

Edenhall Conservation Area Character Appraisal and Management Plan

March 2020



Contents

1. Introduction	1
1.1 Background to appraisal	1
2. Planning Policy Context	2
2.1 National Planning Policy	2
Planning (Listed Buildings and Conservation Areas) Act 1990.....	2
The Enterprise and Regulatory Reform Act, 2013	2
National Planning Policy Framework (NPPF), DCLG, 2019	3
Advice Notes	3
2.2 Local Planning Policy	4
Local Development Plans	4
Supplementary Planning Documents	4
Neighbourhood Planning	5
3. History	6
4. Character Appraisal	8
4.1 Designated Heritage Assets	8
4.2 Character Areas	8
4.3 Summary of the character and current condition of the conservation area	17
4.4 Undesignated Heritage Assets	18
5. Management Plan	21
5.1 SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats) ...	21
5.2 Conservation Area Boundary Review	21
5.3 Protection of the Historic Environment	22
6. Contact Details	25
Appendices	26
Appendix A - Planning Policy	26
Appendix B - List Descriptions for Heritage Assets	30
Appendix C - Guidance notes	40

Figure 1 Heritage Assets.....	8
Figure 2 Character area 1	9
Figure 3 Crostway and Dolton Holme – an 18th century long house derivative	10
Figure 4 The barn adjoining The Limes has been converted to residential	10
Figure 5 A pair of 19th century cottages.....	10
Figure 6 The former School House located on the edge of the village	10
Figure 7 Bus shelter and telephone kiosk	11
Figure 8 War memorial.....	11
Figure 9 Character area 2	12
Figure 10 Crop fields to SE of village	12
Figure 11 Rolling fields to SW of village	12
Figure 12 Grade II listed cross and scheduled monument	13
Figure 13 Church of St Cuthbert	13
Figure 14 Character area 3	13
Figure 15 The Pheasantries	14
Figure 16 St Cuthbert's Place	14
Figure 17 Character area 4	15
Figure 18 Road junction where the former road to the village is diverted.....	16
Figure 19 West Lodge	16
Figure 20 High stone boundary wall to Edenhall Estate	16
Figure 21 Clocktower	16
Figure 22 Townscape Plan.....	20

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 The village of Edenhall lies in the broad valley of the Eden on improved pasture with areas of plantation and woodland. It has a character strongly influenced by farming and 19th century development by the Edenhall Estate.
- 1.1.3 A character appraisal for Edenhall conservation area was published in December 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 Edenhall 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 2012 and a revised version was published in July 2018 then 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 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 adopted in March 2011 provides guidance to the public and developers when considering proposals in conservation areas. It is also 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 having to obtain 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. History

- 3.1.1 The origins of the Edenhall are not certain, but are likely to be as a result of the establishment of the church of St Cuthbert on rising ground close to crossing points of the rivers of Eden and Eamont and sources of water at nearby springs. The present church building dates in part from the twelfth century, but some form of church may have existed earlier built on one of the many resting sites of St Cuthbert's body during the ninth century.
- 3.1.2 The name of the village probably derives from the old English huagh – or halh in northern dialect, which means a piece of flat land by the side of a river, in this case, the Eden. This could indicate foundation between the late seventh and twelfth centuries. The manor lay within the former forest of Inglewood.
- 3.1.3 To the south of the present village is the farm of Dolphenby, close to the remains of a deserted medieval village. This village with its suffix 'by' suggests foundation from ninth to tenth century. The present village of Edenhall lies to the north and west of the church, but there has been a suggestion of a former settlement immediately to the south west however there is insufficient evidence to support this.
- 3.1.4 The first documentary evidence of the manor of Edenhall is in the eleventh century when it was supposedly given to Henry Fitz Swein. In the thirteenth century Robert Turp appears as the owner and it passed by marriage to William Stapleton in 1327. It is known that in 1349 William Stapleton had a "fortlet on the water of Eamont" and that in 1688 a tower and Hall house existed within the present village (on the site of the later mansion) described as "an old building Tower wise but a convenient neet house". It is thought that this tower and hall, which were demolished and replaced in the 1790s, demolished and replaced again in 1821 and demolished finally in 1934, was on the site of the medieval fortlet.
- 3.1.5 The manor remained in Stapleton possession for five generations until Joan Stapleton married Thomas de Musgrave in 1459, the name and family with which it remained associated with until well into the twentieth century.

