

Temple Sowerby Conservation Area Character Appraisal and Management Plan

March 2020

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1 Introduction

1.1 Background to appraisal

- 1.1.1 Conservation areas are defined in planning law as ‘areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’ (Planning (Listed Buildings and Conservation Areas) Act 1990. Local planning authorities have a responsibility to designate areas within their authority which are considered to be of special architectural or historic interest as conservation areas. The planning authority also have a duty to review these designations on a regular basis and where necessary, alter the boundary of the conservation area, or even remove the designation altogether.
- 1.1.2 A character appraisal for Temple Sowerby conservation area was published in October 2007 by Eden District Council. This appraisal and management plan includes an up to date description and assessment of the historical, architectural and townscape qualities of Temple Sowerby conservation area along with new and/or revised planning policies relating to conservation of the historic environment.

2. Planning Policy Context

2.1 National Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.1.1 Section 69 requires that local planning authorities shall determine which parts of their area are areas of special architectural or historic interest and shall designate those areas as conservation areas.
- 2.1.2 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities the duty to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts.
- 2.1.3 Section 72 of the Act places a duty on the local planning authority in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 2.1.4 Section 73 of the Act requires the local planning authority to publicise proposals which would in their opinion affect the character and appearance of a conservation area. Such proposals need not be within the conservation area but would affect its setting, or views into or out of the area.

The Enterprise and Regulatory Reform Act, 2013

- 2.1.5 The ERR Act 2013 was introduced in an attempt to simplify heritage regulations. The following measures were taken into account and introduced as part of the Act:
- Measures to provide clarity on what is and is not protected when a building is listed;

- A Certificate of Immunity from listing can be applied for at any time;
- The removal of the requirement for Conservation Area Consent but the retention of the requirement to obtain planning permission for demolition of buildings within conservation areas;
- National and local class consents which automatically grant consent for certain works to listed buildings; and
- The introduction of a Certificate of Lawfulness of proposed works to listed buildings.

National Planning Policy Framework (NPPF), DCLG, 2019

- 2.1.6 The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government (DCLG) in 2018 and a revised version was published in July 2018 and again in February 2019. It sets out the Government's planning policies for England and specifies how these policies should be applied.
- 2.1.7 Chapter 16: *Conserving and enhancing the historic environment* sets out policies to conserve heritage assets in a manner appropriate to their significance. Key paragraphs relating to development within conservation areas are outlined in appendix A.

Advice Notes

- 2.1.8 Historic England is the Government's adviser on the historic environment in England. They have published a number of advice notes intended to assist local planning authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy contained within the NPPF and Planning Practice Guidance. A list of the documents can be found in appendix A and can be downloaded from Historic England's website <https://historicengland.org.uk/images-books/publications/>.
- 2.1.9 The document Conservation Principles (2008) sets out criteria used to determine the significance of heritage assets. Significance is assessed against four heritage values:
- **Evidential value** – *the potential of a place to yield evidence about past human activity.*
 - **Historic value** – *derived from the way the past can be connected to the present, it can be illustrative or associative.*
 - **Aesthetic value** – *the ways in which people draw sensory and intellectual stimulation from a place.*
 - **Communal value** – derived from collective experience or memory
- 2.1.10 A consultation on a revised Conservation Principles document closed in February 2018 and Historic England are working to publish a new version in 2019.

2.2 Local Planning Policy

Local Development Plans

2.2.1 The NPPF 2019 (paragraph 185) sets out policies for the preparation of Local Development Plans by the local planning authority. To be compliant with the NPPF local development plans should set out a positive strategy for the conservation enjoyment of the historic environment including heritage assets most at risk of neglect, decay and other threats. The strategy should take account of the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

2.2.2 The Eden Local Plan 2014-2032 adopted in October 2018 sets out how we are planning to manage the growth of new jobs, homes and infrastructure in Eden over the period 2014-2032. Table 1 in appendix A outlines the key policies relating to the historic environment of the Eden District as contained in the Eden Local Plan.

Supplementary Planning Documents

2.2.3 The role of Supplementary Planning Documents (SPD) is to provide guidance on local planning matters. The Management of Conservation Areas SPD is intended to provide guidance to the public and developers when considering proposals in conservation areas. It will also be used as a material planning consideration in the determination of relevant planning, advertisement, listed building and conservation area consent applications as well as to inform management issues in our town centres and villages designated as conservation areas. It will complement other SPDs namely:

- Eden Design Guide Summary (1999)
- Shopfront and Advertisement Design (2006)
- Accessible and Inclusive Environment (2005)
- Housing (Draft 2019)
- Cumbria Landscape Character Assessment Toolkit (2011)
- North Pennines Area of Outstanding Natural Beauty (AONB) Building Design Guide (2011)
- North Pennines Area of Outstanding Natural Beauty (AONB) Planning Guidelines (2011)

Neighbourhood Planning

- 2.2.4 The 2011 Localism Act introduced a new set of tools for neighbourhoods to come together and shape the future of their local areas. One of these tools is neighbourhood plans. Neighbourhood Planning enables Town and Parish Councils or Neighbourhood Forums to prepare, with the community, a formal planning document for their area. It allows local people to take a proactive role in shaping the future of the areas in which they live and greater ownership of the plans and policies that affect their local area. A second tool is a Neighbourhood Development Order which allows neighbourhoods to grant permission for certain developments to take place in their area, without planning permission from the District Council.
- 2.2.5 Within the Eden District there are 13 parishes designated as a Neighbourhood Planning Area and able to produce their own neighbourhood plan or development orders. A further 2 parishes have also applied to be designated as a Neighbourhood Planning Area. See appendix A for the full list.
- 2.2.6 The Upper Eden Neighbourhood Development Plan 2012-2025 was approved at a local referendum and adopted as planning policy by Eden District Council in April 2013.

3. Character Appraisal

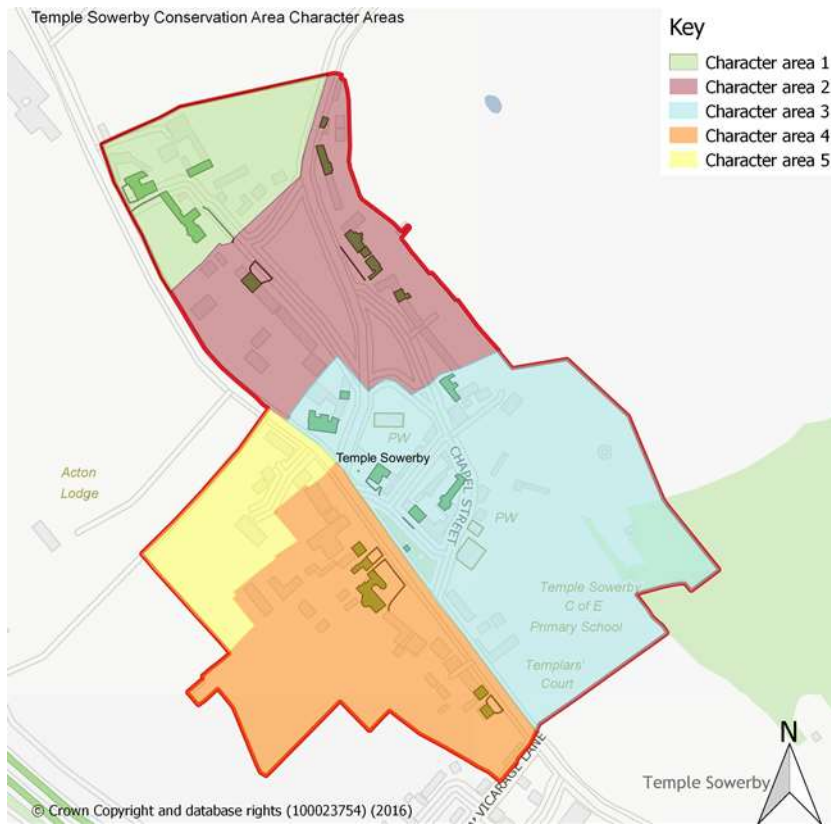
3.1 History

- 3.1.1 Temple Sowerby lies along the Roman route through the Eden valley with the fort at Kirkby Thore only two miles away. The Eden valley in general was populated in Roman times with many small scattered settlements and farmsteads consisting of stone huts and enclosures, often found on the higher land. Nothing is known of a settlement at Temple Sowerby at this time. The name of the village comes from the Danish word 'Saurby' meaning farm or settlement with muddy or poor soil, but the origins of the settlement itself are not clear.
- 3.1.2 The manor of 'Soureby' was given to the Knights Templar sometime in the twelfth or thirteenth century and the prefix of Temple was evident in documentation from 1279. When this order was dissolved in 1312, the manor passed in 1323 to the Knights Hospitallers who in their turn were dissolved in 1545. The manor was sold by the Crown to the Dalston family in 1544. Acorn Bank, the former Manor House, dates from at least the late sixteenth century, but there may be some earlier medieval fabric dating from the times of the Templars. This house lies away from the main village.
- 3.1.3 There are buildings in the village of seventeenth century and possibly earlier fabric and form - notably the previously cruck-roofed Swan Cottage and House (formerly the Black Swan Inn) and Lowthian Cottage, both of which were thatched. The form of the village also suggests medieval origins. A church existed in Temple Sowerby in the fourteenth century and in 1323 there were known to be eight cottages in the manor and a water mill at Acorn Bank. Until 1880 Temple Sowerby formed part of the neighbouring parish of Kirkby Thore. The present church in the village, St James's, formerly the Parochial Chapel was rebuilt and greatly enlarged in the eighteenth century and restored in 1873. The village maypole which has existed at least since 1817 (the timber upright has been replaced) is possibly on the site of an earlier cross.

