appraisals of all existing Conservation Areas and further work will be carried out to assess the need for Conservation Areas to be established in other settlements.*

#### Listed Buildings

- 4.12 Listed buildings are those of “special architectural or historic interest” which are subject to special protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. They are a finite resource and an irreplaceable asset. The Secretary of State is required to compile and maintain a list of such buildings. At any time requests can be made to add buildings to the statutory list and “spot listings” can be carried out if a valuable building is deemed to be under threat from demolition, harmful alteration or neglect. Alternatively, in cases of urgency, the District Council can serve a “Building Preservation Notice” to protect a building for a short period while a decision is taken whether or not it should be listed. Alterations to a listed building, its interior or to structures within the curtilage including boundary walls etc. require “Listed Building Consent” as well as planning permission where necessary.

#### Change of Use of Listed Buildings and Alterations to Listed Buildings

- 4.13 It is desirable that the original use of a historic building should continue wherever possible. When considering applications for the change of use of historic buildings the District Council will pay particular attention to the architectural features of a building, both internal and external, and any impact the proposed alternative use would have upon them.
- 4.14 Alterations to a listed building, even of a minor nature, can destroy the architectural integrity of an historic building and its setting. It is essential that applications for listed building consent include adequate information to a high standard of detail to enable the impact of the works to be fully assessed. Applicants will be expected to

show why works affecting the special character of a listed building are desirable or necessary. The District Council will maintain a general presumption in favour of preservation and encourage sympathetic repair work employing the best conservation repair practices.

#### Policy EH3

**Planning permission will only be granted for development, including change of use, that does not adversely affect the character of a listed building, its setting, or any features of special architectural or historic interest which it possesses. Materials used in carrying out alterations shall match existing materials as closely as possible or, where the particular character of the building dictates otherwise, shall be compatible with the historic character of the building and be used in conjunction with the best current conservation practice.**

- 4.15 Changes to listed buildings will be carefully controlled and action taken to prevent unauthorised works or damage through neglect. However, to ensure that a listed building has a beneficial use and is well maintained, it is often important to allow the building to be adapted to modern requirements where this can be achieved without harming the character. In such cases it may not always be possible to conform to Building Regulations which may be relaxed provided that the safety of persons, the building or adjoining buildings is not compromised. The style, materials and finishes of additions or alterations should match very closely those of the existing building where appropriate but alternatives will sometimes be acceptable if a positive contribution is made to the building.
- 4.16 Applicants for planning permission should, provide additional information setting out the design principles that have been adopted and demonstrating any heritage impact of the proposal. The material should also show the wider context of the proposal. Such material will be particularly important in relation to complex proposals or those involving sensitive sites. Pre-application discussions with the District Council's Area Planning Teams, Conservation Unit and Planning Policy Unit are advised before submitting an application.

Demolition of Listed Buildings

Policy EH4

There is a general presumption in favour of the retention of listed buildings. Applications for the total or partial demolition of a listed building will not be permitted unless:

1. All reasonable efforts have been made to sustain existing uses or find viable new uses;
2. Preservation in some form of charitable or community ownership is not possible or suitable;
3. Redevelopment will produce substantial community benefit which decisively outweighs the loss resulting from demolition;
4. Consideration has been given to the condition of the building and the cost of repairing and maintaining it in relation to its importance and the value derived from its continued use.

4.17 Consent for the demolition of Grade I or Grade II\* listed buildings is rarely granted. The demolition of any listed building will not be permitted unless it can be demonstrated that every effort has been made to continue the present use or find a suitable alternative use for the building. It is usually necessary to show that the building has been offered for sale. In determining applications for demolition the proposed re-use of the site will be taken into consideration.

4.18 Before any agreed alterations or demolitions take place the District Council may require complete and detailed recording of the building by a specialist in addition to any recording carried out by the Royal Commission for Historic Monuments for England.

4.19 Detailed plans for redevelopment of the site will be required to demonstrate that the replacement is of sufficiently high quality and respects the character of the surroundings.

Development Proposals Affecting the Setting of Listed Buildings

4.20 The setting of a listed building is often an essential part of its character in the form of carefully designed gardens or grounds, a group of associated buildings or its position in the street scene. Many attractive streets and villages owe their character not only to the presence of individual buildings of merit but also to the overall scene made up of a variety and range of such buildings.

Policy EH5

Planning permission will not be permitted for development that would have an adverse affect on the setting of a listed building or its contribution to the local scene.

4.21 Proposals for development or redevelopment which will affect the setting of listed buildings will be required to show clearly the effect of that proposal on its surroundings. Plans and elevations of proposed new buildings will be expected to show accurately, enough of the surrounding buildings/street scene to enable a decision to be made on the impact of the proposals. The submission of photographs showing the context of the site can be helpful.