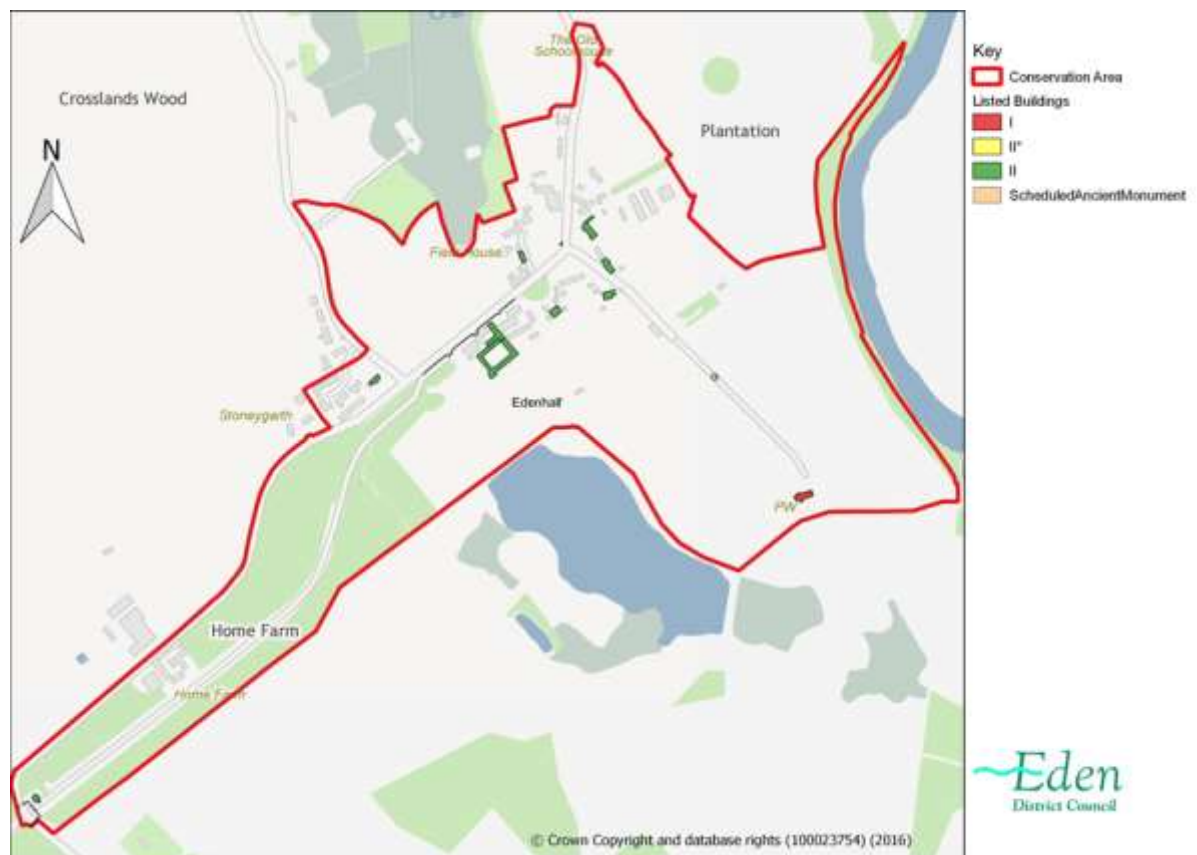
- 3.1.6 Apart from St Cuthbert's Church, few medieval structures remain in the village. The base of the village cross to the north of the church are thought to be the remains of a fifteenth century cross, the shaft and head of which was replaced in the nineteenth century. The "Luck of Edenhall", a medieval glass cup now housed in the Victoria and Albert museum, was said to be found in St Cuthbert's well, a natural spring close to the site of the former mansion. The plan form of the village displays some medieval characteristics, but not so notable as many other Eden villages.
- 3.1.7 The oldest surviving buildings in the present village are in and around the present road junction with some early eighteenth century buildings. The form of two of them (now Crostway/Dolton Holme and Lilac Cottage/Limes) is clearly that of a cross passage house, a plan form which can indicate the remodelling of earlier structures.
- 3.1.8 There are a number of mid eighteenth century houses or remodelled houses in the central area and further south and an extensive range of nineteenth century estate related farm buildings and cottages. There are also a significant number of twentieth century houses.

4. Character Appraisal

4.1 Designated Heritage Assets

4.1.1 There are 14 listed buildings and structures plus a scheduled monument found within the conservation area boundary, as shown on figure 1. 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 1 Heritage Assets