3.2 Character Areas

- 3.2.1 The conservation area can be divided into five individual character areas as shown on figure 1.

Figure 1 Character Areas



3.2.2 There are 33 listed buildings and structures found within the conservation area boundary, as shown on figure 2. There have been no additional assets designated or any assets removed from the national heritage list since the appraisal in 2007. The list descriptions for these designated assets are contained within appendix B.

Figure 2 Heritage Assets



Character Area 1

- 3.2.3 The area defined as character area 1 covers the northern section of the village and includes three former farmstead developments located on a narrow lane leading from the village green to the A66, along with three modern bungalows overlooking large open fields to the north of the village.
- 3.2.4 There are three grade II listed buildings within this area including West View, The Grange and adjoining cottages, and Tendot Barn (listed as a freestanding barn to the east of West View).
- 3.2.5 The three farmsteads are different in plan form. West View was originally a courtyard form with a large house and attached barn forming one side of the court yard. Part of the house was demolished in the late 20th century forming a second courtyard to the rear that is bounded by a sandstone wall. Grange farmstead is a variation of a L-shaped development with detached barns and stables forming a small courtyard separate to the main house. Rose bank has a dispersed plan form with house and barns all detached. The stables/ barns of Grange farm and Rose bank farm have been converted to residential use. The materials and architectural features present on the houses indicate these belonged to wealthy farmers or gentlemen.

Figure 3 (left) Enclosed yard relating to Grange Court and Grange Cottage

Figure 4 (right) Enclosed rear yard of West View (site of formerly adjoined building)



Figure 5 (left) Architectural features to front of West View indicate status

Figure 6 (right) Rose Bank provides a break in the heavy use of sandstone

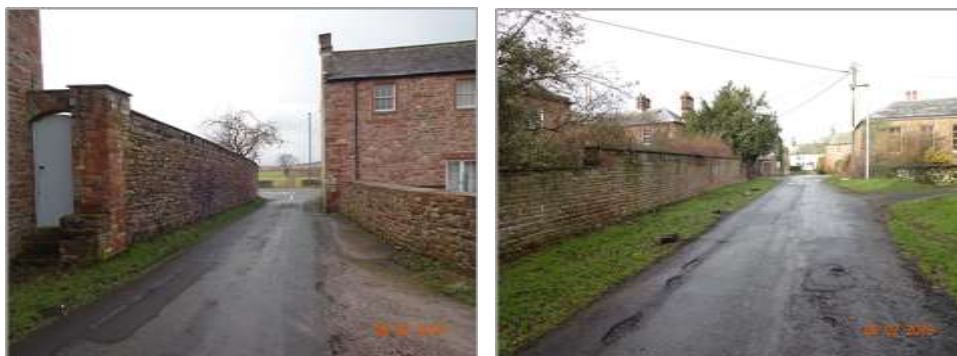


3.2.6 Buildings in this area are a mixture of 19th and 20th century dwellings and predominantly two storeys in height and constructed of sandstone with green or blue slate roof coverings. Traditional timber sliding sash windows of various pane styles and timber panelled doors remain on the historic farm houses however uPVC windows and doors are also present in the 20th century dwellings. Surviving architectural features include stone window and door surrounds, fanlights, pediments, a stone column porch, kneelers and quoins. The modern bungalows on the northern edge of the village green are not consistent with the scale and character of the surrounding agricultural dwellings.

3.2.7 High stone boundary walls to properties create an enclosed sense of space. The stone walls and buildings - Grange Cottage and West View - enclose the lane on either side framing a view west across the A66 to the fields beyond.

Figure 7 (left) Buildings and high walls act as a gate way to junction to/from the A66

Figure 8 (right) The road leading from the village green is enclosed on one side



3.2.8 The area of land adjacent to the Counting House and Tendot barn is an exception to this with an informal courtyard nature. The gaps in the building line here offer long distance views of the fields beyond. The disused barn here is a proposed residential development site.

Figure 9 Proposed development site



Figure 10 Informal courtyard to barns



Character Area 2

3.2.9 The large wide village green forms character area 2. It is a quiet residential area with dwellings overlooking the recreational space. The land is undulating and interspersed with large mature trees creating a visually pleasing streetscape and roofscape where some buildings are at a higher elevation than others.

3.2.10 There are six grade II listed buildings in this area including: High Green House, Beech House & adjoining stables, Beech Cottage, Sheriff House, Mountain View with front wall and gate piers, and Rose Cottage along with the walls, gate piers & railings to the front of Beech House, Beech Cottage & Sheriff House and the former Tannery Dovecote.

Figure 11 Buildings overlooking the village green



3.2.11 Narrow roads with informal grass verges, faded road markings and minimal road signs dissect the green space. Cars park informally on these roads and grass verges but some front gardens and stone boundary walls have been lost to create private drives.

Figure 12 (left) Narrow roads dissect the village green

Figure 13 (right) The village green is used for recreational space



Figure 14 (left) Front gardens lost to create private drives

Figure 15 (right) Driveway tracks created on grass verge



- 3.2.12 Buildings in this area are predominantly 19th century in origin although a considerable number of 18th century dwellings also survive. They are a mixture of detached and rows of buildings on the eastern and western sides of the village green but set back by wide grass verges and front gardens - most with sandstone boundary walls with/without iron railings. The predominant construction material is coursed sandstone but sandstone rubble, ashlar, render, and red brick have also been used.
- 3.2.13 As noted above the nature of the landscape and type of buildings have influenced and created an interesting roofscape. The variety of stone, sandstone ashlar, render, red brick, and buff brick chimney stacks also add interest to the roofscape.
- 3.2.14 A considerable number of buildings retain architectural features such as kneelers, quoins, string courses, stone window and door surrounds, hood mould, fanlight and pediments which create a sense of grandeur to the village. The aesthetic quality of the buildings is reduced to an extent by the loss of historic windows and use of low quality uPVC windows and doors.

Figure 16 Modern detached garage



Figure 17 A grade II listed Georgian house



Figure 18 (right) A row of dwellings on the eastern side of the village green

Figure 19 (left) The Dovecote is grade II listed



3.2.15 From the higher ground there are long distance intermittent views of the surrounding countryside. The church to the south of this character area is prominent in views/ a landmark.

Character Area 3

3.2.16 The area defined as character area 3 covers the north-east part of the village and comprises of a mix of uses including: residential dwellings, agricultural dwellings, a public house with B&B accommodation, the village hall, St James Church, and the local primary school.

Figure 20 Kings Arms Public House



Figure 21 Village Hall



3.2.17 This part of the village has no clearly defined plan form with a mixture of detached, semi-detached and terraced dwellings concentrated around the Church, along small lanes (Betsy Lane and Chapel Street), and bordering a small village green. The village hall and public house are found to the north of the Church separated by the road which has a junction off the former A66 and leads through the central village green. The area has an informal nature of roads, pavements and green spaces with no kerbs or edges and minimal road markings, road signs and defined parking bays.

3.2.18 This part of the village boasts the most open space including: the historic village green that was part reduced by the widening of the A66 and features the Maypole; the churchyard; an informal grassed area off Chapel Street; and the large open fields to the south-east of the village.

Figure 22 (left) Junction of road to former A66 showing informal edges and parking areas

Figure 23 (Right) A66 road bisects village green space



Figure 24 Large open fields to SE of village



Figure 25 Green space off Chapel Street



Figure 26 Informal road layout



Figure 27 Informal parking area on edge of village green



3.2.19 The built fabric includes a significant proportion (over 70%) of 18th and 19th century buildings with a small proportion (over 20%) of 20th and 21st century buildings. Buildings are predominantly two storeys and constructed of sandstone or rendered walls with green or blue slate roofs featuring sandstone chimneys. Red or buff brick is also a common material choice for chimney stacks. Windows are the main architectural features found on the buildings and over 40% of traditional timber sliding sash windows and casement windows with various styles and panes remain. However there are also over 40% of buildings that contain uPVC casement windows and mock sash windows.

Figure 28 Maypole Terrace



Figure 29 Former Methodist Chapel and Sunday School



Character Area 4

3.2.20 The area defined as character area 4 comprises of a mixture of detached and terraced dwellings located on the south-west side of the A66 route that traverses through the village. The majority of the buildings front the road but are set back with small front gardens or larger courtyards / driveways bounded by stone walls with and without iron railings.

3.2.21 The built fabric includes 18th and 19th century dwellings with a low number of 20th and 21st century infill developments. They are two storeys and predominantly constructed of sandstone with green slate roofs but red brick is also a common material. Architectural features such as kneelers, quoins, string courses, pediments and hood moulds along with traditional timber plank doors and sliding sash windows of various styles of panes in full stone surrounds create a sense of grandeur to the buildings in this area.

Figure 30 Late 18th century dwellings



Figure 31 House constructed of red brick



3.2.22 The wide carriageway of the A66 is lined on its south-west side by a long parking bay and wide grassed verges and pavements to either side. Streetlamps, road traffic signs and markings are found intermittently along the route and are considered to balance the requirements of modern transport with the historic nature of the village.