The Conversion of Buildings in the Countryside

4.22 Traditional buildings in the countryside are a significant part of the national and local heritage and PPS7 (Sustainable Development in Rural Areas) offers advice on the approach that should be taken when alternative uses are sought. In addition to traditional buildings, some modern buildings may also be capable of useful conversion. Re-use and adaptation of these buildings has an important part to play in meeting rural needs for industrial, commercial, tourism, sport and recreational uses. Conversion can reduce the demand for new buildings and stop the existing buildings falling into disrepair and dereliction. Conversion for business use can have a positive effect on the local economy but proposals should not be so extensive as to have an adverse effect on the economic vitality of nearby villages and towns or a harmful effect on the character of the countryside. Care must however be taken when considering conversion of buildings in the countryside, particularly barns, as there may be

a need to conserve protected species, notably bats and barn owls.

- 4.23 There are a great variety of buildings in the countryside and many have specific characteristics which should be retained. Buildings for conversion should be of good structural condition and not require extensive alteration or reconstruction to be adapted to a new use. Policy ST4 addresses the matter of alterations and extensions.

#### Policy EH6

The change of use of buildings outside defined development areas to industrial, commercial, tourism, sport and recreational uses will be permitted provided that:

1. The existing building/s are not the result of a temporary planning permission;
2. The buildings are of permanent and substantial construction, and are capable of conversion without major reconstruction;
3. The bulk, form, scale and general design of the buildings are in keeping with their surroundings;
4. The proposal does not lead to dispersal of business activity on a scale to prejudice the vitality of towns and villages;
5. Any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use can be overcome by the imposition of reasonable planning conditions.

- 4.24 Conversion to residential use can often have a detrimental effect on the character and fabric of historic buildings particularly if the building cannot be satisfactorily converted without extensive alteration or extension. The creation of a domestic curtilage can also have a detrimental effect in the countryside. However it may not always be possible to find another use for such buildings and in these cases applications for conversion to residential use should be given careful consideration.

#### Policy EH7

The change of use of existing buildings outside defined development areas to residential use will be permitted provided that:

1. Every reasonable attempt has been made to secure suitable business reuse, or residential conversion is a subordinate part of a scheme for business reuse;
2. The buildings are of permanent and substantial construction, and are capable of conversion without major reconstruction;
3. Their form, bulk and general design are in keeping with their surroundings.
4. Any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use can be overcome by the imposition of reasonable planning conditions.

- 4.25 When considering planning applications for conversion to residential use the District Council will request that the following information be submitted. After establishing with the Local Planning Authority, Highway Authority and other appropriate authorities whether the building has potential for commercial reuse, evidence should be submitted that the property has been marketed for rent or sale of the potential use with an appropriate estate agent for a period of one year. The fact that conversion for business re-use proves unviable does not automatically indicate that permission for residential conversion should be permitted. The policy above will be implemented rigorously to avoid the proliferation of unsuitable and unsustainable development in the countryside. The structural condition of the building will also be a major consideration and applications should be accompanied by a Structural Engineer's report where deemed necessary. Plans should clearly indicate any part of the building which is proposed to be demolished and/or rebuilt, so that the extent of reconstruction can be easily ascertained. Buildings which are not of substantial construction and require major works and/or

extension will not be considered suitable for conversion.

- 4.26 Guidance has been prepared to advise on the conversion of barns and other historic buildings and this Supplementary Planning Guidance may be taken into account as a material consideration when determining planning applications for permission to convert buildings in the countryside to any alternative use.

#### Historic Parks and Gardens

- 4.27 The informal parklands and gardens created around large country houses in the 18th and 19th centuries are historic landscapes in their own right, particularly as an element in the development of the historic rural landscape. Under the National Heritage Act 1983, English Heritage circulates a register of historic gardens and other land of special historic interest to increase awareness of the gardens and encourage their protection and conservation. The register is a national list based on special historic interest and grades the parks and gardens with I, II and II\* as with listed buildings. However, unlike listed buildings, the listed status does not provide statutory protection. Therefore the District Council will seek to safeguard the parks and gardens on the register, and a number of additional parks and gardens deemed worthy of protection, from unsuitable development.

#### Policy EH8

Development that would destroy or adversely affect the character, appearance or setting of historic parks and gardens identified on the proposals maps will not be permitted:

#### Area East

Hazelgrove House, Sparkford  
Lytes Cary, Charlton Mackrell  
Redlynch Park, Bruton  
Ven House, Milborne Port  
Hadspen House, Castle Cary\*

#### Area South

Barwick Park  
Newton Surmaville, Barwick  
Brympton d'Evercy, Brympton  
Montacute House (in part)

#### Area North

Barrington Court  
Burton Pynsent, Curry Rivel  
East Lambrook Manor  
Montacute House (in part)

#### Area West

Cricket House, Cricket St. Thomas  
Jordans, Ashill\*  
Hinton House, Hinton St. George  
Wayford Manor  
Dillington House,  
Whitelackington\*

\*Those gardens marked with an asterisk are not in the English Heritage Register of Parks and Gardens but are included under policy EH8 as they are deemed to be of significant local value and importance.

- 4.28 Cricket St. Thomas estate includes the wildlife park which is an important tourist attraction. In order to consider the issues arising from this use, the estate owners prepared an Estate Development Framework (1996). This has been considered and adopted by the District Council as Supplementary Planning Guidance.