4.2 Character Areas

4.2.1 The conservation area can be divided into 4 individual character areas.

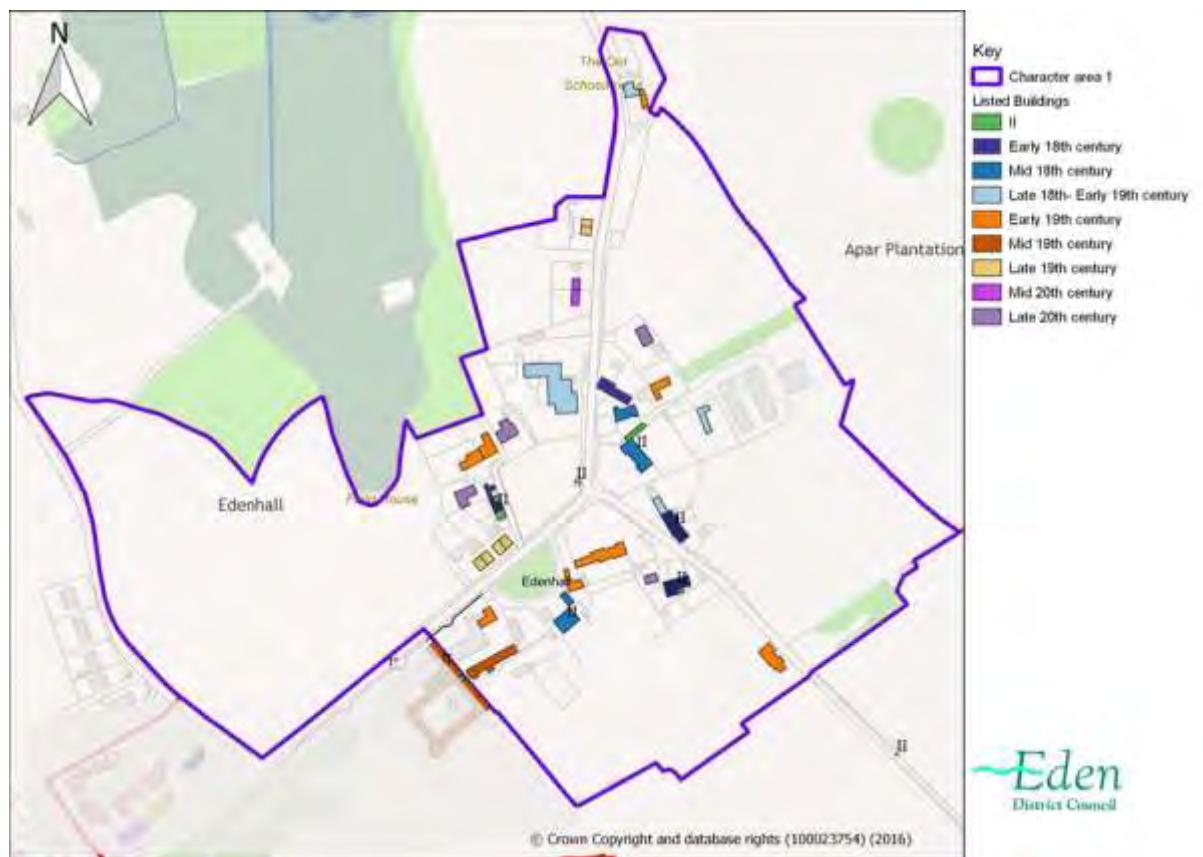
Character Area 1

4.2.2 The area defined as character area 1 comprises of the triangular centre of the village where the road from St Cuthbert's Church joins the main road through the village that leads to Langwathby. On the north-west side of the road junction there is a large green enclosed by a stone boundary wall, and to the

south and east are large enclosed residential gardens. Buildings circulate around this central green space in a tight knit plan form with private gardens, and large fields nestle the settlement on all sides.

- 4.2.3 Other than the medieval church, this area hosts the oldest surviving buildings in the village, with some of early 18th century origin. There is a small number of 20th century dwellings but otherwise this area has avoided modern development.

Figure 2 Character area 1



- 4.2.4 Buildings are predominantly two storey and many have been enlarged by extensions or outshuts or have attached/ detached garages. There is also a small number of houses with attached barns reflective of the traditional 'long house'.

Figure 3 Crostway and Dolton Holme – an 18th century long house derivative



Figure 4 The barn adjoining The Limes has been converted to residential



4.2.5 Construction materials are predominantly: coursed and part coursed sandstone walls but roughcast render also features; a mixture of sandstone flag, blue slate and green slate roof coverings laid in the traditional graduated form; and sandstone chimney stacks.

4.2.6 Buildings are vernacular in style and feature a mixture of timber sliding sash windows, casement windows and 2, 3 or 4 light mullioned windows predominantly with stone surrounds. A great number of traditional panel doors also survive. Many of the 19th century buildings include architectural features such as bargeboards and hood moulds. Crests containing family coat of arms and date inscriptions are also visible on a quarter of buildings in this area.

Figure 5 A pair of 19th century cottages



Figure 6 The former School House located on the edge of the village



4.2.7 Street furniture within this central area comprises of minimal road signs and public notice boards, a low number of modern streetlamps, a bus shelter, and a couple of benches sited by the enclosed green and war memorial.

Figure 7 Bus shelter and telephone kiosk



Figure 8 War memorial



4.2.8 The street scene is largely unaffected by parked cars as many dwellings have formed private drives in front gardens.

Character Area 2

Figure 9 Character area 2



4.2.9 The area defined as character area 2 comprises of large arable fields to the south of the village which form the peaceful setting of the medieval Church of St Cuthbert – a grade I listed building.

4.2.10 Located on the narrow lane to the church from the village is a stone cross that is designated as a scheduled monument and listed building.

Figure 10 Crop fields to SE of village



Figure 11 Rolling fields to SW of village



Figure 12 Grade II listed cross and scheduled monument



Figure 13 Church of St Cuthbert



Character Area 3

Figure 14 Character area 3



4.2.11 Character area 3 is part of an area of development located to the west of the main triangular settlement. The boundary of the conservation area here traces the boundary of land formerly in the ownership of the grade II listed The Pheasantries but is now occupied by a 21st century cul-de-sac development of detached houses. There are three single storey dwellings also found in this area.

4.2.12 The older buildings are constructed of sandstone or roughcast render walls with sandstone flag or green slate roof coverings. The modern development does not reflect the vernacular character of the surrounding historic buildings with the use of red brick and modern slate materials.

