

Report for: Cabinet

Date of Meeting:	12 th November 2024
Subject:	Grand Western Canal Conservation Area – Appraisal and Management Plan
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	None
Wards Affected:	Tiverton Cranmore, Halberton, Canonsleigh
Enclosures:	Appendix 1 – Grand Western Canal Conservation Area Appraisal and Management Plan; Appendix 2 – Public Consultation comments and officer response

Section 1 – Summary and Recommendation(s)

The Grand Western Canal Conservation Area was adopted in October 1994. However, it is without a Conservation Area Appraisal or Management Plan and the Conservation Area designation has not been subject to a review. The Council has prepared the Conservation Area Appraisal and Management Plan in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), as amended December 2023.

Mid Devon District Council was required to carry out a public consultation on the proposed Conservation Area Appraisal and Management Plan or any variation to the conservation area. The public consultation period was for 8 weeks and included two public meetings at Phoenix House, Tiverton.

This report considers the results of the consultation and recommends a course of action.

Recommendation(s):

That Cabinet recommends to Council that:

- 1. The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed**

amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), be formally adopted and used to assist in the process of determining planning applications and for implementing management proposals.

Section 2 – Report

1.0 Introduction

- 1.1 Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that local authorities shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. This does not include the consideration of nature / ecological conservation or other matters such as an area's economic and amenity value.
- 1.2 The District includes 51 Conservation Areas. The 'oldest' Conservation Area designation was made in 1971 for Coleford, with many others designated in the 1980s and 1990s but which have not been subject to an appraisal since. It is the duty of a local planning authority from time to time to review the conservation area and Historic England's guidance advises this should be undertaken every five years, resources permitting. The Council has produced Conservation Area Appraisals and Management Plans for 17 of the Conservation Areas, with the most recent being completed in 2022 for Cullompton. There are 35 Conservation Areas that do not have appraisals and there will be a need to prioritise these according to their 'at risk' status and pressure from development. The Grand Western Canal Conservation Area was selected since it has not been reviewed through an appraisal since its designation in 1994, given its geography in relation to Tiverton and several villages (Halberton and Sampford Peverell) where up to date heritage technical information will be needed to help inform the preparation of a new local plan for Mid Devon, and that the appraisal would cover an extensive transect of the district, and given its overall significance within the District. Once this appraisal has been completed it is anticipated that officers will commence the appraisal of Conservation Areas at Tiverton and also Bow, which Historic England has identified on its heritage at risk register.
- 1.3 Section 71 of the 1990 Act states that the local planning authority shall formulate and publish proposals for the 'preservation and enhancement' of any parts of their area which are conservation areas. The Grand Western Canal Conservation Area Appraisal and Management Plan (CAAMP) is the mechanism by which the local authority defines the special interest of the conservation along the canal, which is an important heritage asset for the district. The appraisal has provided an opportunity to review the boundary of the conservation area to ensure that the area justifies designation because of

its special architectural or historic interest, and so that the concept of conservation is not devalued through the designation of area that lack special interest.

- 1.4 The Cabinet approved a draft Grand Western Canal Conservation Area Appraisal and Management Plan at its meeting on 4th June 2024 for the purpose of being consulted on. The Council has undertaken a full and comprehensive public engagement and consultation exercise on the draft document. The public consultation was held over an 8 week period between the 22nd July – 16th September 2024 and two ‘drop-in events’ were held at Phoenix House, Tiverton. The ‘drop-in events’ were held on the 23rd July and the 5th September. The second consultation event (5th Sept) was held later in the day/early evening to support attendance from those who work during the day. During the public consultation the draft Grand Western Canal Conservation Area Appraisal and Management Plan was available on the Council’s website as well as printed copies at the Council offices and library at Phoenix House.
- 1.5 This report sets out the key issues within the Grand Western Canal Conservation Area Appraisal and Management Plan (**Appendix 1**), records the results of the consultation exercise and the changes proposed.

2.0 The Grand Western Canal Conservation Area Appraisal and Management Plan

- 2.1 The Grand Western Canal Conservation Area Appraisal and Management Plan includes:
- A summary of the history of the Grand Western Canal’s development, an assessment of its historic and architectural interest and mapping showing various details of spatial analysis.
 - Proposed amendments to the existing boundary of the Grand Western Canal Conservation Area. This includes rationalisation of the boundary where it crosses the curtilages of properties.