#### Historic Battlefields

- 4.29 A Register of Historic Battlefields has been prepared by English Heritage identifying areas of historic significance where important battles took place. The Battle of Langport was fought in 1645 and took place around Wagg Bridge between Pitney and Huish Episcopi. It is one of the two battlefields in Somerset to be included in the register.
- 4.30 Like the register of parks and gardens, inclusion in the register does not imply any statutory controls or any additional powers to regulate development beyond the normal planning system. However, PPG15 (Planning and the Historic Environment) advises that the effects of any development on a registered site will be a material consideration to be taken into account when determining planning applications.

**Policy EH9**

Development proposals which would have an adverse affect on the historical and/or archaeological value of Langport Battlefield will not be permitted.

No Development Areas

- 4.31 Open areas of land within villages and towns are often an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space, and these are identified on the proposals map and appropriate insets. Some of these areas are in use for informal or formal recreation and these pieces of land perform a dual role of recreation and enhancing the visual amenity of a locality. Consequently the loss of any of these important areas of open space would damage the character of settlements and development will generally be resisted unless a special community, education or recreation need is identified. Redevelopment of existing recreation areas will also be considered under Policy CR1.

**Policy EH10**

Development which would have an adverse impact on the amenity or recreational value of open land identified on the proposals map will not be permitted unless a special community, educational or recreational need is identified.

Archaeology

- 4.32 South Somerset possesses a wealth of archaeological sites and historic features which comprise a resource which is finite and non-renewable and which must be protected and carefully managed. Many historic and archaeological features do not have any form of statutory protection and are under threat from various development pressures including housing, tourism and agriculture. Therefore the plan gives policy protection not only to Scheduled Ancient Monuments but also Areas of High Archaeological Potential which have been identified by the County Archaeologist. The records of archaeological sites are continuously updated as new information

becomes available and any new sites will be subject to the appropriate policy.

Archaeological Sites of National Importance (Scheduled Ancient Monuments)

- 4.33 Many nationally important sites and monuments enjoy special protection as “scheduled monuments” under the Ancient Monuments and Archaeological Areas Act 1979. English Heritage advises on the suitability or otherwise of sites and monuments to be included in the register of Scheduled Ancient Monuments. Scheduled Monument consent must be acquired before any works are carried out which will affect a Scheduled Ancient Monument. A list of Scheduled Ancient Monuments in the District can be found at Appendix A.4.
- 4.34 Archaeological remains, either above or below ground, are irreplaceable and PPG16 (Archaeology and Planning) advises that where development proposals would affect nationally important remains or their settings, whether scheduled or not, there will be a presumption in favour of the physical preservation of the remains. However applications will be weighed against the national need for, or importance of, the proposed development.

**Policy EH11**

Development will not be permitted where it would involve significant alteration or cause damage to nationally important archaeological remains (whether scheduled or not) or would have a significant impact on the setting of remains.

- 4.35 In all cases where development is carried out, mitigation strategies should be in place through the application of appropriate conditions on any planning consent or through agreement with the developer in the form of a Section 106 agreement. The mitigation strategy should cover the preservation of the remains in situ or, where this is not possible, the recording or excavation of the site to take place before the commencement of, and/or during, building works.

Areas Of High Archaeological Potential And Other Areas Of Archaeological Interest

- 4.36 Not only nationally important sites and monuments require protection from development but also sites and remains of local significance, for example Areas of High Archaeological Potential (AHAPs) which are identified on the Proposals Maps, entries in the Historic Environment Record (HER) which is compiled and maintained by the County Archaeologist, and other unspecified areas where there is reason to believe there may be remains of archaeological interest.
- 4.37 Knowledge of the importance of the sites and finds recorded in the HER and the definition of their boundaries is often imperfect. Furthermore the sites are so numerous that it would not be practicable to show them on the Proposals Maps. Developers should make reference to the HER (available from the Council) and consult the County Archaeologist for further information.
- 4.38 It is important to ensure that where development is proposed in any area identified as an AHAP, recorded on the HER or in any other area where there is good reason to believe there may be remains of archaeological interest, a sufficiently detailed analysis of the area is undertaken to determine the character and presence of remains prior to the consideration of a planning application. The County Archaeologist can advise on the nature of this work.

Policy EH12

Planning permission will not be granted for development which would damage or destroy areas of high archaeological potential, or sites where there is good reason to believe there may be remains of archaeological importance, unless the importance of the development outweighs the local significance of the remains. Where planning permission is granted, a programme for recording the finds or a mitigation strategy should be agreed with the council if necessary.

- 4.39 As with sites of national importance, preservation of sites will be the preferred option when considering applications which could affect them. However the importance of the development should be weighed against the local significance of the remains/site. If planning permission is granted, mitigation strategies should be in place for protection and /or recording of the site.
- 4.40 The emphasis of the plan is on the preservation of archaeology in the District wherever possible, and the creation of opportunities to explore further existing archaeological potential. This will be best achieved through early negotiations and discussions between developers, the District Council and the County Archaeologist. It is hoped that the Local Plan policies will enable early discovery of new sites of significance and minimise the late discovery of sites once development is in progress and damage may have occurred.