Figure 15 The Pheasantries



Figure 16 St Cuthbert's Place



Character Area 4

Figure 17 Character area 4



4.2.13 Character area 4 covers the enclosed land of Edenhall Estate including the former road into the village from the West Lodge, Home Farm and the courtyard arrangement of stables and outbuildings that adjoined the former Edenhall Mansion.

4.2.14 The area is predominantly woodland with the exception of the gardens to the former Mansion and is enclosed on its northern boundary to the diverted main road by a high sandstone wall.

4.2.15 The 19th century West Lodge is constructed of ashlar stone to a classical design with columns and pediments. Its boundary with high stone gate piers forms a visual feature on the road when travelling to the village from the west. The Lodge and boundary walls are designated heritage assets.

4.2.16 The settlement of Home Farm is sub-divided by the diverted main road with the 19th century sandstone barns fronting the southern side and large modern sheds to the northern side.

4.2.17 The courtyard development belonging to Edenhall Estate is designated as grade II listed buildings. The octagonal clock tower with cupola is a landmark within the village and a feature of long distance views.

Figure 18 Road junction where the former road to the village is diverted



Figure 19 West Lodge



Figure 20 High stone boundary wall to Edenhall Estate



Figure 21 Clocktower



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

- 4.3.1 Overall three quarters of the building stock in the village comprises of a mixture of 18th and 19th century dwellings with the remainder comprising of a single medieval church, a low number of 20th century in-fill developments and a 21st century housing estate. The historic layout has been respected by those 20th century developments being individual dwellings or small groups along the street and there has been no loss of buildings over the last decade. However the design of the 21st century (pre-existing appraisal) St Cuthbert's Place housing estate is at odds with the form and character of the village.
- 4.3.2 The majority of buildings (over 80%) are two storeys and many have outshuts, extensions and garages.
- 4.3.3 Over 50 percent of the buildings in the village are constructed of red sandstone and its widespread use for buildings, chimney stacks and boundary walls lends the whole area an immediate and distinct character. A low number of buildings have been rendered with a wet-dash or roughcast finish, but rendering is a lot less common than in other Eden villages. The modern developments have introduced the use of red brick to the fabric of the village.
- 4.3.4 The oldest surviving roofs tend to be in red sandstone flag, but in the village as a whole, Westmorland Green and Burlington Blue slates predominate. There is also a small amount of concrete tile and modern slate roofs. Stone copings along verges, kneelers and bargeboards are an attractive feature of roofs in the village.
- 4.3.5 A third of buildings retain sliding sash windows of a mixture of styles including two, four, six, eight and twelve panes. Another third feature two, three and even four light openings with stone surrounds and hoodmoulds – many of which retain mullions. The remaining buildings feature timber casement windows and uPVC casements and sashes. Dormer and bay windows are a feature of many 19th century buildings.

- 4.3.6 A considerable number of dwellings retain historic timber plank and panelled doors but the majority feature modern timber and glazed and uPVC doors. Fanlights are not a common feature in the village.
- 4.3.7 Overall the minor alteration of buildings including the replacement of windows and doors have detracted little from the character and appearance of the village.
- 4.3.8 The high stone walls and gateway entrances to the grounds of the Estate remain a significant feature of the village street scene. Red sandstone walls also continue to provide boundary treatments to over 60% of dwellings however only one with iron railings was recorded (2019). Most dwellings have front gardens and approximately half of those surveyed have a private vehicular access. As such parking on the roadside is not as marked as in other villages.
- 4.3.9 Traffic signs, road markings, infrastructure for services and street furniture have minimal visual intrusion on the streetscene.
- 4.3.10 Other than the requirement for some minor repairs and repainting of windows in a handful of buildings the built environment appears in excellent condition. No sites or buildings were identified as potential sites for improvement or of being 'at risk'.
- 4.3.11 The conservation area has a significant amount of small areas of woodland, particularly around the Edenhall Estate, and a considerable number of mature trees which have a positive contribution to its landscape character and historic setting. The indicative location and species of these trees and woodland areas are shown on the Townscape features plan below (figure 22).

