

Report to	Planning Committee
Date	9 March 2023
By	Director of Planning
Title of Report	Proposed Npcote Conservation Area
Purpose of Report	To designate part of Findon Parish, known as Npcote, as a Conservation Area To seek adoption of the Conservation Area Appraisal and Management Plan for the purposes of development management and to inform the wider activities of the National Park Authority and its partners.

Decision

Recommendation: The Committee is recommended to:

- 1. Approve the designation of the area identified on the map forming Appendix I to this report as a Conservation Area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 2. Endorse and adopt the Conservation Area Appraisal and Management Plan (CAAMP), forming Appendix II to this report, for the purposes of development management and to inform the wider activities of the National Park Authority and its partners.**

Executive Summary

- Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to “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” and, having done that, “designate those areas as conservation areas”
- The area of Npcote Green, Cissbury parkland, and the hamlet of Npcote has been identified as potentially having the special architectural or historic interest referred to in Section 69. This is described in the CAAMP attached as annex II to this report.
- The proposal to designate the conservation area and the contents of the CAAMP were both the subject of a public consultation exercise. Because of this, the boundaries of the putative conservation area have been amended and the CAAMP substantially revised.
- Should the recommendation to approve the designation be supported, it would be the first new conservation area created since the inception of the National Park Authority.

I. Background

- I.1** At its inception, the National Park Authority inherited 166 conservation areas from its predecessor authorities, more than any other UK National Park. As a result, virtually all of

the areas within it that met the requirements of Section 69 had already been designated and there are relatively few opportunities for new designations.

- 1.2 In considering the possibility of making Nepcote a conservation area, Officers were responding to an initiative from the Findon Neighbourhood Planning Group. Paragraph 3.3.7 of the first iteration of the Findon Neighbourhood Plan noted that “A second Conservation Area centred on Nepcote is under consideration at the request of the Neighbourhood Planning Group ... This addition was welcomed by the residents when presented at the open events”. These words were repeated in the updated version of the Neighbourhood Plan.
- 1.3 At that stage, the Parish Council’s interest centred on Nepcote Green. This is an attractive open space, which has long been the location of one of the most important sheep fairs in Sussex. Given the importance of sheep husbandry to the South Downs, this gives the site a particular local resonance which is reinforced by the presence of the Wattle House, a Grade II listed building purposely built to store the wattles used to corral the sheep. A number of other attractive buildings, including two listed cottages, are located on the perimeter of the site.
- 1.4 Whilst investigating this possibility, Officers recognised that other adjoining areas, most notably Cissbury and its parkland but also including the small hamlet, probably a squatters settlement in origin, also had the special architectural or historic interest referred to in the legislation.
- 1.5 Cissbury is an early 19th century parkland, associated with a smaller country house, Cissbury, which is Grade II listed. It appears to be a ‘post-medieval gentrified parkscape’, where a park has been created by removing elements of past land use such as hedges and adding more formal tree planting, and perhaps plantations, and water features. As such, it has similarities with the park at Castle Goring, which was incorporated into that conservation area with an extension approved in May 2016. The garden is not on the National Register but is almost certainly a non-designated heritage asset and forms the setting of the listed house. Sussex Garden History Society have supported its inclusion in the proposed conservation area.
- 1.6 The lane known as Nepcote contains some listed buildings and others that retain sufficient architectural merit to make a positive contribution to a conservation area. These are identified on Figure 32 of the CAAMP. Others are more modern and are best viewed as neutral. It is an interesting example of a squatter’s settlement.
- 1.7 From within the proposed conservation area, the visual interconnection from the Green and the lane through to the actual parkland is limited and varies with the seasons. However, its boundary walls are very visible, as is some of its woodland planting, and the whole parkland is laid out in full view from the top of Cissbury Hill.
- 1.8 Conservation Areas are not required or expected to be homogeneous in character and many of the larger ones have distinct character sub-areas. This would be the case for the proposed conservation area, with three adjoining areas all having their own characters, which are dependent on each other to varying degrees. This variable character should not be viewed as an obstacle to the proposal to designate.