- 2.2 The adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan will support the Council’s Corporate Plan 2024 - 2028 and heritage strategy as set out in the Mid Devon Local Plan 2013 - 2033 (Policy DM25). The Grand Western Canal Conservation Area and Management Plan can be given weight as a material consideration in planning decisions.

3.0 Results of the public consultation on the Grand Western Canal Conservation Area Appraisal and Management Plan

- 3.1 The Grand Western Canal Conservation Area Appraisal and Management Plan begins with a section detailing the context and general character of the Conservation Area, then sets out the development of the area over time. It then details specific subject areas, including: alterations to the Conservation Area

boundary, designated and non-designated heritage assets, heritage at risk, assessment of the Conservation Area's significance, its setting, and opportunities and management proposals.

- 3.2 This section of the report details the key issues raised through the comments received.
- 3.3 The comments received are reported in full within **Appendix 2**, together with the Council's responses to these and what changes have been made to the Conservation Area Appraisal. The amended Grand Western Canal CAAMP can be found at **Appendix 1**.
- 3.4 The Council received a total of 119 representations from local residents, parish councils, local history groups and statutory consultees. This included 49 representations submitted at the 'drop-in' sessions.
- 3.5 The majority of representations received were in relation to the proposed changes to the Conservation Area boundary and raised concerns, this came to approximately 68% of all comments received. The following areas were the most referred to:
 - Land adjacent to Tidcombe Hall, Tiverton; and
 - The area of woodland also known as 'Snakes Wood', Tiverton.
- 3.6 Within the above figure, approximately 34% of the responses received made comments and raised concerns about potential future development.
- 3.7 In addition, a further 18% (approximately) of all responses received raised concerns about the ecological impact of the proposals regarding the woodland known as 'Snakes Wood', Tiverton.
- 3.8 Other comments included:
 - Burlescombe Parish Council raised the matter of an extension to the boundary to include Whipcott Lime Kilns and Tramway;
 - Members of the public and the Tiverton Civic Society raised the matter of an extension to the boundary to include Tidcombe Farmhouse;
 - Members of the public raised concerns about the proposal to de-designate Nos. 16 and 16a Turnpike, Sampford Peverell;
 - The Four Villages Environmental group raised concerns about the proposed de-designation of woodland north of Whipcott and the area by Pondground Cottage, Holcombe Rogus;
 - Tiverton Civic Society raised concerns about the area of land to the west of Rock House by Halberton, and Snakes Wood, both of which are proposed for de-designation.

Historic England was consulted and offered no comments in response to the consultation.

3.9 All comments received have been carefully and fully considered, and further investigation has been undertaken where necessary in relation to information provided to the Council and the issues that have been raised. Appendix 2 includes summaries of the revisions made as a result of the comments and these are detailed below.

3.10 The Council is aware that a petition was organised relating to the Canal Conservation Area but, at the time of writing this report, no petition had formally been presented to the Council.

4.0 Proposed amendments to the Conservation Area Appraisal and Management Plan

4.1 The following specific changes are proposed to be made to the document following the public consultation:

- **Land adjacent to Tidcombe Hall, Tiverton** – The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the Conservation Area and this approach is consistent with the NPPF.
- **Pondground Cottage, Holcombe Rogus** – The Council has been made aware that Pondground Cottage and the adjacent land has historic links to the nearby quarries and the canal. It is therefore proposed to retain this area within the Conservation Area boundary. This approach is consistent with the NPPF requirement to ensure that Conservation Areas have sufficient architectural or historic interest to warrant designation.
- **Area of woodland known as ‘Snakes Wood’, Tiverton** – The boundary of the Conservation Area adjacent to Snakes Wood has been amended to include the canal’s embankment. Residents who were opposed to the de-designation of the woodland have raised a variety of points including ecology, wellbeing and health as positive attributes for the area. Local planning authorities should ensure that an area justifies designation because of its special architectural or historic interest¹. The area of woodland is not of architectural or historic interest and therefore de-designation of the area is consistent with the NPPF requirement to ensure that Conservation Areas have sufficient interest to warrant designation. There is potential for Snakes Wood to be made a Tree Preservation Order (TPO). However, this is currently unlikely and will require investigation. There will remain the opportunity for the Council to assess whether any of

¹ ‘Chapter 16: Paragraph 197’, *The National Planning Framework*, The Department for Levelling Up, Housing and Communities, December 2023

the existing trees, or groups of trees at Snakes Wood merit the making of a Tree Preservation Order (TPO) in the interests of amenity. Snakes Wood is a designated County Wildlife Site and species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan, including Policy S1 Sustainable development priorities, Policy S9 Environment, and Policy DM28 Other protected sites, also seek to protect and enhance habitats and biodiversity.

