

ENV27 - Article 4 Directions in Conservation Areas

Where scheduled monuments or other nationally important archaeological sites or their settings are affected by proposed development, there will be a presumption in favour of their physical preservation. In exceptional circumstances where the need for the development is clearly demonstrated, development will only be permitted where archaeological remains are preserved in situ through sympathetic layout or design of the development.

Justification - ENV27

Article 4 Directions in Conservation Areas

4.157 Additional control over development in conservation areas may be exercised by Local Authorities through the withdrawal of 'permitted development' rights for prescribed types of development covered by the General Permitted Development Order (GPDO). This may be appropriate where minor development, that can normally be carried out without the need for planning permission, is cumulatively leading to the erosion of the character of a conservation area, for example where original building features are replaced by inappropriate fittings.

4.158 The power to withdraw permitted development rights is embodied in Article 4 of the GPDO. Article 4(2) Directions apply to specified types of minor development that would materially affect the external appearance of dwelling houses such as replacement doors and windows, and roof materials. In making Directions, Local Authorities are required to publicise their proposals in advance and to have regard to the views of local people. The withdrawal of permitted development rights for other categories of development, through Article 4(1) Directions, requires the consent of the Secretary of State.

4.159 The District Council will consider making Directions in exceptional circumstances where the nature and/or extent of minor works is specifically undermining the character of a conservation area, particularly where publicly funded schemes of enhancement have been undertaken or are proposed. Subsequent applications for planning permission made necessary because of a Direction under Article 4 will be considered on their merits in the normal way.

Conservation Area Enhancement Proposals

4.160 The District Council has a statutory obligation under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to seek to preserve or enhance conservation areas. Government advice recommends the adoption of a positive scheme for each area at an early stage. The majority of the conservation areas in the Plan area are centred on a main street. Such areas rely on the floorscape as an intrinsic part of their overall character and have suffered over the years from the gradual loss of traditional York Stone paving. The remainder of conservation areas focus on a village green or less formal central open space, most of which would benefit from positive enhancement in the form of sympathetic boundary treatments and the replacement of incongruous street furniture. Enhancement schemes will seek to make the most of those existing features or characteristics within conservation areas that contribute towards their special character and appearance.

4.161 The District Council operates a grant scheme to aid conservation area enhancement. Schemes such as the reintroduction of Edwardian lamps on Stillingfleet bridge have already been undertaken and, as opportunities arise, further proposals will be designed and implemented. In such cases the District Council will work with the Parish or Town Council to initiate and undertake such schemes.

4.162 A recent survey of conservation areas has revealed the potential for such improvement. Many Parish Council responses to a Key Issues Questionnaire undertaken during the preparation of the Local Plan also highlighted possible schemes. Improvement works to village greens, village ponds, floorscape schemes and the replacement of unsympathetic street furniture will form the basis of enhancement schemes to be undertaken within the Plan period.

4.163 The District Council will promote the preparation of schemes for the preservation and enhancement of conservation areas, particularly in association with Parish and Town Councils. It will also seek the cooperation of North Yorkshire County Council and other organisations responsible for the provision of utility services, to ensure that features of townscape importance are retained and all new works are sympathetic in scale, form and materials to the area.

Scheduled Monuments and Important Archaeological Sites

4.164 Archaeological remains are a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about the past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism.

4.165 The Plan area is rich in archaeological remains. Today's landscape is the product of human activity over thousands of years. PPG16 (Archaeology and Planning, 1990) states that the desirability of preserving an ancient monument and its setting is a material consideration when determining planning applications, whether the monument is scheduled or not.

4.166 Nationally important sites of archaeological importance are afforded statutory protection as scheduled monuments. There are 52 scheduled sites in the Plan area, which are defined on the Proposals Map and listed in Appendix 9. These include upstanding monuments such as Cawood Castle and ruins such as Kyme Castle. However, many have no visible remains but contain evidence below the surface of monuments, burial grounds, religious buildings and settlements. National planning policy advice indicates that there is a presumption in favour of the preservation of such sites. Once scheduled, the consent of the Secretary of State is required before any works affecting the monument or its setting may be carried out.

4.167 In addition to scheduled monuments, many other sites of archaeological importance have been identified within the Plan area. These include the site of the battlefield at Towton, the Woodhall and Skipwith moated sites and the village of Ryther.

4.168 The fact that a site is not scheduled does not necessarily mean that it is not of national importance and worthy of preservation. English Heritage is currently reviewing monuments and important sites in North Yorkshire as part of its ongoing Monuments Protection Programme, and additional sites may be identified for scheduling in the course of the review.