2. Public Consultation

- 2.1 The gestation of the proposal has been a long one, being considerably affected by the general impact of the Covid pandemic and its specific impact on the officer working on it.
- 2.2 A draft CAAMP was the subject of a public consultation that ran from 1 March 2020 to 8 June 2020. This consultation period was extended beyond the normal six weeks in recognition of the difficult times in which it was happening.
- 2.3 As part of the exercise, letters were sent to every property within the proposed boundaries of the conservation area, as well as to the Parish Council, Arun District Council, and West Sussex County Council. The draft document was available on the Authority’s website.
- 2.4 Two distinct questions were asked of the consultees; (1) was the principle of a conservation area as set out in the draft CAAMP accepted? and (2), if it was, did they have any comments or observations to make on the contents of the draft CAAMP?

2.5 When presenting revised CAAMPs for committee's consideration, comments received are usually presented in tabular form. However, recognizing that this is a completely new designation raising more fundamental issues than our normal CAAMP reviews, they are included here in a more discursive format. As normal, no names are given, but the interests of the respondents in the area are described.

2.6 The respondents to the public consultation fall into three groups; those whose primary interest is as a resident of Nepcote; those who own land beyond a normal residential curtilage and/or run businesses in Nepcote; and local government bodies.

3. Residents of Nepcote

3.1 Twelve representations were received from people who fall into this group.

3.2 Eight of them offered unqualified support for the proposed conservation area.

3.3 A ninth generally supported the proposal and provided a lot of additional information, most of which has been incorporated into the revised CAAMP to its great benefit.

3.4 A tenth supported the designation subject to a series of comments. These included (i) the suggestion that there is no heritage connection and little visual connect between the Green and Cissbury, and that the latter should be removed from the Conservation Area, and (ii) the history of horse racing is important and that the boundary should be extended to include Soldiers Field House and Soldiers Field Stables sites, as well as the Downs Racing Stables and the footpath extending north from it. This first point is addressed in the Background section of this report, whilst the second point is considered in the discussion of the proposed boundaries in the draft CAAMP. As neither of the respondent's comments have been accepted, this representation should be regarded as neutral.

3.5 The eleventh respondent was neutral in terms of the overall proposal, but did query the rationale behind the proposed boundary on the west side of Nepcote, which is described as resembling a jigsaw puzzle. This boundary was reviewed because of this comment and has been amended to make it more logical.

3.6 The final representation from a resident was an objection to the overall proposal as it would create potentially unquantifiable cost impacts on all residences; introduce a new layer of needless bureaucracy (& again cost); and has too broad a scope that will lead to needless additional cost to the Authority at a time when money is tight. He did offer support for a designation covering the Green, but questioned why such a large area of unrelated private land and dwellings had been captured.

4. Land and/or Business Owners with Nepcote

4.1 The nature of these responses was quite different, often being very detailed and in some cases including reports from professional advisors. The paragraphs below summarise the key points made:

4.2 A significant landowner in the proposed conservation area made his own comments by letter and submitted a report, prepared for him by Cotswold Archaeology, on the draft CAAMP and a document prepared by Complete Land Management (CLM).

4.3 The letter sets out his objections under a series of headings; general points; heritage assets; pre-assessment planning process; and management of the farm lands and woods. The following paragraphs follow the same order as the points in the letter.

4.4 General points: the land is private, not crossed by any public footpaths and not accessible to the general public, so why should it be included in any conservation area? Proposed response: No Change. The facts are accurate and could apply to parts of many conservation areas. It remains officers' judgement that the land is a non-designated heritage asset that is otherwise without any heritage protection and one that is highly visible within the wider landscape, as shown by Figure 7 of the draft CAAMP.

4.5 Heritage assets: attached to the letter is a report from Cotswold Archaeology that indicates that much of the land and buildings within the proposed conservation area beyond the Green do not warrant being classified as heritage assets. Proposed response: No Change.

This is based on a professional judgement, which can be challenged, but in this case, the recommendation to members is that the original justification as set out in the document is maintained.

