



Committee and Date

Cabinet

1<sup>st</sup> May 2019

Item

Public

## Proposed Tilley Conservation Area

**Responsible Officer** Mark Barrow – Director of Place  
e-mail: mark.barrow@shropshire.gov.uk Tel: 01743 258919

### 1. Summary

- 1.1 This report considers the proposal to designate Tilley conservation area and seeks approval of this designation following the submission of a draft Conservation Area Appraisal for Tilley undertaken by an independent heritage consultant on behalf of the Tilley Timber Project. This report outlines the consultation exercise and background information to the proposed designation. A map showing the proposed conservation area boundary can be found in appendix 1, with consultation documents and responses included as appendix 2, and the supplied appraisal in appendix 3. An estate map of Tilley dating to 1631 is included as appendix 4.

### 2. Recommendations

- 2.1 Cabinet is asked to:

Approve the proposed Tilley Conservation Area in accordance with the area boundary identified in Appendix 1.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 Designation of a conservation area would place a duty in respect of relevant planning decisions to pay special attention to the preservation or enhancement of the conservation area, providing additional planning protection from unsympathetic development which might otherwise spoil the area's special character, including the safeguarding of important trees and open spaces.
- 3.2 The formal public consultation period ran from 11<sup>th</sup> January to 8<sup>th</sup> February 2019, though consultation responses were actually received until 6<sup>th</sup> March 2019. Comments received are attached as appendix 2. Consultation was undertaken with Wem Rural Parish Council including Officer's attendance at the meeting of 5<sup>th</sup> February 2019.
- 3.3 An Equality and Social inclusion Impact Assessment (ESIIA) has been undertaken and is attached in appendix 5 of this report. Screening indicates that there is low or neutral-impact upon people in Protected Characteristic groupings in the community in terms of designating the conservation area given that the nature of the

designation relates to character and appearance of the wider area as opposed to considerations in terms of individual equality, accessibility or inclusion.

#### **4. Human Rights Act Appraisal**

- 4.1 The recommendations contained within this report are compatible with the provisions of the Human Rights Act 1988.

#### **5. Financial Implications**

- 5.1 The proposed conservation area has no financial implications for the Council, since all additional work load produced as a result would be accommodated within current working practices and current budgets.
- 5.2 There will be a minimal fee for the cost of advertising the completion of the designation process in the local newspaper and the London Gazette as required by legislation.

#### **6. Background**

##### **Background on Conservation Areas**

- 6.1 The concept of conserving the character of entire areas was first introduced in the Civic Amenities Act of 1967. These provisions were consolidated into the 1971 Town and Country Planning Act, subsequently the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2 Conservation area legislation emphasises the importance of the character of an area as a key consideration when decisions are made in respect of development proposals. A conservation area is defined as *'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*. Conservation is a more dynamic approach which allows change but change that is managed so as to retain the character and appearance of a place. Upon designation the Historic Environment team will be a consultee on all applications within and adjacent to the conservation area to ensure this historic interest, character and quality of place is retained.
- 6.3 Other consequences of conservation area status of note:
- In most circumstances outline planning applications are not acceptable. This is because it is not possible to "pay special attention" to the desirability of preserving or enhancing the character or appearance of the area without seeing the details of what is proposed.
  - Planning permission is required for demolition of buildings and structures over 115 cubic metres in size.
  - It is an offence to cut down, top, lop, uproot, wilfully damage or destroy a tree in a conservation area without having given 6 weeks' notice to the Local Planning Authority. During this period, the LPA may consider whether to make a Tree Preservation Order.
  - Permitted Development rights are slightly more restricted than elsewhere.
  - Rights to display advertisements are more limited than elsewhere.

- It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of the conservation area.

6.4 The Council has a duty to review from time to time areas of special historic or architectural interest for designation. At the present time there are 128 conservation areas designated within the County.

### **Background to the proposed Conservation Area designation**

6.5 The Council was approached by the Tilley Timber Project, a Heritage Lottery Funded (HLF) project drawing attention to the significance of the village and its built heritage, with the proposal to undertake a draft Conservation Area Appraisal by an independent heritage specialist as an evidence base for the proposed designation of a conservation area. The village is particularly noteworthy because of the high degree of survival of timber framed buildings within it, which include seven listed buildings (6 Grade II and 1 Grade II\*). In Officer's opinion this represents a rare survival in Shropshire and as a consequence the village and its immediate rural setting retains a strong and distinct character. The appraisal was received and reviewed by the Council. This provided a detailed analysis of the built character of the village and the associated open spaces to its margins. It is therefore officer's opinion in relation to the Conservation Area designation guidance (Historic England Advice Note 1 2nd Edition) that Tilley represents a strong candidate for designation. Officers therefore proceeded with public consultation for the designation.