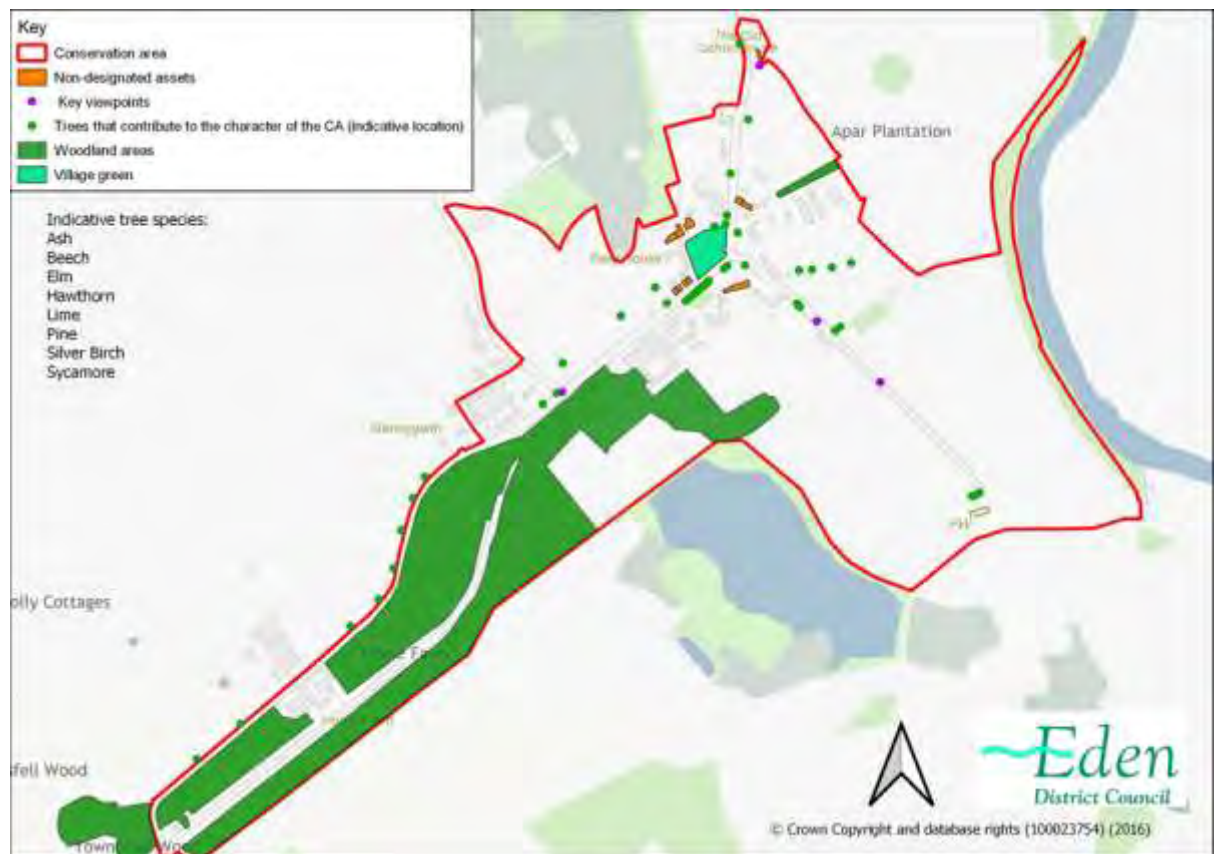
4.4 Undesignated Heritage Assets

- 4.4.1 There are only a small 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 un-designated buildings are also considered to contribute to the character and significance of the conservation area (see figure 22). They include the early 18th century Crostway and Dolton Holme which are derivatives of the traditional 'long

house' along with some 19th century houses and cottages with architectural features reflective of the increased prosperity of the time.

- Rose Hill Cottage
- Crostway
- Dolton Holme
- Orchard House
- Lane End Cottage
- The Cottage
- Eden Cottage
- Rose Cottage
- Quince Cottage
- Garthside
- Homefield

Figure 22 Townscape Plan



5. Management Plan

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

- 5.1.1 The conservation area management plan 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.

Table 1 SWOT Analysis

Strengths	Opportunities
<ul style="list-style-type: none">• Village green provides public open space• Views of surrounding countryside and fells• High percentage of surviving 18th and 19th century buildings• Distinct character	<ul style="list-style-type: none">• Local List of non-designated heritage assets• Article 4 Direction• Conservation Area boundary review• Readily available guidance notes
Weaknesses	Threats
<ul style="list-style-type: none">• Loss of original features	<ul style="list-style-type: none">• Further incremental loss of original features which remain• Character affected by development of modern housing estates

5.2 Conservation Area Boundary Review

- 5.2.1 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.

5.3 Protection of the Historic Environment

Permitted Development Rights and Article 4 Directions

- 5.3.1 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.
- 5.3.2 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.
- 5.3.3 The buildings within the conservation area are predominantly residential and therefore subject to 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.
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 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. The rate of change by ‘inappropriate’ alterations has been low over the last decade in Edenhall. With this in mind it is considered unlikely that an Article 4 direction would be of benefit to Edenhall conservation

area, to address the remaining residential properties which retain historic details such as sash windows and timber panel doors.

Planning Policies

5.3.7 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.

1. 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.

2. Green spaces, woodland 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.

3. 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.

4. 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.

5. 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 village 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

- 5.3.8 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/>).

6. Contact Details

6.1 For further information please contact:

Paula Sada
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 favorably.

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	<ol style="list-style-type: none"> 1. Development proposals will be expected to avoid harm to the historic environment wherever possible, and should aim to positively enhance Eden's historic environment. 2. In determining planning applications for development proposals that may affect the historic environment key considerations will be the significance of the heritage asset, the degree of harm that will be caused, and the degree of public benefit that will result from the development. Great weight will be attached to the conservation of heritage assets. 3. 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 substantial public benefits would outweigh the harm, and that the harm is necessary to achieve those benefits. 4. Any proposals that cause substantial harm to or loss of a grade I or II* Listed Building, a Scheduled Monument, or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area will only be permitted in exceptional circumstances. 5. Where a development proposal will lead to less than substantial harm to a designated heritage asset, the harm will be weighed against the public benefit of the proposal in determining the application. 6. Development proposals in Conservation Areas will be expected to preserve and enhance their special architectural and historic interest. 7. Any proposals that affect a non-designated heritage asset will be judged on the significance of the heritage asset and the scale of the harm.