- 4.6 It is suggested that the “pre-assessment planning process” adds cost and uncertainty with regard to future planning applications and thereby hinders business. Proposed response: No Change. Assuming that the reference to ‘pre-assessment process’ refers to a pre-application inquiry, this is recommended as advice in Section 6.22 of the Management Plan. It is sound advice, encouraged by central government, which the National Park Authority would offer in almost all cases. In contrast with the suggestion in the letter, it is actually intended to reduce costs and uncertainty in the planning process and often helps to save an applicant abortive and expensive work. The CAAMP does not, and cannot, require the submission of a pre-application enquiry.
- 4.7 Management of the farm land and woods. The report from CLM is invoked in support of the farm land. This refers to Higher Level Stewardship of the land and its objectives of providing a suitable habitat for farmland birds that are typical in the South Downs and the preservation of the remain of a Roman settlement in Bank Field. Proposed response: No Change. Beyond an erroneous reference to “widescale planting of trees”, there is no explanation of how or why conservation area designation would threaten the achievements of the HLS programme.
- 4.8 The letter states that one of the main concerns relates to the management of the woods. Proposed response: No Change. Conservation Area designation does give a degree of protection to trees, although it is not as strict as a tree preservation order. The issue has been recognised and a whole section of the management plan - paragraphs 6.14 to 6.20 plus Actions 6 and 7 - is devoted to it. This was included to offer the landowner some reassurance on the good intentions of the National Park Authority.
- 4.9 Strutt and Parker has submitted a letter on behalf of owners of unidentified land within the proposed conservation area. The letter states that their clients do not object to the establishment of an additional conservation area at Findon, nor one based around the Npcote Green. However, they did object to the inclusion of land in the south-west part of the then proposed boundary. Proposed response: In part as a result of this objection, the great majority of that area has been removed from the proposal and is identified in the CAAMP as being outside the conservation area but particularly significant in defining its setting. The letter goes on to suggest that Cissbury parkland and the hamlet lack the heritage significance to justify inclusion in a conservation area. Proposed response: this is a professional judgement and paragraphs 1.4 to 1.7 plus the CAAMP set out the alternative view. No Change.
- 4.10 The holder of the Farm Business tenancy at Cissbury Farm has objected to the inclusion of agricultural land because of the impact it would have on his ability to manage the land in accordance with the Higher Level Stewardship scheme, particularly if the parkland is replanted with trees to take it back it how it was 150 years ago, thereby reducing the acreage that can be used for arable crops and livestock grazing. This letter was accompanied by the same document prepared by Complete Land Management referred to in paragraph 4.7. Proposed response: No Change.
- 4.11 The letter from the Farm Business does not explain how its author believes that designation as a Conservation Area would affect his operations. The only clues are the reference to replanting of trees in the letter and a reference in the CLM document to the widescale planting of trees.
- 4.12 This does to some degree represent a misunderstanding of the intentions and powers of the conservation area designation. One purpose of a CAAMP is to identify possible enhancements to a conservation area and, in paragraph 5.9 of the CAAMP, the possibility of some historic landscape restoration, which would include some limited tree planting, is correctly identified. However, it is important to understand that this particular enhancement suggestion, and most others, are aspirational and cannot be imposed on the landowner or farmer against their wishes.

- 4.13 An owner of an equestrian business within the proposed conservation area objects to the inclusion of her site in the conservation area. The owner has ambitious plans to further adapt the land and building and believes that inclusion in a conservation will increase the expense by requiring her to go through a 'pre-assessment process', plus a requirement to "use original materials where possible on what are effectively redundant agricultural buildings". Proposed response: No Change.
- 4.14 In response to the first of these, see the comments in paragraph 4.6. It is difficult to comment on the suggestion that original materials would have to be used on redundant buildings outside of a specific proposal. However, it should be noted that, irrespective of a conservation designation, traditional farm buildings frequently make a significant contribution to the landscape character of the National Park and, in this specific instance, to the setting of an important listed building, so proposals relating to them will usually bring the sort of issue mentioned.
- 4.15 Finally in this section, Gillings Planning has submitted a representation on behalf of a client who owns land to the north of the conservation area and without the proposed boundaries. The representation points out that this land is allocated for 10-12 dwellings in our Local Plan. It goes on to say that the client has no objection to the proposed conservation area or its boundaries but does object to the wording of paragraph 5.8 of the draft CAAMP, which states that "the use of well-managed hedges with fences on either side to divide the paddocks would produce both visual improvement and secure other benefits for the natural environment".
- 4.16 Gilling's client believes that this phrase is too prescriptive and suggests that the original text should be amended to read "The use of other methods of enclosure, including well managed hedges or tree belts with fences on either side to divide the paddocks would produce both visual improvement and secure other benefits for the natural environment". Proposed response: No Change.
- 4.17 This is an issue relating to the wider landscape, rather than the conservation area specifically, perhaps other than its setting, and the original words are those of the Authority's Landscape Officer. She has confirmed that she does not consider the suggested amendment to be appropriate and the document has not been revised.