- 4.2 Other changes to the document include the updating of addresses where relevant and minor amendments to the text.

5.0 Groups Consulted

- 5.1 The Planning Policy Advisory Group (PPAG) was briefed about the consultation responses and recommended amendments made to the draft Grand Western Canal CAAMP, at its meeting held on 23rd October. The group has endorsed the recommendations in this report.

6.0 Next Steps

- 6.1 Subject to Cabinet approval the updated Grand Western Canal Conservation Area Appraisal and Management Plan attached in **Appendix 1** will be reported to the Full Council for formal adoption.
- 6.2 The formal adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan by the Council will be advertised in the London Gazette and local newspaper as required by The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

7.0 Conclusion

- 7.1 The Grand Western Canal Conservation Area Appraisal and Management Plan once adopted, will be capable of being a material consideration in the determination of planning, listed building consent and advertisement consent applications relating to the Grand Western Canal Conservation Area.

Financial Implications

There are no direct financial implications from the adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan. The process of designating a conservation area entails a small cost to advertise the designation of a new boundary to meet the statutory notification requirements as described in the legal implications section below. This cost can be met from within existing planning budgets.

Legal Implications

The Grand Western Canal Conservation Area Appraisal and Management Plan meets the Council's obligations required by the Planning (Listed Building and Conservation Areas) Act 1990. Under Sections 69 and 71 of the Act, the Council should review conservation area boundaries from time-to-time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas. Advice is also given in the Historic England publication - Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1, 2019. This Appraisal forms part of the Council's rolling programme of providing conservation area appraisals for all its designated conservation areas. The principal legal effect of the designation of an area as a conservation area is control over demolition of buildings (including structures classed as buildings in planning legislation) and control over works to trees. In determining applications, the Council also has a duty under the Planning Acts to have regard to the desirability of preserving or enhancing the character or appearance of the area and there are less generous permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015.

The Planning (Listed Building and Conservation Areas) Act 1990 requires that the designation of a new Conservation Area or variation to it be advertised in the London Gazette, a local newspaper and registered as a local land charge. The Secretary of State (DCMS) and Historic England will also be notified.

The Grand Western Canal Conservation Area Appraisal and Management Plan will not form part of the Development Plan for Mid Devon and is not being prepared as a Supplementary Planning Document (SPD). However, once adopted, it will be capable of being a material consideration in the determination of planning, listed building consent and advertisement consent applications relating to the Grand Western Canal Conservation Area.

Risk Assessment

No risks associated with this report have been identified.

Impact on Climate Change

The Grand Western Canal Conservation Area Appraisal and Management Plan is, by its nature, neutral on climate change.

Equalities Impact Assessment

The Grand Western Canal Conservation Area Appraisal and Management Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics"). It has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the Grand Western Canal Conservation Area Appraisal and Management Plan will have neutral equalities impacts on all protected characteristics. The screening

exercise has concluded the Grand Western Canal Conservation Area Appraisal and Management Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

The Grand Western Canal Conservation Area Appraisal and Management Plan can help the following priority areas and actions identified in the Council's Corporate Plan 2024 – 2028:

- Planning, Environment & Sustainability;
- Economy and Assets; and
- Service Delivery & Continuous Improvement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 29 October 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 29 October 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Corporate Director

Date: 24th October 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22 October 2024

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

Contact: Thomas Muston, Conservation Officer

Email: tmuston@middevon.gov.uk
Telephone: 01884 234395

Background papers:

[Conservation areas - MIDDEVON.GOV.UK](#)

[Grand-western-canal.pdf \(middevon.gov.uk\)](#)

The Adopted Mid Devon Local Plan (2013-2033): [Adopted Local Plan and Policies Maps - MIDDEVON.GOV.UK](#)

Planning (Listed Buildings and Conservation Areas) Act 1990
<https://www.legislation.gov.uk/ukpga/1990/9/contents>

National Planning Practice Guidance for the historic environment [Historic environment - GOV.UK \(www.gov.uk\)](#)