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 (A referendum will take place on 17 October 2019 and if there is a positive outcome the Lazonby neighbourhood plan will be 'made' soon after)
- 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 Old Vicarage	II	Vicarage now private house. Mid C18 with C19 alterations and additions. Painted rendered walls with red sandstone dressings. Graduated sandstone slate roof with banded red sandstone chimney stacks. 2 storeys, 3 bays, with projecting flanking 2-storey, single-bay gabled wings. Central part has mid C19 alterations; projecting single-storey extension on ground floor with central panelled door and overlight flanked by large 3-light windows in stone surrounds. Similar windows on recessed part above, except smaller sash window over entrance. Wings have sash windows with glazing bars in stone surrounds, that on upper-floor left false with painted glazing bars. Left return wall has upper-floor chamfered 2-light stone-mullioned windows. Rear extensions and right garage are not of interest.	1
The Limes	II	House and former stables, now divided into 2 dwellings. Early C18 with C20 alterations and additions. Red sandstone rubble walls, under graduated red sandstone slate roof with rebuilt red sandstone chimney stacks. 2 storeys, 4 bays with right 4-bay former stables under common roof. Right C20 extension. Off-centre C20 door in C18 chamfered stone surround. Sash windows in original chamfered surrounds. To right of door a 3-light flat stone-mullioned window and right firewindow.	1

Property	Grade	Description	Character area
		Former stables has blocked C18 doorway at junction with house and blocked loft doorway. Sash windows, some with glazing bars in C20 red sandstone surrounds. Lilac Cottage shares the right 2 bays of the stables but otherwise the C20 right extension is not of interest.	
Lilac Cottage	II	House and former stables, now divided into 2 dwellings. Early C18 with C20 alterations and additions. Red sandstone rubble walls, under graduated red sandstone slate roof with rebuilt red sandstone chimney stacks. 2 storeys, 4 bays with right 4-bay former stables under common roof. Right C20 extension. Off-centre C20 door in C18 chamfered stone surround. Sash windows in original chamfered surrounds. To right of door a 3-light flat stone-mullioned window and right firewindow. Former stables has blocked C18 doorway at junction with house and blocked loft doorway. Sash windows, some with glazing bars in C20 red sandstone surrounds. Lilac Cottage shares the right 2 bays of the stables but otherwise the C20 right extension is not of interest.	1
Ivy Cottages	II	2 houses. Early C18 with C19 alterations. Red sandstone rubble walls, with flush quoins and coved eaves cornice, on projecting boulder plinth. Graduated sandstone slate roof with coped gables and kneelers; rebuilt banded red sandstone chimney stacks. Originally 2 storeys, 3 bays each but now divided so that Ivy Cottage (No 1) occupies the 3 left bays, but the 3rd upper-floor window belongs to No 2.	1

Property	Grade	Description	Character area
		Panelled doors, between windows, have painted stone surrounds. Sash windows in painted stone surrounds, the end windows on both floors being firewindows, that on ground floor left enlarged. Left return wall has 2 small C18 windows and 2 above blocked.	
Corner Cottage	II	2 houses of one build. Dated and inscribed over left entrance C & GC 1707 (Christopher and Grace Gibson) with Gibson coat-of-arms. Painted rendered walls with flush red sandstone quoins and moulded string courses. Graduated sandstone slate roof with coped gables and kneelers; partly rebuilt red sandstone chimney stacks. 2 storeys, 2 bays each, under common roof. Left house (Tea Rose Cottage) has centre panelled door in bolection architrave under pulvinated frieze and cornice. Sash windows in red sandstone surrounds. Right house (Corner Cottage) has similar details; a panelled door in flush quoined surround. Sash windows without glazing bars in stone surrounds. Rear central gabled stair wing and flanking outshuts, all appear to be contemporary. Christopher Gibson was agent to the Musgrave family at the time this house was built.	1
Tea Rose Cottage	II	2 houses of one build. Dated and inscribed over left entrance C & GC 1707 (Christopher and Grace Gibson) with Gibson coat-of-arms. Painted rendered walls with flush red sandstone quoins and moulded string courses. Graduated sandstone slate roof with coped gables and kneelers; partly rebuilt red sandstone chimney stacks.	1

Property	Grade	Description	Character area
		2 storeys, 2 bays each, under common roof. Left house (Tea Rose Cottage) has centre panelled door in bolection architrave under pulvinated frieze and cornice. Sash windows in red sandstone surrounds. Right house (Corner Cottage) has similar details; a panelled door in flush quoined surround. Sash windows without glazing bars in stone surrounds. Rear central gabled stair wing and flanking outshuts, all appear to be contemporary. Christopher Gibson was agent to the Musgrave family at the time this house was built.	
Eden House	II	Agent's house for the Edenhall Estate, now farmhouse. Originally dated on rainwater heads JM 1770 (Musgrave) but removed and retained by owner. Dressed red sandstone with flush quoins, under graduated greenslate roof with red sandstone chimney stacks, partly reduced. 2 storeys, 3 bays, double span. Central panelled door and overlight in quoined surround under keyed lintel. Window over entrance has alternate-block surround and keyed lintel under pediment. 2 storey canted bay windows under hipped greenslate roofs. Right return wall has small windows at various levels. Interior has C19 coloured tile floor in hall; staircase with turned balusters. Principal rooms have C19 marble fireplaces.	1
The Courtyard	II	Stables and coach houses for Eden hall, now 7 dwellings and partly stables. Dated 1841 on rainwater heads, for the Musgrave family by Sir Robert Smirke, who rebuilt Edenhall in 1821.	4