5. Local Government Bodies

- 5.1 Findon Parish Council has given a mixed response to the original proposal. As might be expected, it supports the designation of the Green, but questions the merits of including Nepcote lane and does not support the inclusion of Cissbury parkland, endorsing the landowner's objection to its inclusion.
- 5.2 Findon Neighbourhood Planning (Amended 2020) Working Group has presented a substantial body of evidence in support of a northern extension of the proposed boundaries to incorporate areas associated with the horse racing industry. This was considered in paragraphs 4.35 to 4.39 of the draft CAAMP and the suggestion discounted. Having said that, there was recognition that this area was particularly important in the setting of the conservation area and this is identified in Figure 6 of the CAAMP.
- 5.3 The Conservation Officer at Arun District Council has commented that he has reviewed the draft Conservation Area Character Appraisal and Management Plan, and believes that a comprehensive case has been made for the identification of a new conservation area. He further notes that the designation will help to ensure that the National Park Authority meets its duty under the Planning (Listed Building and Conservation Areas) Act 1990.

6. Conclusion

- 6.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to "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" and, having done that, "designate those areas as conservation areas".

- 6.2 For the reasons set out in this report and the CAAMP attached as Appendix II, the area identified on the map forming Appendix I is considered to be one of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.
- 6.3 Accordingly, the area should be designated as a conservation area as required by Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.4 A two part recommendation is made; that the area be designated as a Conservation Area, and that the CAAMP attached as Appendix II be adopted by the National Park Authority for the purposes of development management and to inform the wider activities of the National Park Authority and its partners.

7. Other implications

- 7.1 Designation as a conservation area is a local land change

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	<p>There are no direct financial implications in terms of expenditure but it is possible that there may be a small impact on officer time in terms of additional planning applications. These would be met from existing resources</p> <p>By providing advice to the public and the Development Management team, the CAAMP should improve the quality of planning applications and reduce the time taken to determine them.</p> <p>The Management Plan contains a number of recommendations, but none directly requires a financial input from the Authority.</p>
How does the proposal represent Value for Money?	Not applicable
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<p>PMP Outcome 1.1 To protect that natural beauty and character of the National Park.</p> <p>PMP Outcome 4.1 To increase conservation. Awareness, access to and understanding of South Downs cultural heritage.</p>
Links to other projects or partner organisations	None
How does this decision contribute to the Authority's climate change objectives	No direct contribution
Are there any Social Value implications arising from the proposal?	No implications
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, insofar as no such impacts have been identified

Implication	Yes*/No
Are there any Human Rights implications arising from the proposal?	It does have an impact on the rights of property owners in the proposed conservation area. However, given the role of the planning system in protecting the historic environment, this is considered to be proportionate with the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	None
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	None

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Failure to meet the duty placed on the National Park Authority by S.69 of the Planning (Listed Buildings & Conservation Areas) Act 1990	Low	Low	Designate the proposed Conservation Area, as recommended in this report
Should the proposed Conservation Area be designated, any failure to adopt the draft CAAMP will leave both applicants and officers lacking sufficient information to make informed planning decisions.	Low	Low	Adopt the draft CAAMP attached as an Appendix to this report