3.2.2.3 This character area is bounded to the south-west by modern developments (outside of conservation area) and to the north by a recent housing development but the historic strip fields to the west have been largely retained.

Figure 32 (Left) Stone built bus shelter and parking bay on SW side of A66



Figure 33 (Right) Modern development on southern approach to the village



Character Area 5

3.2.24 Character area 5 comprises of a 21st century residential development along with a local health centre which has an access off the A66. The development is part constructed with new two storey dwellings constructed of brick and render featuring stone window and door surrounds to reflect the vernacular buildings. The plan form of the development reflects a modern estate with small attempts to be sympathetic to the traditional village layout by using stone boundary walls and orientating dwellings to front the road. A terrace of 1.5 storey dwellings constructed along the SW side of the A66 creates a built frontage to the road and entrance to the development.

Figure 34 Entrance to the new development



3.3 Summary of the character and current condition of the conservation area

- 3.4.1 The built fabric of the village is predominantly made up of 19th century dwellings. Buildings tend to be of two storeys in height and the predominant construction materials include: coursed sandstone walls, green slate roof coverings, and stone, sandstone or red brick chimney stacks. 50% of dwellings have sandstone boundary walls around their plots and a further 16% have sandstone walls with cast iron railings.
- 3.4.1 As a whole the village has a sense of grandeur which is indicated by the architectural features such as kneelers, quoins, string courses, stone window and door surrounds (predominantly full surrounds), hood mould, fanlights and pediments found throughout the village. The considerable proportion of green space and trees throughout the village and views of the surrounding countryside are key aspects of the aesthetic value of the conservation area (see figure 41).
- 3.4.1 Overall the building fabric is in a good condition with no buildings considered to be at risk and only a small number in need of repairs to timber windows, render, paintwork, roof coverings and chimney stacks.
- 3.4.1 There are a few sites within the village that could benefit from some improvement. Betsy Lane (figure 35) has a backland feel with a concrete paved parking area, small low maintenance gardens, and small stone sheds located opposite the terraced dwellings. A plot of land (figure 36) adjacent to Black Swan Cottage is currently derelict and restricted by metal fencing.

Street furniture including road signs, benches and litter bins are proportionate and appropriately sited so they do not have a detrimental impact on the appearance of the historic environment (see figures 38 to 40).

Figure 35 Betsy Lane



Figure 36 Derelict plot of land



Figure 37 Site for potential improvement



Figure 38 Road markings and signs at the junction to A66



Figure 39 Bench overlooking central village green in need of some maintenance



Figure 40 (right) Grade II listed telephone box

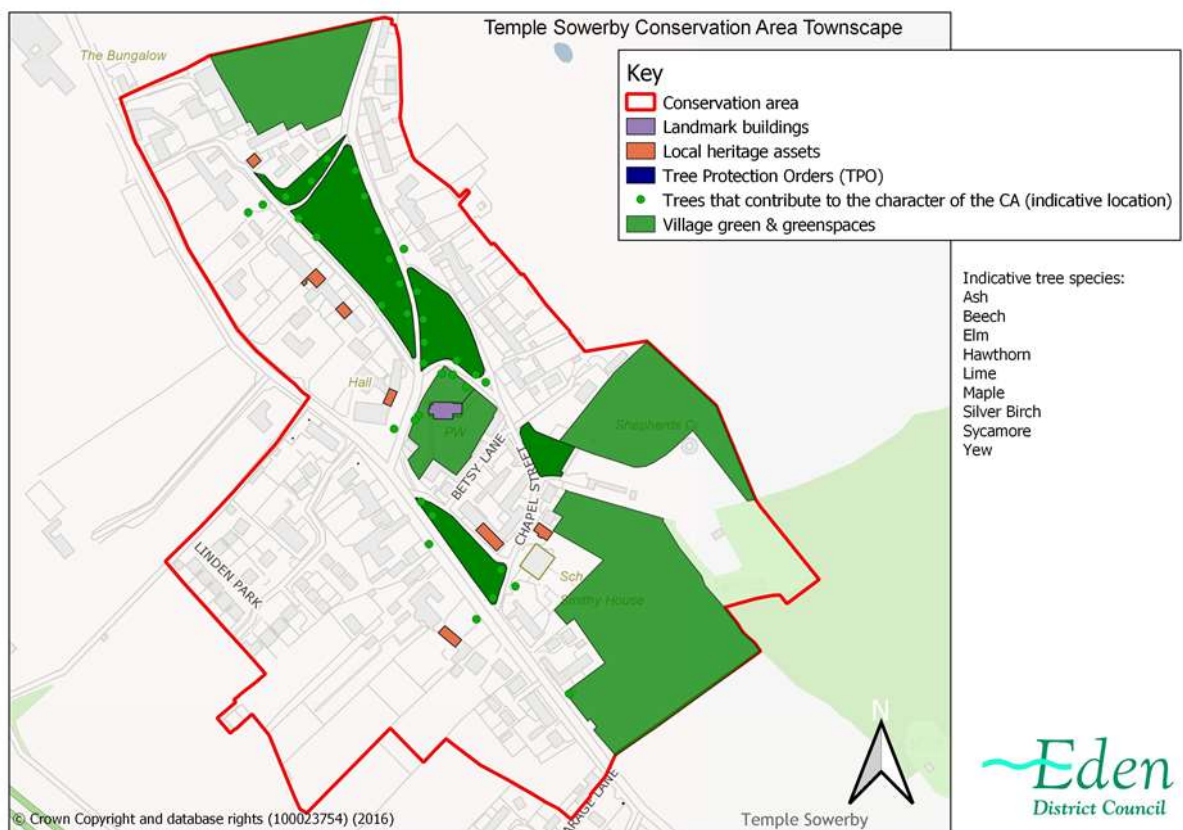


3.4 Undesignated heritage assets

3.4.1 There are only a number of buildings within the conservation area that are listed and afforded extra levels of protection against changes which could erode their architectural integrity. The following non-designated buildings are also considered to contribute to the character and significance of the conservation area (see figure 41).

- The Counting House
- Crossfield
- White stones
- St James Church (also a landmark within the village)
- Former Methodist church
- Maypole Terrace
- Eden Croft
- Village Hall

Figure 41 Townscape Plan



4 Management Plan

4.1 SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats)

- 4.1.1 The conservation area designation is not designed to preserve what is there at present, but is intended to guide change and to enable development which makes the best use of the area's attributes for the benefit of all. There are a number of measures which can be taken to actively preserve the qualities of the area and to promote improvement.

Strengths

- Village green provides public open space
- Views of surrounding countryside and fells
- Many historic and architectural features have been retained
- Coherent materials create character

Opportunities

- Local List of non-designated heritage assets
- Article 4 Direction
- Conservation Area boundary review
- Readily available guidance notes
- Heritage at Risk Strategy

Weaknesses

- Loss of original features
- Cars parked on roadside verges
- Derelict and low quality sites

Threats

- Further incremental loss of original features which remain
- Loss of historic strip fields to new developments

4.2 Conservation Area Boundary Review

- 4.2.1 The boundary of the conservation area is considered to be appropriate and no amendments are required. The conservation area is considered to retain its special architectural and historic interest which awarded the designation.

4.3 Protection of the Historic Environment

Permitted Development Rights and Article 4 Directions

- 4.3.1 Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission. Householder permitted development rights are set out in the ***Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended***. Schedule 2, Part 1 of the Order covers various types of development and what is acceptable under permitted development. Appendix C includes a guidance note on the types of the ‘development’ that fall under Permitted Development Rights.
- 4.3.2 Householder Permitted development rights do not apply to Listed Buildings, houses which are flats, or houses created through a change of use for example from a shop or agricultural building. They also do not remove requirements for permissions or consents under other regimes such as the building regulations and Party Wall Act.
- 4.3.3 The buildings within the conservation area are predominantly residential and therefore homeowners benefit from permitted development rights for incremental changes including replacement of windows. However those works that do require planning permission but where none was sought may be subject to enforcement action. As a result of this review, two enforcement cases have been raised.
- 4.3.4 A local planning authority is allowed to restrict permitted development rights in specific areas by issuing an Article 4 Direction. This withdraws automatic planning permission granted by the GPDO for certain types of work and a householder would need to apply for planning permission for those works.
- 4.3.5 Article 4 Directions offer the opportunity to restrict ‘permitted development rights’ to protect historic features that are of importance to the character of a conservation area.
- 4.3.6 It is important to emphasise that an Article 4 Direction to restrict permitted development rights should only be introduced where there is a clear justification to do so. With this in mind and following the outcome of the conservation area review, it is considered unlikely that an Article 4 direction would be of benefit to Temple Sowerby conservation area, to address the remaining residential properties which retain historic details such as sash windows.

Planning Policies

4.3.7. The following set of generic management aims and objectives are based on the understanding of the conservation area. They seek to provide guidance to both Eden District Council in determining planning applications for development, but also to building owners and developers when preparing development proposals.

I. New Developments

Aim: to ensure developments reflect the historic context of the conservation area

Objective: When determining applications for planning permission, the local planning authority will seek to ensure high quality developments that are of appropriate scale, density, height, form, massing and materials to traditional buildings within the conservation area.

II. Green spaces and trees

Aim: To enhance the provision and use of green spaces, woodland areas and trees within the conservation area

Objective: When determining planning applications, the local planning authority will consider the potential impact of developments that directly effect green spaces, woodland areas and trees and/or their setting and will seek to ensure their contribution to the significance of the conservation area is preserved and where possible enhanced.