Property	Grade	Description	Character area
		<p>Hammer-dressed red sandstone and ashlar walls with string courses and pilasters. Graduated greenslate roofs, with banded ashlar chimney stacks. Large 2-storey many-bay ranges on 3 sides of courtyard, the 4th side lower. Viewed from the courtyard the entrance range has central segmental through archway under octagonal domed cupola, with clock faces on 4 sides. Left 3 bays are domestic, with C20 panelled door and C20 sash and casement windows some in partly-blocked loft doorways. Right stables have plank doors and casement windows. The right range has been stables or coach house with a series of segmental-arched doorways under casement windows with glazing bars in stone surrounds. The rear range is now almost entirely domestic. C20 panelled doors and casement windows in original surrounds, some of the windows in partly-blocked loft doorways. Left range is also domestic with panelled door in stone surround in otherwise blank wall. This was close to the mansion house of Edenhall demolished in the mid 1930s.</p>	
Barn and stables in front of the Court Yard	II	<p>Barn and stables. Mid C19 for the Musgrave family. Red sandstone rubble walls, under graduated greenslate roof, hipped on stables. Large barn with right-angled, single storey 6-bay stables, adjoining the entrance front of The Court Yard. Barn has large central segmental-arched cart entrance now fitted with sliding door. Flanking slit vents. Stables have half plank doors, the roof with vented cupolas. Listed for group value with The Court Yard.</p>	4

Property	Grade	Description	Character area
Walls and gateways in front of the Court Yard	II	Gateway piers and walls. Probably 1841 by Sir Robert Smirke as part of the Coach-house group for Edenhall. Walls of red sandstone rubble with ashlar dressings. 3 regularly-spaced gateways, with squared rusticated piers under pyramidal caps, all giving access to the Coach-house and associated buildings; joined by high walls with pilasters, each gateway having serpentine curved walls and the piers surmounted by ball finials. The wall extending beyond the end piers at each end is not of interest.	4
The Pheasantries	II	Schoolhouse and classroom extension, now estate house for the Musgrave estate. Probably mid C18 with extensive mid C19 alterations. Red sandstone rubble walls with string course and V-jointed quoins. Graduated greenslate roof with coped gables and kneelers; banded red sandstone chimney stacks with stone caps. 2.5 storeys, 3 bays with lower right 2-bay extension. Projecting central Tudor-style gabled stone porch with shaped bargeboards. 2-, 3- and 4-light stone-mullioned windows and C19 gabled dormers. Extension has gable bargeboards; Musgrave coat-of-arms on return wall and truncated bellcote. Rear stone porch and chamfered-surround windows.	3
West Lodge	II	Lodge for Edenhall. 1830s by George Webster for the Musgrave family. Calciferous sandstone ashlar. Lead roof with twisted candle stick chimney stacks. Single storey, 2 bays in cruciform plan. Steps up to panelled door in stone architrave under console-bracketed hood, within pedimented tetrastyle Ionic porch with fluted columns.	4

Property	Grade	Description	Character area
		Return walls have casement windows in stone architraves, some of 2 lights with rounded heads. Centre of return walls have gable pediment with broad pilasters, the window recesses supported on engaged fluted columns. For attribution of this to Webster, see Geoffrey Beard, The Greater House in Cumbria, 1978, p.35.	
Gateway piers and walls to Eden Hall estate	II	Gateway piers and wall for Edenhall Hall. 1830s by George Webster for the Musgrave family. Calciferous sandstone ashlar. Square gate piers on chamfered plinths, the shafts with angle pilasters surmounted by caps with Musgrave family crest. Low flanking rusticated wall with flat coping; square interval piers, the wall turning to form overall U-shape and ending in similar piers, without the crests to the gate. Listed for group value with West Lodge.	4
St Cuthbert's Church	I	Parish Church. C12 with C13, C14 and C15 alterations and additions. Repaired 1662 by Sir Philip Musgrave and renovated in 1834 for the Musgrave family. Red sandstone rubble walls with C19 angle buttresses; the tower of more regular blocks of square dressed red sandstone. Graduated greenslate roof with coped gables and cross finials. 3-bay nave with C19 south porch, square 2-storey west tower, C19 north vestry and 2-bay chancel. Nave has C19 round-headed doorway within porch. Large 3-light C14 south window and smaller 2-light C19 windows, all with cusped heads. Built into the south wall left of the porch are 2 fragments of a medieval graveslab.	2