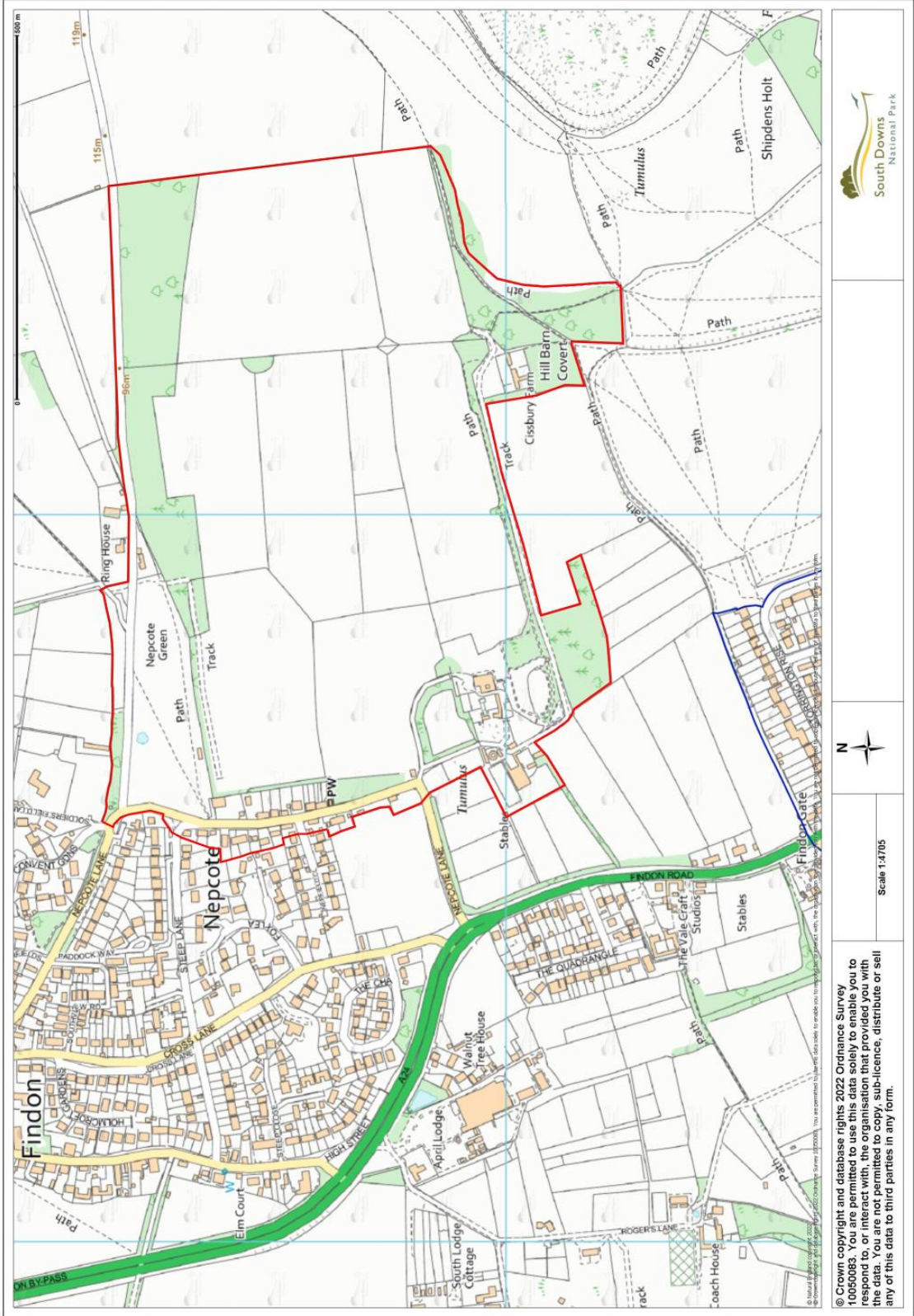
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Appendices	Draft Conservation Area Appraisal and Management Plan
SDNPA Consultees	Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services,
Background Documents	Planning (Listed Buildings and Conservation Areas) Act 1990

AGENDA ITEM 7 REPORT 22/23-27 APPENDIX I



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