III. Doors and Windows

Aim: To preserve historic fenestration patterns and features

Objective: When determining planning applications, the local planning authority will consider the potential impact of alterations to traditional windows and doors and seek to ensure their contribution to the significance of the conservation area is preserved and where possible enhanced.

High quality door and window fenestrations which respect the proportions, form, details and materials of traditional features of individual buildings and the wider streetscape are encouraged. The replacement and loss of historic and important windows and doors will not be permitted, unless it can be demonstrated that they are beyond economical repair and there is a wider public benefit to their replacement.

IV Views and Setting

Aim: To preserve key local and long distance views in and out of the Conservation Area, including views of the surrounding countryside that forms the setting of the Conservation Area.

Objective: The local planning authority will consider the potential impact of development proposals within or on the edge of the conservation area on key views and the setting of the conservation area and seek to ensure their

contribution to the significance of the conservation area is preserved and where possible enhanced.

V. Roofscape

Aim: To ensure the contribution of the roofscape to the significance of the conservation area is preserved and where possible enhanced.

Objective: the local planning authority will consider the potential impact of development proposals on the roofscape of the conservation area and will seek to encourage the retention, repair and re-use of sandstone flags or blue slate laid in traditional courses.

Guidance and Further Information

4.3.8. The information leaflets included within appendix C provide guidance on the types of development works that require: planning permission, planning permission including demolition in a conservation area, and/or listed building consent and are also available to collect from the reception at Eden District Council Mansion House office. Advice is also available via the Eden District Council website (<https://www.eden.gov.uk/planning-and-building/planning-guidance/>) and/or the planning portal website (<https://www.planningportal.co.uk/>).

5 Contact Details

5.1.1 For further information please contact:

Conservation Officer
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Appendices

Appendix A - Planning Policy

Key paragraphs of the NPPF, 2019

185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

186. 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.

192. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably.

201. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Historic England Advice Notes

- Conservation Area Designation, Appraisal and Management: Advice Note 1 (February 2016)
- Making Changes to Heritage Assets: Advice Note 2 (February 2016)
- The Historic Environment and Site Allocations in Local Plans: Advice Note 3 (October 2015)
- Tall Buildings: Advice Note 4 (December 2014)
- Setting up a Listed Building Heritage Partnership Agreement: Advice Note 5 (November 2015)
- Drawing up a Local Listed Building Consent Order: Advice Note 6 (November 2015)
- Local Heritage Listing: Advice Note 7 (May 2016)
- Sustainability Appraisal and Strategic Environmental Assessment: Advice Note 8 (December 2016)
- Historic Environment Good Practice Advice Note 1: The Historic Environment in Local Plans (March 2015);
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (July 2015); and
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (March 2015).

Local Planning Policies

Table 1 Historic Environment Policies within Eden Local Plan

Eden Local Plan 2032	
Policy	Objectives of the policy
ENV10 The Historic Environment	<p>The Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place.</p> <p>The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden's heritage assets and their setting. The Council will support proposals that would better reveal the significance of the asset, in particular those heritage assets identified as being most at risk. Opportunities for promotion, interpretation and increasing understanding should also be explored.</p> <p>Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits.</p> <p>The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record.</p> <p>Where a development proposal affecting an archaeological site is acceptable in principle, the Council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development.</p> <p>All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.</p>

Eden Local Plan 2032	
Policy	Objectives of the policy
	<p>The level of information required will be proportionate to the significance of the asset and to the scale of impact of the proposal. For archaeological assets, this may where necessary include archaeological desk based assessment and field evaluation.</p> <p>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

Neighbourhood Planning Areas

The following parishes within the Eden District are designated as a Neighbourhood Planning Area and can produce their own neighbourhood plan or development orders:

- Alston Moor Parish
- Appleby in Westmorland Parish
- Asby Parish
- Bolton Parish
- Crosby Ravensworth Parish
- Langwathby Parish
- Lazonby Parish
- Matterdale Parish
- Morland Parish
- Penrith Town Council
- Skelton Parish
- Tebay Parish
- Upper Eden

Ainstable Parish and Greystoke Parish have also applied to be designated as a Neighbourhood Planning Area.

The Upper Eden Community Plan Group is an association of 17 parishes: Kirkby Stephen, Brough, Crosby Garrett, Nateby, Ravenstonedale, Soulby, Brough

Sowerby, Hartley, Helbeck, Kaber, Mallerstang, Musgrave, Stainmore, Waitby, Wharton and Winton. The group have prepared the Upper Eden Neighbourhood Development Plan 2012-2025 which was approved at a local referendum and adopted as planning policy by Eden District Council in April 2013.

Appendix B - List Descriptions for Heritage Assets

Table 2 List descriptions

Property	Grade	Description	Character area
The Grange, Grange Court, Grange Cottage	II	<p>House, dated 1817 on rainwater head. Coursed, squared rubble with plinth and rusticated quoins; eaves cornice with low parapet. Graduated slate roof has stone copings, mid, and end chimneys. Symmetrical 2-storey, 3-bay front has central panelled door and traceried semicircular fanlight under open porch with entablature supported on unfluted Ionic columns; tall sash to either side and 3 sashes above. 2 storey bay windows, semicircular in plan, to either end of symmetrical 3-bay rear elevation, which has 1st floor sill band; tall ground floor sashes have cornices supported on consoles. Single bay with large stair window links domestic wing, built at right angles, to north end of house; dated 1817 on rainwater head. Coursed, squared rubble with rusticated quoins and moulded eaves. Hipped, graduated slate roof has stone end chimney. 1 window to each floor on side facing house. Rear of wing has been considerably altered in late C20.</p> <p>Coursed, squared rubble walls with flat copings; originally c4 ft high, central section was raised c2 ft at a later date. Wrought-iron gates to angles at each end have pointed standards. Gate piers are rusticated with domical tops to their square, corniced capitals. Low, coursed rubble walls with chamfered copings. Late C18/early C19 railings made up of cast-iron panels with pierced geometric decoration incorporating foliate terminals.</p>	1
West View	II	<p>House, dated 1801 on rainwater head. Ashlar with rusticated quoins, 1st floor sill band, and moulded eaves. Graduated slate roof with stone copings and corniced end chimneys. Symmetrical 2-storey, 3-bay front has central panelled door in pedimented architrave; tripartite sashes to either side and 3 sashes above, all without glazing bars and in stone surrounds. Attached cottage to left of same construction is set back slightly. C20 lean-to greenhouse fronts rusticated doorcase with large sash window to left; single sash without glazing bars in stone surround above. Byre range adjoins cottage at right-angles. Coursed, squared rubble with quoins under graduated slate roof with stone copings and kneelers. Gable wall has blind venetian window with wooden tracery. Part of house at right-angles to rear has been extensively altered, with original door and windows now blocked. Low ashlar walls with chamfered copings. Broad, cast-iron spearhead standards to railings and gates (centre front and north side).</p>	1
Tendot Barn	II	<p>Barn, late C18/early C19. Coursed, squared rubble with quoins. Graduated slate roof with stone copings and kneelers. Large wagon door has single byre door on either side; smaller wagon door to extreme right. All have segmental heads with imposts and projecting keystones; individual voussoirs to byre doors bear small roman numerals. Loft access to extreme left. 2nd loft door up steps next to small wagon door which has a fixed window with glazing bars above.</p>	1

Property	Grade	Description	Character area
High Green House	II	<p>House, late C18/early C19. Flemish-bond brickwork with rusticated stone quoins and moulded eaves. Graduated slate roof with stone copings and kneelers; corniced stone mid and end chimneys. Symmetrical 2-storey, 5-bay front has glazed central door in open wooden porch with square, fluted, corner posts; 2 sashes above to either side and 5 above, all without glazing bars and in architraves. Adjoining properties are not included.</p> <p>Low coursed, squared, rubble walls with segmental copings; return walls curve inwards towards house. Large rusticated piers to gates at either end of front wall have square, corniced capitals with stepped tops and ball finials; wrought-iron gate are C20.</p>	2
Bark Mill	II	<p>Threshing barn and byre; late C18/early C19. Snecked rubble with quoins; knapped river boulders used for checker-board patterning. Graduated slate roof with outshuts. 2 storey, 10-bay west elevation has plank door with 3 windows to left; on right is part-blocked threshing floor door flanked by small windows. Loft door in north wall. East elevation has main wagon door under outshut on left; outshut is extended to form porch to loft access door up steps on right. Central byre door; small wagon door to right. 5 windows above. All doors, except east loft door, have segmental heads; all windows are unglazed in stone surrounds.</p>	2
Beech House	II	<p>House, late C18. Ashlar with rusticated quoins, chamfered plinth, and lintek to ground floor windows. Graduated slate roof with stone copings and corniced end chimneys; moulded eaves. Symmetrical 2-storey, 3-bay front has central panelled door in architrave with pediment above; C19 openwork cast-iron porch. Paired sashes on either side; 1st floor similar with single central sash. All windows have glazing bars and stone surrounds. Lower 2-storey stable adjoins north end. Coursed, squared rubble with quoins; incised stucco front. Graduated slate roof with stone coping. Symmetrical 5-bay front has door at either end; segmental arches with projecting keystones and impost blocks. 2 windows between. 1st floor has central loft access flanked by single windows. All openings have stone surrounds. House front is identical to that of Sheriff House, to south.</p> <p>Beech House has low ashlar walls with chamfered copings; slender, rusticated gate piers to south end have corniced square capitals with domical tops. Railing and double gate are late C18 wrought iron with spearhead standards.</p>	2
Beech Cottage	II	<p>Cottage adjoining south end of Beech house. Probably mid C18. Coursed rubble with incised stucco front. Graduated slate roof has stone coping and kneeler to south; corniced stone end chimneys. 2-storey, 4-bay front has 2 part-glazed doors to centre with single casement at either end, now lacking stone mullion; 2 similar windows above doors with similar windows above doors with smaller window on right.</p> <p>Beech Cottage has inserted, coursed, squared rubble wall with flat copings; monolithic slab gate-piers have curved tops. Mid C19 cast-iron railings have openwork fleurs-de-lis standards; wrought-iron gate scrollwork panels and overthrow with iron-twist standards.</p>	2