Property	Grade	Description	Character area
		<p>North wall has blocked C12 narrow round-headed window and C14 2-light window. Vestry has shields with Musgrave coats-of-arms. Tower of c.1450 has 2-light cusped-headed west window incorporating the Musgrave and constituent family coats-of-arms. Similar windows for bell openings. Battlemented parapet has unusual rectangular openings. Short spire with weather vane. Chancel has blocked priest's doorway and lancet window to left. C14 and C15 2-light windows. C19 pointed-arched east window. C19 north door. All walls show signs of having been raised, most noticeable on chancel. Interior of nave has 1834 oak trussed roof. C19 rear gallery with panels of Musgrave family arms. Medieval font shaped like a cushion capital. Heraldic stained glass, some of the panels pre-C17. Chancel has C19 panelled oak ceiling. Various white marble wall plaques from 1650s-early C19 all commemorating members of the Musgrave family. Under carpet is a C15 brass showing William Stapleton and his wife, thought to be the finest brass in the county. Various C18 and C19 white marble and brass wall plaques to rectors and Musgrave family staff. C19 linen-fold panelled choir stalls. C19 stained-glass windows have fragments of earlier glass brought here from one of the Musgrave houses, probably in 1834.</p>	
Cross NW of Church of St Cuthbert	II	Roadside cross north of the church. C19 shaft on medieval base. Red sandstone. Medieval stepped plinth now with C19 tapering shaft and wheel-head cross.	2

Property	Grade	Description	Character area
Edenhall War memorial	II	<p>The aftermath of the First World War saw the biggest single wave of public commemoration ever with tens of thousands of memorials erected across England. This was the result of both the huge impact on communities of the loss of three quarters of a million British lives, and also the official policy of not repatriating the dead which meant that the memorials provided the main focus of the grief felt at this great loss. One such memorial was raised at Edenhall as a permanent testament to the sacrifice made by the members of the local community who lost their lives in the First World War. The memorial commemorates six local servicemen who fell (and a further 28 who served) in the First World War. Edenhall War Memorial was situated on land in the centre of the village given by Sir Musgrave Brisco. It was made of local limestone from Orton Scar and produced by Alec Parkin, mason. A gap was made in the existing wall for the memorial to stand in a semi-circular area enclosed by an earth embankment at the back (the embankment was replaced by a drystone wall at a later date). At the front were placed dressed stone pillars and a kerb with posts and chain across. The memorial was unveiled on 12 September 1920 by Lady Mabel Howard of Greystoke Castle.</p> <p>Edenhall War Memorial is located in a roadside enclosure off the B6412 at a junction in the centre of the village, Edenhall, Cumbria. It is prominently situated at a three-way junction and with open land behind.</p>	1

Property	Grade	Description	Character area
		<p>It comprises a c 3m tall wheel-head cross with Celtic knotwork to the front face, on a tapering shaft with relief-carved 1914 – 1918 dates, set on a tapering, four-sided plinth with a two-stepped square base. The memorial stands inside a roadside enclosure with capped piers bearing plaques of those who survived. Two cast iron posts linked by chains separate the enclosure from the road. The plinth and base of the cross bears the inscriptions in leaded lettering, alongside carved wreaths. The pier plaques bear the names of those who served and returned in leaded lettering. The inscription is in leaded lettering and reads: 1914/ 1918// (NAMES)// WE LIE DEAD IN FOREIGN LANDS/THAT YOU MAY LIVE HERE IN PEACE// (roadside plaques:) NAMES (of those who returned).</p>	

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:

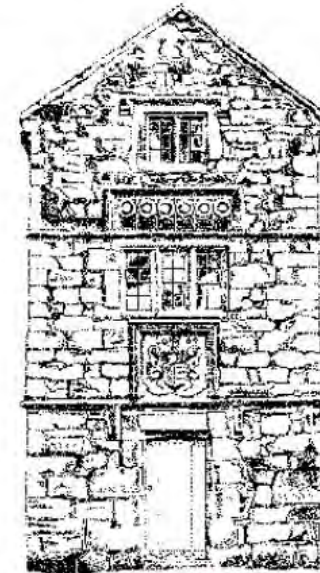
Telephone: 01768 817817 (Available from 10am to 1pm, Monday to Friday)

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

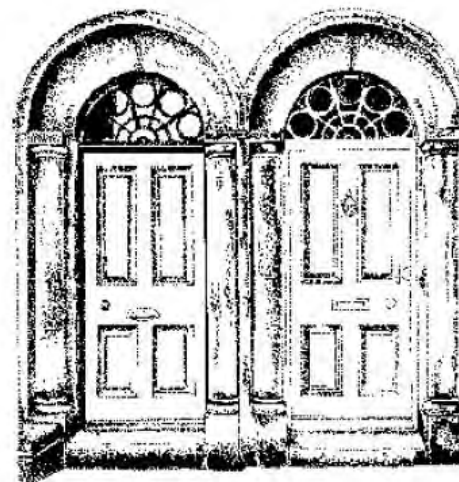
Website:

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 0RB

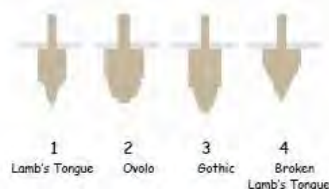
The following organisations publish guidance on period detailing for historic properties:-

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 2008



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:

- 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:

- a) Listed buildings; or
- b) Buildings situated in conservation areas; or
- c) 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 18th century 12-paned Georgian sash - without horns



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



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



Mid to late 19 century Victorian sash 4-paned with 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