### **7. Public Consultation**

7.1 The consultation took place over a period of over 7 weeks between 11th January and 6th March 2019. The Consultation included the following:

- Written letter notification of the proposed conservation area to all buildings affected including proposed boundary plan and information sheet.
- Further letters were sent to landowners not resident in Tilley following requests from those consulted.
- The proposals were advertised via the Shropshire Council website.
- Laminated posters were put up at three locations in Tilley as well as the Parish Council's local notice boards.
- The Local Members were informed of the proposals by email.
- Relevant Council departments were consulted including Trees, Planning Policy and Development Management.
- Historic England were consulted.

7.2 Responses from local residents on the draft proposals were sought, residents could respond by phone, email or letter.

7.3 12 responses were received in support of the proposal (see appendix 2), as well as a document of 32 signatures of support from Tilley residents. This document includes the signatures of the majority of the 12 support letters/emails received. 2 of the letters of support were received who had not signed the document. 1 signature had both objected and supported and is therefore not counted.

7.4 A summary of the reasons for support are as follows:

- The unique identity and individuality of Tilley through its historic buildings and landscape.
- Its distinction from Wem.
- Its character should not be further diluted through ill-conceived planning
- Will ensure future preservation of Tilley following the work of the Tilley Timber Project as a place of special architectural and historic importance with remarkable medieval and post medieval buildings and landscape intact.
- The buildings and surrounding landscape are unique and require protection for future generations as well as offering excellent educational opportunities in the area.

7.5 7 responses of objection were received to the proposal (see appendix 2). Three of these were from the joint owners of Bradfield and wooded land to the rear of this property.

7.6 A summary of the reasons for objection are as follows:

- Do not wish to be affected by more planning restrictions/conditions.
- The listed buildings require consent to be altered and planning permission is required for new development so no need for designation.
- If it is to go forward the wooded area to the north of Bradfield should be excluded.
- The woodland to the north of Bradfield was planted 27 years ago. If it is included, it would restrict regular maintenance and be economically unviable.
- Do not wish for land to the east bounding Wem to be included as this will affect future plans and usage for the fields.
- The field to the rear of Ferndale is land locked and may require an animal shelter/loose box. See no reason for this land to be included.
- The land to the west of which used to belong to Tilley Manor is of no special architectural or historic interest which is desirable to preserve or enhance under the legislation where it includes a modern structure and open fields. Similarly, Tilley Bridge has been significantly compromised, with a new bridge built and the fabric of the bridge being dispersed such that there is no justification for its inclusion in the conservation area.
- The draft Tilley Conservation Area Appraisal appears to have been carried out by an organisation of behalf of the Tilley Timber Project with a vested interest of getting a conservation area approved as opposed to being an independent balanced observation.
- No.21 is a modern bungalow and should not be included.
- There is no logic for a huge area leading down to Sleaf Brook or the River Roden being included within the conservation area. It is a flood plain which naturally would prevent any development taking place. There is no need for additional protection.

## **8. Response to objections raised.**

8.1 In terms of the comments relating to the woodland north of Bradfield, advice was subsequently sought from the Trees Officer. The full comments are included in appendix 2 but in summary it was advised that the designation is not the best method of protection of the trees, which would be through Forestry Commission felling licences for rural woodlands or a woodland TPO if it comes under threat.

Based on this advice, and the consultation comments received regarding this land, a change to the boundary to omit this area of woodland has been made to the proposed conservation area boundary following further discussion with the residents requesting the designation, which is attached following this amendment in appendix 1.