Property	Grade	Description	Character area
Sheriff	II	<p>House, late C18. Ashlar with rusticated quoins, moulded plinth, and lintel band to ground floor windows. Graduated slate roof with stone copings and corniced end chimneys; moulded eaves. Symmetrical 2-storey, 3-bay front has central paneled door in architrave with pediment above. Paired sashes on either side; 1st floor similar with single central sash. All windows have glazing bars and stone surrounds. Combined stair window and door to rear has impostes and projecting keystone to traceried, semicircular head. 4-light window to ground floor left has ogeed trefoil heads. Former 2-storey cottage adjoins south end. Coursed, squared rubble with quoins. Graduated slate roof has stone coping and blocked end chimney. 2 doors now enclosed by C20 glazed porch; single 1st floor sash in stone surround. C20 garage built at right-angles to cottage is not included. House front is identical to that of Beech House, to north.</p> <p>Sheriff House has low ashlar walls with chamfered copings and moulded plinth; rusticated piers at each end and on either side of central gate have moulded bases with fluting and dentils to square, corniced, capitals. Large urns top gate piers with smaller urns to the end 2 piers. Railings are late C18 with spearhead standards and urn finials; wrought-iron gate has scrollwork overthrow. C20 drive gate is not included.</p>	2
Rose Cottage	II	House, probably early C18; original cross-passage, now entrance to next door house, is dated 1723. Coursed sandstone blocks with quoins; cavetto moulding to eaves. Graduated slate roof has stone copings, kneelers and end chimneys. Symmetrical 2-storey, 3-bay front has central paneled door with 3-light mullioned window to either side; 1st floor similar with central 2-light mullioned window. All windows have glazing bars and stone surrounds.	2
Kings Arms	II	Formerly Inn and attached house; C18 with later additions and alterations. Original Inn to east is built of ashlar with chamfered plinth and rusticated quoins; lintel band to ground floor windows. Graduated slate roof has stone copings, kneeler and chimney to east end; stone mid chimney. 2 storeys, 5 bays. Door with pedimented architrave to left of centre is original, similar doorcase to right of centre was moved to house and replaced by window in C20; remaining door has single sash to either side and 2 above, all with glazing bars except ground floor left. Single paired sashes with glazing bars to each floor on right. 2-storey, 3-bay house to west has incised stucco front. Graduated slate roof was raised in C20 and 2 gabled dormers added; stone end chimneys. Window replaced original central door when present door was knocked through; former inn doorcase was used as a shallow porch. 2 original sashes to ground floor, 3 to 1st, all with glazing bars.	3

Property	Grade	Description	Character area
Black Swan House	II	Former Inn, now subdivided into 2 private dwellings, dated 1616. Coursed, lime-washed rubble. Welsh slate roof (replacing thatch) with three C20 gabled dormers of various sizes. Brick mid chimney, stone end chimneys with that to north end projecting. All single-storey with dormers. Swan House, of 3-bays, has central glazed door flanked by sashes with glazing bars. Swan Cottage is 5-bays, with mullioned 2-light window to left; 2nd window replaces original door, but central sash has survived. Present glazed door and window to right have replaced earlier window. Initialled date-stone to extreme right: T.H. B.H. 1616. Internally, a cruck-truss survives in Swan House and a late C17/early C18 corniced fireplace, with moulded surround, in Swan Cottage.	3
Swan Cottage	II	Former Inn, now subdivided into 2 private dwellings, dated 1616. Coursed, lime-washed rubble. Welsh slate roof (replacing thatch) with three C20 gabled dormers of various sizes. Brick mid chimney, stone end chimneys with that to north end projecting. All single-storey with dormers. Swan House, of 3-bays, has central glazed door flanked by sashes with glazing bars. Swan Cottage is 5-bays, with mullioned 2-light window to left; 2nd window replaces original door, but central sash has survived. Present glazed door and window to right have replaced earlier window. Initialled date-stone to extreme right: T.H. B.H. 1616. Internally, a cruck-truss survives in Swan House and a late C17/early C18 corniced fireplace, with moulded surround, in Swan Cottage.	3
Woodbine House	II	House, late C18/early C19. Coursed, squared rubble with rusticated quoins. Hipped, graduated slate roof with central stone chimney. Symmetrical 2-storey, 3-bay front has central part-glazed door in corniced doorcase with single sash to either side; 3 sashes to 1st floor. All sashes have glazing bars and stone surrounds. Stair window to north end has traceried semicircular head and projecting keystone. Attached 2 storey warehouse to rear has been extensively altered in C20 and is only included because it is integral with house. Low ashlar wall with triangular copings to front and north return. Semi-circular wrought-iron overthrow between cast-iron gate posts with urn finials. Wrought-iron gate has scrollwork decoration. Cast-iron balusters with urn finials separate sections of wrought-iron railings with fleurs-de-lis standards.	3
Countess Farm, Chapel Street	II	House, C18 with later alterations. Coursed, squared rubble with quoins. Graduated slate roof with stone chimneys. Original house in centre has symmetrical 2-storey, 3-bay front. Central plank door has single wide sash with glazing bars on either side and 2 above. House extended into former byre under same roof to north; single sash on left and part-blocked door on right. Barn under same roof to south has wagon-door with depressed arch on left smaller door on right.	3

Property	Grade	Description	Character area
Cedars	II	<p>House, late C18/early C19. Coursed rubble with stucco front. Graduated slate roof with stone chimneys. Original house has symmetrical 2-storey, 3-bay front. Central panelled door; porch has Tuscan Doric columns supporting segmental canopy with moulded edge. Single sash to either side and 3 above. House extended into cottage under same roof on south; C20 garage-doors to ground floor and 2 sashes above (one probably C20). All sashes lack glazing bars. Myrtle Cottage under same roof to north is not included.</p> <p>Low ashlar walls with segmental copings. Rusticated piers to central gate and either end have square, corniced capitals with urn finials. Railings have pointed standards; central gate has wooden frame with pointed standards.</p>	3
Edendale House	II	<p>House, late C18/early C19. Coursed, squared rubble with quoins. Graduated slate roof has stone copings, kneelers, and corniced end chimneys. Symmetrical 2-storey, 3-bay front has central panelled door in corniced architrave; single sash to each side and 3 to 1st floor. All windows have glazing bars and stone surrounds.</p> <p>Coursed, squared rubble walls with later C19 copings. Gate piers and end piers are monolithic with domical tops to square, corniced, capitals. Included for group value with house.</p>	4
Moss View	II	<p>Late C18 house. Coursed rubble with incised stucco and rusticated quoins. Graduated slate roof has stone coping, kneeler and chimney to south end. Symmetrical 2-storey, 4-bay front has central part-glazed door with single sash to either side; 2 sashes to 1st floor. All windows have glazing bars and stone surrounds. C19 wrought iron railings and gate have pointed standards.</p>	4
Temple Sowerby House Hotel	II	<p>House, now hotel, of 2 main periods with 'U' - shaped plan. Earlier part to rear, dated 1727, has pebble-dashed front with plinth, quoins and 1st floor band. Graduated slate roof with brick end chimneys. 2-storey, 2-bay front has 2 stone mullioned 3-light windows and a fire window to ground floor; 2 later sashes above have glazing bars and stone surrounds. Range linking this part of building to later house incorporates original cross-passage door with dated lintel. Main house is late C18/early C19. Flemish bond brickwork with rusticated quoins; plinths and eaves are both of moulded stone. Welash slate roof has stone copings and corniced end chimneys. Symmetrical 2-storey, 5-bay front has central panelled door in pedimented stone architrave, now inside C20 gabled brick porch. 2 sashes to either side and 5 above, all with glazing bars in stone architraves. During the C19 a single-storey canted bay window in brick was added at south end, and a 2 storey coach-house in ashlar at the north end. Internally, extensive repairs and renovation have restored much of the original appearance of the interior.</p> <p>Front Walls are coursed, squared rubble on chamfered plinth; moulded segmental copings. Rusticated gate piers have square, corniced, capitals with stepped, domicla tops.</p>	4

Property	Grade	Description	Character area
Park House	II	<p>House, late C18/early C19. Ashlar with rusticated quoins. Graduated slate roof with corniced stone end chimneys. 2-storey, 3-bay front has part-glazed door in corniced architrave on right and 2 sashes on left; 3 sashes to 1st floor. All sashes have glazing bars and stone surrounds.</p> <p>Return walls of coursed, squared rubble have segmental copings and no railings with spearhead standards. Central wrought-iron gate has scrollwork decoration. Rusticated gate-piers have square, corniced capitals with domical tops; end piers are similar but smaller.</p>	4
Linden House	II	<p>House, late C18/early C19. Ashlar on plinth with 1st floor sill band; eaves cornice with low parapet above. Graduated slate roof has stone copings and end chimneys. Symmetrical 2-storey, 3-bay front has central panelled door and rectangular fanlight in corniced architrave. Single tall sash with glazing bars to either side; 3 sashes with glazing bars to 1st floor.</p>	4

Appendix C - Guidance notes

1. Listed Buildings: A guide for owners and occupiers
2. Conservation Areas: A guide for owners and occupiers
3. A Summary of Permitted Development Rights
4. Replacement Windows and Doors Guidance Note

What are listed buildings?