- 8.2 With regard to the other issues raised by objectors, it is noted that a number of concerns relate to the additional restrictions on residents and their associated land. However, as set out in the information document supplied as part of the consultation and also in paragraph 2 above, conservation is a dynamic approach which allows change, but manages it such that the character and appearance of a place is maintained. Upon designation the Historic Environment team will be a consultee on all planning applications within and adjacent to the conservation area to ensure this historic interest, character and quality of place is retained. However, it does not preclude development and the need for agricultural buildings associated with the surrounding land use is acknowledged, as well as a level of new residential development being allowable under policy should Tilley be designated as part of a Community Cluster as proposed under the Local Plan Review by Planning Policy. In this regard further weight is given to the conservation area designation given that it will help inform the design, siting and scale of development and formally consider the character and appearance of the conservation area as required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to the setting of the designated listed buildings within Tilley.
- 8.3 Comments in respect of the land surrounding Tilley and its lack of special historic interest are noted. However, as referenced within the supporting conservation area appraisal, the special interest of the settlement is not only related to the survival and adaptation of its buildings alone, but also its relationship with the agricultural landscape around it. Many of the buildings and features in the village demonstrate strong associations between the farmsteads and their associated 'croft' enclosures used for tillage or pasture, where the boundaries of these enclosures have become fossilised through the centuries and are still visible in the village. The historic maps show these plots associated with the historic dwellings here and their numerous field names. Its evidently strong rural character is reinforced by the surrounding natural open space, which provides the immediate setting of the village. Conservation Area designation guidance (Historic England Advice Note 1 2<sup>nd</sup> Edition) sets out that in assessing special interest, the contribution made by the setting on the area and how this contributes to the significance of a heritage asset, should also be taken account of. It is also noted that whilst the objection in relation to the fields to the west of Tilley states that this land is of no historic merit, it simultaneously acknowledges the historic land ownership associated with the land, which is also evident on the 1631 estate map.
- 8.4 Reference has also been made to there being 'no logic for a huge area leading down to Sleaf Brook or the River Roden being included within the conservation area'. However, as set out in the conservation area appraisal supplied as part of the proposal, the low lying and marshy nature of the land within the broad valley of the rivers and at the confluence of the two watercourses has had strong influence on the extent of the settlement and its development. These areas were part of an historic managed floodplain and water management system dating to the 17<sup>th</sup> century and undertaken by the Earl of Arundel to improve the fields, as well as straightening of the River Roden to make it more navigable. The influence and

proximity to the rivers in this location define the immediate setting of Tilley and provide the natural historic boundary, along with Tilley Bridge to the north west as a key historic crossing point (albeit in its highly altered form).

- 8.5 Reference has been made to the conservation area appraisal not being an independent and balanced assessment. However, the document was prepared by an independent historic environment consultant who is fully accredited by both the Chartered Institute for Archaeologists and the Institute of Historic Building Conservation. Therefore, it is considered that no weight should be given to this objection.
- 8.6 Reference has been made to modern structures which should not be included within the conservation area because they are not of historic merit. As indicated above, the extent of the conservation area is determined by its overall historic and architectural interest including its setting and relationship with its surrounding landscape. Evidently later buildings within Tilley cannot be excluded individually from the conservation area in this manner but wouldn't be considered as buildings of historic merit in planning terms upon designation of the conservation area in any case.
- 8.7 Following consultation with Wem Rural Parish Council they resolved that they could not support the designation due to the basis of lack of information and transparency. However, an extended formal consultation took place over the course of two months, and Officer's additionally attended a Parish Council meeting to present the proposal and answer questions that were raised. In addition, the full conservation area appraisal was sent to the Parish Council prior to their meetings, along with the proposed boundary and information sheet for circulation. At their request redacted versions of all public consultation responses were also sent to them. No further information in relation to the formal consultation was available to provide to the Parish Council. With regard to transparency, the extent of formal consultation has been set out above where this was extended to ensure all comments could be received and to take account of two Parish Council meetings. In addition, this recommendation comes following the submission of a detailed draft conservation area appraisal by an independent heritage consultant (see appendix 3).
- 8.8 No formal responses were received from other Council departments, local elected members or Historic England.

## **9. Conclusions**

- 9.1 A number of factors give rise to the significance and special interest of Tilley: its variety of timber-framed and brick buildings, the oldest of which contains timbers dating from the 15th century; its overall form which has changed very little from its early 17th century layout, retaining its overall character as a small, linear settlement running along a single, principal road; the historic plot divisions or 'crofts', in the form of a small banks or ditches, which correspond with those shown on the estate map of 1631 and the tithe map of 1845; the surrounding greenspace which includes traces of earlier medieval farming practices, including an open-field system and former deer park and allows its overall rural and historic setting to be retained.

- 9.2 The proposed conservation area will seek to retain and enhance the quality of the local environment overall and its local distinctiveness, permitting appropriate new development which takes account of the area's special character. It also provides for greater opportunity to engage with the local community in managing the historic environment that they value.
- 9.3 Should Cabinet recommend this endorsement a Notice of Designation will be drafted and advertised, as per the statutory requirements.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr Gwilym Butler – Communities, place planning and regulatory services
<b>Local Members</b> Cllrs Chris Mellings and Pauline Dee
<b>Appendices</b> Appendix 1 – Tilley Conservation Area proposed boundary map. Appendix 2 – Public consultation letter, fact sheet and consultation responses Appendix 3 – Draft Conservation Area Appraisal submitted by Tilley Timber Project Appendix 4 - 1631 Estate map excerpt Appendix 5 - Equality and Social inclusion Impact Assessment (ESIIA)