The Department for Digital, Culture, Media and Sport, on the advice of the Historic Buildings and Monuments Commission for England (Historic England) compiles and maintains a statutory list of buildings which are considered to be of special architectural or historic interest. Any building on this list is known as a "listed building".

There are approximately 500,000 listed buildings in England. The Council holds copies of the lists for Eden District, parish by parish.

Houses are the most common type of listed buildings, but listed buildings can include anything from a barn to a cathedral, or a milestone to a telephone kiosk.

Why are buildings listed?

Buildings are selected for listing for a variety of reasons: antiquity, rarity, historic interest, architectural style, craftsmanship, or their value as part of a group of buildings such as a terrace or square.

Once included in the list, buildings are protected by legislation controlling their demolition or alteration. The purpose of listing buildings is to protect them as a part of our national heritage, by enabling careful control to be exercised over any alterations. Listing is not intended as a means of preventing alteration altogether.

- All buildings constructed before 1700 which survive in anything like their original condition are listed, as are most buildings from 1700 to 1840.
- With buildings from 1840 to 1914, more

selection is necessary as larger numbers of buildings were erected and still survive. Buildings of definite quality or character, good examples of their type and works of the principal architects are likely to be chosen.

- With buildings constructed since 1914, a similar but more rigorous selection procedure applies, often on a themed basis.
- Buildings of between ten and thirty years old are normally only listed if they are of outstanding quality and are under threat.

What do the grades mean?

Grade I Buildings of exceptional national interest - approximately 2% of all listed buildings.

Grade II* Particularly important buildings of more than special interest - 4%.

Grade II Buildings of special interest - 94%.

What effect does listing have?

When a building is listed, regardless of its grade, it is the **whole** of the building that is listed, including its internal and external features and any object or structure fixed to the main building.

The listing will usually include any garden walls or outbuildings within the curtilage of the main building.

The description of the building in the list has no legal significance and is intended primarily for identification purposes. It should not be treated as a comprehensive or exclusive record of all the features which are considered to make a building worthy of listing, or of the features protected. Any works for the demolition, alteration or extension of a

listed building which would affect its character, require **listed building consent**. Consent is not normally required for repair work or like for like replacement.

Examples of external works requiring consent:

- replacement of windows and doors with ones of different design, type or materials (eg replacement of timber with plastic).
- changing of roofing materials (eg replacement of natural slate with concrete tile).
- constructing extensions or creating new openings.
- cladding, rendering and in some circumstances painting or re-painting.
- altering or removing chimneys.

Examples of internal works requiring consent:

- removal or alteration of fireplaces, panelling, doors, staircases, etc.
- construction, removal or alteration of internal walls.
- satellite dishes.

It is a **criminal offence** to demolish, alter or extend a listed building without listed building consent. To do this could lead to imprisonment or a substantial fine.

Other forms of consent

Planning permission and/or building regulation approval may also be required for part or all of the work. The normal **permitted development** rights which enable certain alterations to be carried out and extensions and curtilage buildings erected, without the need to obtain planning permission, are significantly reduced in respect of listed buildings.

Repairs

The owner of a listed building is responsible for ensuring that it is maintained in good order. In cases of neglect, the Local Planning Authority can take action against owners requiring them to carry out repairs. Failure to do so can result in the compulsory acquisition of the building.

Grants for heritage at risk may be available for the repair and conservation of listed buildings, scheduled monuments and registered parks and gardens from Historic England.

For further information visit their website:
www.historicengland.org.uk/listing

Legislation and Policies

The Local Planning Authority holds copies of the relevant legislation and government advice affecting listed buildings, which may be viewed at Mansion House or purchased from www.legislation.gov.uk. Copies of the Local Planning Authority's policy documents can be viewed at or purchased from the Department of Communities. This leaflet contains only a brief summary of the regulations affecting listed buildings. If you need advice, please contact Development Management.

Contacts

For general advice on matters relating to listed buildings, advice on the need for consent, or to discuss the merits of any particular proposal, please contact:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: planning.services@eden.gov.uk

Telephone: 01768 817817

Planning Duty Officer:

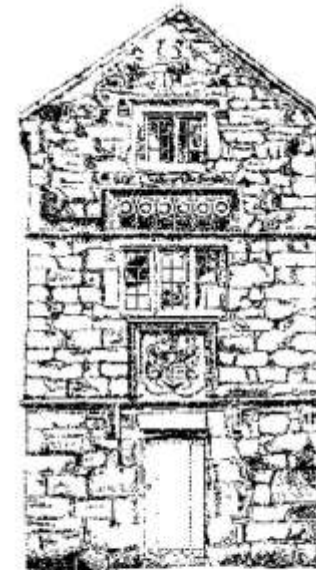
Telephone: 01768 817817 (Available from 10am to 1pm, Monday to Friday)

Website:

www.eden.gov.uk/planning-and-building/conservation/listed-buildings/

Listed Buildings

A guide for owners and occupiers



Eden
District Council

Designed by the Department of Communities
Eden District Council - updated January 2018

What are conservation areas?

Eden District Council, as the Local Planning Authority, may designate conservation areas covering parts of the District which it considers to be "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

These areas may vary in size and character, from a town centre or whole village to a single street. They are designated because of their historic street pattern, architectural character or general historic interest. The street pattern, buildings, relationships of buildings to each other, open spaces, trees and walls all contribute to their particular character and appearance.

What are the effects of designation?

Conservation area status helps give an area added protection from poor quality or inappropriate development. It enables a greater degree of control to be exercised over new buildings and extensions. It introduces control over the demolition of some buildings, walls and work to certain trees. It also provides an opportunity for the enhancement of the area through positive schemes of enhancement and improvement.

The Local Planning Authority is required to publicise any planning applications which are considered likely to affect the character of a conservation area, allowing interested people an opportunity to comment and thus participate in the planning and development of the area.

What needs consent?

- In conservation areas, the normal "permitted development" rights which enable certain extensions and alterations to be carried out without the need to obtain planning permission are reduced, thereby bringing more development under planning control.
- **Conservation Area Consent** is required for the demolition of certain buildings, walls and other means of enclosure.
- Six weeks notice in writing must be given to the Local Planning Authority of any intention to cut down, top, lop or up-root any tree and work must not be carried out within this period without permission. This procedure does not apply to trees below a certain size or trees which are dangerous.

If you need advice as to whether any form of consent is required, please contact staff in the Development Management section of the Department of Communities who will be pleased to assist.

For further advice about replacement windows and doors, please see the leaflet entitled: "Guidance Note - Replacement Windows and Doors".

For further advice about trees in Conservation Areas, please see the website: www.eden.gov.uk/planning-and-building/trees/trees-in-conservation-areas/ or contact the Council's Arboriculturist.

How are applications considered?

In assessing applications for development in conservation areas, the Local Planning Authority will, in addition to all the normal planning considerations, bear in mind the desirability of preserving and enhancing the conservation area. High quality design and materials will be expected for new development, and in many instances outline planning permission will not be granted without some or all of the details of the proposed development being submitted.



Extensions to existing buildings should, in their design, height, roof pitch, alignment and materials, be in keeping with the existing building. New buildings should be designed and sited to fit in with their immediate surroundings and the character of the area. Favourable consideration may also be given to innovative schemes of high quality in appropriate locations which meet the objectives of conservation area designation.

Conservation does not simply involve preservation. The long term protection and enhancement of a conservation area is dependent on its continued prosperity and the pride and goodwill of its residents, as well as the effective control of development.

Further controls

The Local Planning Authority can remove categories of permitted development rights by way of an "Article 4 Direction" if the character or appearance of a conservation area is being damaged or threatened by the exercise of these rights. Residents would be notified of such a direction if subsequently brought into force. The designation of a conservation area does not affect any other controls which already apply. For example, if your property is a listed building you will still require listed building consent to demolish, alter or extend your property.



Legislation and policies

The Local Planning Authority holds copies of all the relevant legislation and government advice affecting conservation areas, which may be viewed at Mansion House and is available at www.legislation.gov.uk. Copies of the Local Planning Authority's policy documents can also be viewed at or purchased from the Department of Communities. This leaflet contains only a brief summary of the purposes of and regulations affecting conservation areas.

Contacts

For advice on the need for consent or to discuss the merits of any particular proposal please contact:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: planning.services@eden.gov.uk

Telephone: 01768 817817

Planning Duty Officer:

Telephone: 01768 817817 (Available between 10am and 1pm, Monday to Friday)

For advice on trees in conservation areas please contact the Arboriculturist at:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: trees@eden.gov.uk

Telephone: 01768 212159

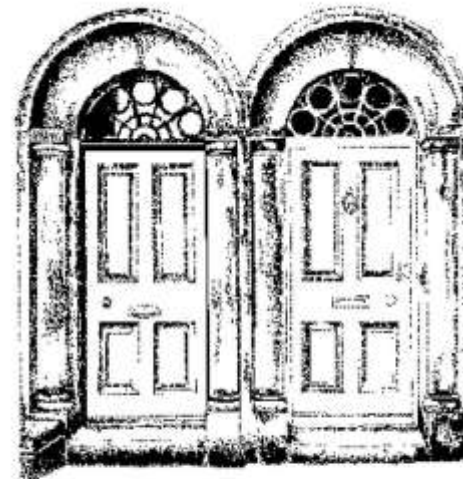
Website:

www.eden.gov.uk/planning-and-building/conservation/conservation-areas/

Designed by the Department of Communities
Eden District Council - updated April 2015

Conservation Areas

A guide for owners and occupiers



Eden
District Council

Local Planning Authority contacts

Eden District Council Website
address: www.eden.gov.uk

Main tel. number: (01768) 817817
Email:
Customerservices@eden.gov.uk

For further advice on the need for consent or application forms, please contact:

Eden District Council
Development Management
Mansion House
Penrith, Cumbria, CA11 7YG
e-mail:
planning.services@eden.gov.uk

Development Management
North Team
Direct Dial on (01768) 212362

Development Management South
Team
Direct Dial on (01768) 212329

Building Control
Building Control Manager
Direct Dial (01768) 212342
Principal Building Control Surveyor
Direct Dial (01768) 212373
Email: building.control@eden.gov.uk

For general advice on historic buildings please contact the Conservation Officer at:

Eden District Council
Communities
Planning Policy Section
Mansion House, Friargate,
Penrith, Cumbria, CA11 7YG
e-mail: loc.plan@eden.gov.uk
Direct Dial on (01768) 212317

Other useful addresses

Historic England
www.historicengland.org.uk

Glass and Glazing Federation
Website: www.ggf.org.uk
40 Rushworth Street, London, SE1
ORB

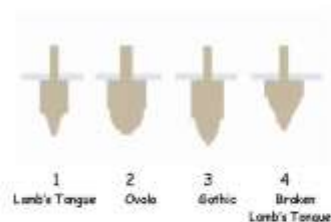
The following organisations publish guidance on period detailing for historic properties:-

The Society for the Protection of
Ancient Buildings
www.spab.org.uk
37 Spital Square, London,
E1 6DY

The Georgian Group
www.georgiangroup.org.uk
6 Fitzroy Square, London
W1T 5DX
Tel 020 7529 8920

The Victorian Society
www.victorian.society.org.uk
1 Priory Gardens, Bedford Park,
London, W4 1TT

Examples of glazing bar profiles



Designed and published by the Department of
Policy & Performance - EDC July 2006



Guidance Note:

Replacement Windows & Doors



1 Introduction

This leaflet is intended to offer advice on the need for permissions from this Council should you wish to alter or replace your windows or doors. You may require more than one form of consent. It is also intended to offer basic practical advice on carrying out such works and to provide a useful list of contacts should you need to speak to us.

Remember, replacement windows and doors may not always be necessary. Few alterations harm the character and appearance of property as much as insensitive changes to windows and doors, which in themselves may reduce the value of the property. Careful repair, if possible, should always be considered, especially where historic details or quality materials survive. Original windows and doors in period buildings are always attractive to buyers.

2. Do I need planning permission to replace my windows and doors?

You **will not** require planning permission if the windows and doors are to be replaced like-for-like, i.e. with windows and doors of precisely the same design, materials and method of opening. You will also **not** require planning permission to alter your windows, if:

Your property is a single 'dwellinghouse' providing that:

- a) It has not had its permitted development rights removed by a condition attached to an earlier planning permission. Such a condition may have been attached to a planning permission for a barn conversion or a high density development where there could be overlooking; and

- b) It is not affected by an Article 4 Direction which restricts permitted development rights. These are usually associated with a conservation area, such as that in Alston.

- Please contact the local planning authority if you require clarification.

You **will** need planning permission to alter your windows and doors if:

- The property is a flat; (a separate self-contained set of premises constructed or adapted for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally.)
- The property is a business premises.

3. Do I need listed building consent to replace my windows and doors?

Listed building consent will almost always be required to alter windows or doors on a listed building. It will always be required for the insertion of double-glazed sealed units. Listed building consent will not normally be required to repair windows or doors, or, if they are beyond repair, to replace them with identical replacements i.e. windows or doors of precisely the same design, glazing bar width and profile, materials, finish and method of opening etc.

It is important to be aware that the alteration of a listed building without the necessary consent is a **criminal offence**.



Should you require listed building consent application forms, or if you are unsure whether your property is listed, you should contact the local planning authority who will be able to advise you further. In formulating any proposals in respect of listed buildings you should have regard to the following points:

- If windows and doors are capable of repair, this should be the preferred option. Historic windows and doors are of considerable aesthetic and historic value. If they have lasted to the present day they are usually of exceptional quality or craftsmanship. Unnecessary destruction of historic fabric is not sustainable;
- Matching materials should always be used for repairs or if necessary, replacement;

Examples of door designs to avoid, particularly in traditional properties



Examples of window designs to avoid, particularly in traditional properties



- The use of uPVC is almost always unacceptable;
- Double-glazing or factory-made standard windows are rarely acceptable; draught proofing or secondary glazing may be better options; (These may or may not require listed building consent.)
- Where replacement is necessary, existing architectural detailing should normally be followed, including glazing bar profiles for windows, panelling details for doors etc. Where alterations are proposed and consent is necessary, then full details of the design of the new units is essential.

Modest grant assistance through the Council's Historic Building Repair Grant Scheme may be available for the repair or, if necessary, like-for-like replacement of historic windows and doors in listed buildings. Buildings purchased within the last two years and buildings within the Lake District National Park are not eligible under this Scheme.

The Council also has available a free guidance leaflet for the owners and occupiers of listed buildings which outlines the purpose and effects of listing. This is also available on the Council's website.

4. Do I need building regulations approval to replace my windows and doors?

From April 2002, all replacement glazing came within the scope of the Building Regulations. Anyone who now installs replacement windows or doors will have to comply with strict thermal performance standards set down by central government. Special provisions exist for **historic buildings** where the building's character also needs to be protected. Alternative ways of improving energy efficiency and/or less strict applications of the thermal performance standards will be considered.

In this context and within Eden District, **historic buildings** are presently defined as:

- Listed buildings; or
- Buildings situated in conservation areas; or
- Buildings within the North Pennines Area of Outstanding Natural Beauty (AONB) and the Lake District National Park.

In order that Councils are not inundated with applications for approval, a scheme known as **FENSA** (Fenestration Self-Assessment) has been established. Set up by the Glass and Glazing

Federation, FENSA meets with central Government approval. A sample of the work of every installer will be inspected by FENSA appointed inspectors to ensure standards are maintained.



FENSA will also inform local authorities of all completed FENSA installations and issue certificates to householders confirming compliance.

If you come to sell your property, your purchaser's surveyors will ask for evidence that any replacement glazing installed after April 2002 complies with the new Building Regulations. There will be two ways to prove compliance:

- a) A certificate showing that the new work has been done by an installer who is registered under the FENSA Scheme, or
- b) A certificate from the local authority saying that the installation has approval under the Building Regulations.

Any installation done by a firm that is not registered to self-certify, or done as a DIY project, will need Building Regulations Approval. The Council knows of the approved installers in its area and will be able to identify unauthorised work very easily. You should note that you, as the house owner, are ultimately responsible for ensuring that the work complies with the Building Regulations.

Before you sign a contract to buy replacement glazing make sure to ask whether the installer is able to self-certify. If not, either they, or you, will need to make an application to the Council for approval under the Building Regulations.

Guidance on the technical aspects of replacement windows is available from the Council's Building Control section or via the website.

You **must** also ensure that any planning permission or listed building consent needed has been obtained. Compliance with the building regulations does not override the need for planning permission or listed building consent, nor does it imply that such consent(s) would be forthcoming.

Checklist: Do I require?

- ☐ planning permission
- ☐ listed building consent
- ☐ building regulations approval



Examples of modern window designs which may be appropriate in unlisted traditional properties, if carefully detailed



Examples of period doors



5. Design and detailing of windows and doors.

Whether or not any form of consent is needed, before you consider replacing your windows or doors, often at considerable expense, you may find the following points useful, particularly if your property is a traditional building:

- Do my windows or doors actually need replacing or would it be more cost effective and sustainable to repair them?
- How long will it take for any savings in my heating costs to pay for the cost of the units and how long will the new units last? How long will it take for the energy cost of their manufacture and installation and the disposal of my existing windows and doors to be offset by energy savings in heating?
- How old are my existing windows or doors? Are they of historic value? Should they be viewed as antiques? Do they add value to my house? Quality historic timber windows and doors can survive for hundreds of years and often outlast modern replacements.

If my windows or doors do need replacing:-

- Does the design of my windows and doors reflect the age and

character of my house, and if so, how can I try to protect this and the value of my property whilst improving energy efficiency?

- Do my windows or doors match those of adjoining or adjacent properties and if so how can I ensure my new windows or doors do not devalue my property or those in the area generally?



For historic buildings where planning permission and/or listed building consent is not required:-

Try to replicate the existing windows and doors as closely as possible. Adding fake heritage features such as leading to windows where this is not original may devalue your property. The loss of elegant traditional features such as Georgian sash windows or panelled doors will devalue your property. (Remember for listed buildings, the repair of the existing or identical replacements will almost always be required.)

If the existing windows are sashes, try to use sliding replacements. These are available as sealed double-glazed units in timber or uPVC.

If glazing bars (astragals) are proposed, how are these to be designed? These may have to be a certain thickness to hold sealed double-glazed units. Will these be too chunky or cut down light? This can be minimised by careful design of the glazing bars and beading, or sometimes by applying the glazing bars externally. False glazing bars sandwiched between panes of glass will not be an effective design solution and is likely to devalue your property.

Consider how the glass will be held in – as traditionally by putty, or by glazing beads, and how will these be designed? Glazing beads can be designed to hold double-glazing without standing proud of the frame or being overly chunky.

Are trickle vents to be incorporated? These can spoil the appearance of otherwise well designed windows.

If your property is situated at the back of a footpath, your windows will not be allowed to open outwards over it, as this will be dangerous to passers by. Vertical or horizontal sliding sashes are a good solution here.

If a new panelled door is proposed, authentic panels with appropriate mouldings (as opposed to beading stuck on a flush door to create the illusion of a panel) will look far better.

Timber doors will always look better on traditional buildings and add quality to the appearance and character of your property. They also can be attractively painted or repainted when you feel like a change.

Examples of period windows



16 century Tudor window



16 & early 17 century

- stone mullioned
- diamond leaded fixed lights



Many 16 and 17 century formerly leaded or unglazed windows have now been replaced with timber windows.



Early 18 century horizontal-sliding sash or 'Yorkshire Lights', often found in cottages



Early 18th century 12-paned Georgian sash - without horns



Mid to late 19 century Victorian sash 4-paned with horns



Late 18 early 19 century 16-paned Georgian sash - without horns



Late 19/early 20 century sash

Permitted Development Rights

Introduction

Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission. Householder permitted development rights are set out in the ***Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended***. Schedule 2, Part 1 of the Order covers various types of development and what is acceptable under permitted development. This is outlined in the following sections.

Permitted development rights **do not apply to Listed Buildings** so if your house is designated you will need to apply for listed building consent to undertake works classed as a demolition, alteration or extension of the building.

They also do not apply to houses created through the permitted development rights to **change use** from, for example shops and agricultural buildings (Part 3 of Schedule 2 to the Order); or **do not apply to any houses which are flats**. In these cases planning permission should be sought.

Permitted development rights do not remove requirements for permissions or consents under other regimes such as the building regulations and the Party Wall Act.

If your house is on land within a National Park, Area of Outstanding Natural Beauty, Conservation Area, and/ or a World Heritage Site there may be some additional rules to be met for a development to fall under permitted development rights.

It is important to note that a local planning authority is allowed to remove permitted development rights in some or all of its area by issuing what is known as an **Article 4 Direction**; or may have removed those rights on the original, or any subsequent, planning permission for the house. Where permitted development rights have been removed in either of these ways a planning application will be needed for development.

Where there is any doubt as to whether a development would be permitted development, advice should be sought from the local planning authority.

Class A Extensions and alterations (including new windows and doors)

1. Development is not permitted by Class A if:
 - The proposed extension and other buildings (any existing extensions to the original house) exceed 50% of the curtilage of the existing house.
 - The proposed extension to a house exceeds the height of the highest part of the roof of the existing house (not including chimneys).
 - The height of the eaves of the extension exceeds the height of the eaves of the existing house (the point where the lowest point of a roof slope meets the outside wall).

- The extension would extend beyond a wall which
 - a) forms the principal elevation of the house (generally the front), or
 - b) an elevation that fronts a highway.
 - It is a single storey rear extension that extends by more than 3 metres in depth or exceeds 4 metres in height (4 metres depth by 4 metres height for detached houses).
 - It is an extension to the rear of the house that is more than a single storey and extends by more than 3 metres in depth from the house, and is located within 7 metres of any boundary treatment to the rear of the house.
 - The proposed extension is within 2 metres of the boundary treatments to the side/ front of the house.
 - It is an extension to the side of a house which
 - a) exceeds 4 metres in height,
 - b) has more than one storey, or
 - c) is greater in width than half the width of the original house.
 - The extension includes:
 - a) the construction of a verandah, balcony or raised platform;
 - b) the installation, alteration or replacement of a microwave antenna;
 - c) installation, alteration or replacement of a chimney, flue or soil and vent pipe; and
 - d) an alteration to any part of the roof of the house.
2. In the case of a house on article 2(3) land – National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and World Heritage Sites – development is not permitted by Class A if:
- It includes the cladding of any part of the exterior of the house with stone, pebble dash, render, timber, plastic or tiles
 - The extension extends beyond the side elevation wall of the house
 - The extension is more than one single storey and extends beyond the rear wall of the house
3. Development that meets the above rules is permitted by Class A subject to the following conditions:
- The materials shall be of a similar appearance to those used in the construction of the exterior of the existing house;
 - Any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening;
 - The roof pitch of the extension must, so far as practicable, be the same as the roof pitch of the original house.

Class B Additions or alterations to roofs such as loft conversions

1. Development is not permitted by Class B if:
- any part of the house would, as a result of the works, exceed the highest part of the existing roof

- any part of the house would, as a result of the works, extend beyond any existing roof slope forming the principal elevation of the house and roof slope which fronts a highway
 - the cubic content of the resultant roof space would exceed the cubic content of the original roof space by more than 40 cubic metres for a terrace house or 50 cubic metres in any other case
 - the development includes
 - a) the construction or provision of a verandah, balcony or raised platform
 - b) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
 - the house is on article 2(3) land – National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and World Heritage Sites
2. Development that meets the above rules is permitted by Class B subject to the following conditions:
- The materials shall be of a similar appearance to those used in the construction of the exterior of the existing house.
 - The enlargement shall be constructed so that
 - a) the eaves of the original roof are maintained or reinstated
 - b) the edge of the extension closest to the eaves of the original roof shall be no less than 0.2 metres from the eaves
 - Any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening

Class C Roof coverings and the installation of roof lights/ windows

1. Development is **not** permitted by Class C if:
- the alteration (for example a roof light) would protrude more than 150mm beyond the plane of the original roof slope
 - the highest part of the alteration is higher than the highest part of the original roof
 - It includes:
 - a) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
 - b) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment
2. Development is permitted by Class C subject to the condition that any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening.

Class D Porches

1. Development is **not** permitted by Class D if:
- the ground area of the structure would exceed 3 square metres

- the structure would be more than 3 metres high
- the structure would be within 2 metres of any boundary of the house with a highway

Class E Other ancillary buildings e.g. garden sheds

Class E covers the provision of buildings and other development within the curtilage of the house including: swimming pools; a container for the storage of oil or liquid petroleum gas for heating; the keeping of poultry, pets, birds etc; and garden sheds.

1. Development is not permitted by Class E if:
 - the total area of ground covered by buildings, enclosures and containers within the curtilage would exceed 50% of the total area of the curtilage
 - the building/development would be situated on land forward of the principal elevation of the house
 - the building is more than a single storey in height
 - the height of the building, enclosure or container would exceed
 - a) 4 metres (if building with a dual pitched roof)
 - b) 2.5 metres (if within 2 metres of the boundary of the house) or
 - c) 3 metres in any other case
 - the height of the eaves of the building would exceed 2.5 metres
 - the building, enclosure, pool or container would be situated within the curtilage of a listed building
 - it includes the construction or provision of a verandah, balcony or raised platform
 - the capacity of the container would exceed 3,500 litres
2. Where land is within a World Heritage Site, National Park, Area of Outstanding Natural Beauty, or the Broads, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from the house would exceed 10 square metres.
3. Where land is within article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between the side elevation of the house and the boundary of its curtilage.

Class F Hard surfaces such as driveways

1. Where the hard surface is situated on land between the principal elevation of the house and a highway, and the area of hard surface exceeds 5 square metres then development is permitted by Class F subject to the following conditions:
 - the hard surface shall be made of porous materials, or
 - provision shall be made to direct run-off water from the hard surface to a permeable or porous area / surface within the curtilage of the house

Class G Chimneys, flue or soil and vent pipes

1. Development is not permitted by Class G if:

- the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more
- For a house on article 2(3) land - the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which
 - a) fronts a highway and
 - b) forms the principal elevation or side elevation of the house

Class H Antennas

1. Development is **not** permitted by Class H if:
 - It would result in the presence of:
 - a) more than 2 antennas,
 - b) a single antenna exceeding 1 metre in length,
 - c) two antennas which do not meet relevant size criteria,
 - d) an antenna on a chimney exceeding 0.6 metres in length,
 - e) an antenna on a chimney and protruding above the chimney,
 - f) an antenna with a cubic capacity exceeding 35 litres
 - The highest part of the antenna is higher than the highest part of the roof
 - The highest part of the antenna is higher than the highest part of the chimney, or 0.6 metres from the ridge tiles (whichever is lower)
 - In the case of article 2(3) land, it would consist of the installation of an antenna on
 - a) a chimney, wall or roof slope which faces onto a highway
 - b) in the Broads – on a chimney, wall or roof slope which faces onto a waterway
 - c) on a building which exceeds 15 metres in height
2. Development is permitted by Class H subject to the following conditions:
 - An antenna installed on a building shall be sited so as to minimise its effect on the external appearance of the building
 - An antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable