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## 1. Introduction

### 1.1 Purpose of the document

Warwick District Council's Conservation & Design team is currently undertaking a review of the District's designated conservation areas. This is a statutory requirement under Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which explains that local planning authorities must review their conservation areas from time to time.

This long term project will include updating existing conservation area appraisals, assessing existing boundaries with consideration given to buildings that may be eligible for local listing and those that would also benefit an Article 4 Direction. The updated appraisal and any related management proposals can then be re-adopted.

Baddesley Clinton Conservation Area was designated in 2013, however to date no conservation area appraisal has yet come forward. Following consultation, it is intended that this document will be formally adopted by the Council as a Supplementary Planning Guidance document. This means that in conjunction with Local Plan policies, the National Planning Policy Framework (NPPF) and relevant legislation, the document will form a material planning consideration in the determination of planning applications.

In summary, conservation area appraisals define the special interest, or significance, of the area that merits its designation. These documents also describe and evaluate the contribution made by the different features of its character and appearance. This appraisal will also provide the basis for any

forthcoming management plans which gives guidance on how the preservation or enhancement of the conservation area can be achieved.

### 1.2 What is a conservation area?

Warwick District has a strong reputation as a desirable place to live, work and visit. Fundamental to this reputation is the District's rich heritage which has left a legacy of exceptional historic buildings and areas. Many of these areas are designated as conservation areas as a result of their special features and characteristics and have an important role to play in maintaining the quality of the environment in Warwick District.

Conservation Areas were first introduced into British legislation under the Civic Amenities Act of 1967 to protect the wider historic environment. These are cohesive areas in which the interaction of buildings and spaces create environments that constitute valued and sometimes irreplaceable components of our local, regional and national heritage. Conservation areas are designated by Local Planning Authorities, whom have a statutory duty to review its historic districts from time to time, in order to consider further conservation area designations and amendments to existing ones. The aim is to ensure that the interest of designated areas is retained for future generations, their environmental quality is preserved or enhanced and local distinctiveness and sense of place is safeguarded.

The Council has a statutory duty under Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special architectural or historic interest as conservation areas.

However, paragraph 186 of the NPPF explains that 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. Conservation Area designation therefore needs to be carefully considered.

Designation results in greater control over the demolition of unlisted buildings. Although the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (3) allows certain minor developments to take place without specific consent, this is more restricted in conservation areas. This means that the Council gains additional planning control compared with areas that are not designated which, in turn, allows for the greater retention of characteristics and features that make a place special and unique. Further information on planning constraints in Conservation Areas can be found on the planning portal.

Local planning authorities may also look to withdraw further permitted development rights for a prescribed range of developments that affect the external appearance of buildings in a conservation area by the use of a direction under Article 4 of the General Permitted Development Order 2015.

Open spaces and trees can also form important characteristics in conservation areas. Any work planned to a tree in a

conservation area must also be notified to the local planning authority six weeks in advance so that the Council may determine whether, or how, the work should take place.

Designation imposes a duty on the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the area under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In fulfilling this duty, the Council does not seek to prevent development but rather to manage change in a sensitive way, so that those qualities which warranted designation are sustained and reinforced, rather than eroded.

Most of the buildings in a conservation area will help to shape its character. The extent to which their contribution is considered as positive depends not just on their street elevations but also on their overall integrity as historic structures. To identify the significance of a place, it is necessary first to understand its fabric, and how and why it has changed over time; and then to consider: who values the place, and why they do so; how those values relate to its fabric; their relative importance; whether associated objects contribute to them; the contribution made by the setting and context of the place. The National Planning Policy Framework (NPPF) also highlights that the setting of a designated heritage asset can contribute to its significance. It is important to understand the significance of an historic asset and the possible impact of a proposed development on this significance.



### 1.3 Conservation Principles

Significance is a collective term for the sum of all the heritage values attached to a place, whether a building, archaeological site or larger historic area such as a village or landscape. The idea of 'significance' lies at the core of Historic England's [Conservation Principles, Policies and Guidance](#) – a guide for best practice for all conservation professionals.

These principles respond to the need for a clear, over-arching philosophical framework of what conservation means in the 21<sup>st</sup> century and set out six high level principles:

*Principle 1: The historic environment is a shared resource.*

*Principle 2: Everyone should be able to participate in sustaining the historic environment.*

*Principle 3: Understanding the significance of places is vital.*

*Principle 4: Significant places should be managed to sustain their values.*

*Principle 5: Decisions about change must be reasonable, transparent and consistent.*

*Principle 6: Documenting and learning from decisions is essential.*

These principles have established a method for thinking systematically about the heritage values that can be associated with a place. People can value historic places in many different ways; 'Conservation Principles' illustrates how these values can be grouped into four categories:

**Evidential value:** *the potential of a place to yield evidence about past human activity.*

**Historical value:** *the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.*

**Aesthetic value:** *the ways in which people draw sensory and intellectual stimulation from a place.*

**Communal value:** *the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.*

The guidance contained in the document also includes a recommended approach to assessing significance, advice on how to apply the principles and policies in practice and detailed interpretation of policies on repair, on intervention for research, on restoration, on new work and alteration and on enabling development.

## 2.0 Summary of Special Interest

### 2.1 Location

Baddesley Clinton Parish lies in South Warwickshire off Birmingham Road, 8 miles from Warwick and 12 miles from Stratford-upon-Avon. Solihull in the West Midlands lies approximately 8 miles to the north. The village of Baddesley Clinton also borders the adjacent parishes of Rowington to the south, Lapworth to the west and Wroxall to the east. The northern and western boundaries of the Parish are formed by small streams. The Grand Union Canal runs parallel with and just inside the western boundary of the parish. A road running north from Rowington divides the parish in two, with the eastern half largely occupied by the extensive Hay Wood and the western half, in which lies Baddesley Clinton House, where the ground slopes gently to a level of 350 ft. at the canal.

Baddesley Clinton Conservation Area is a small conservation area with an area totalling 1.536 hectares. The boundary is centred around the former Poor Clares Convent and associated buildings including St Francis Church, the churchyard, presbytery buildings and the site occupied by the Convent's former school building, which is all enclosed by a brick wall.

The 20<sup>th</sup> century saw development of housing in the village, which now comprises a mixture of semi-detached and detached properties of varying size and scale. Further social housing development took place in the 1960s, with recent infill development taking place consisting mainly of individual detached dwellings.

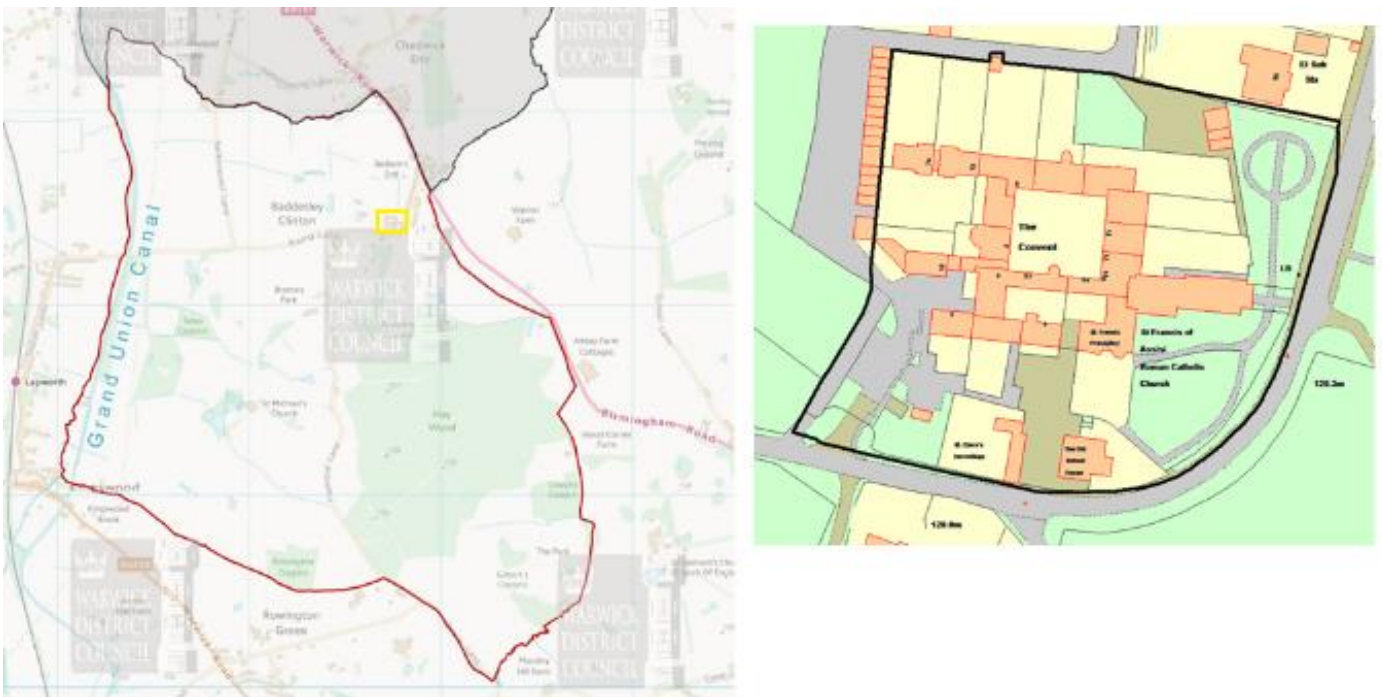


Figure 1: Map of Baddesley Clinton Parish (left) and the Conservation Area boundary (right).



There are currently no proposals to include any other domestic properties along Rising Lane or any agricultural land adjacent to the Convent buildings.

## 2.2 Consideration for Conservation Area status

The Council has a statutory duty to designate areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance, as conservation areas under Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 186 of the NPPF states that 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.

St Francis Church and Poor Clares Convent buildings are of historical significance and represent a largely unaltered collection of late 19<sup>th</sup> century buildings set within their own grounds, all of which are predominantly intact. The various alterations to the Convent buildings are largely reversible and are not of a scale to detract significantly from the historical layout and simple architectural qualities of the buildings. In 2013 it was therefore considered that the area was worthy of designation as a conservation area.

The present complex of buildings were previously put forward for statutory listing. However, Historic England (formerly English Heritage) did not consider the site to meet the requirements at the time. The Convent and surrounding buildings have, however, been included on Warwick District's Local List of Heritage Assets.

## 2.3 Excluded areas

The excluded areas along Rising Lane to the north and east of the Conservation Area boundary comprise mainly of modern housing built after the Second World War. These buildings are not considered to hold sufficient architectural or historic merit to warrant conservation area designation. No extension to the designated boundary is therefore proposed at this stage.

## 2.4 Historical background and development

### *Origins*

Settlement in Baddesley Clinton Parish is understood to date back to the Middle Ages, with the name of the village derived from the manor house. Baddesley Clinton is understood to originate from a clearing for cattle in the Forest of Arden created by a Saxon farmer named *Baeddi*, *Badde* or *Bade*. This clearing would have been protected from predators with a ditch and wooden palisade, and such clearings were known as a "leah" or "ley" – hence *Badde's Ley*.<sup>1</sup>

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<sup>1</sup> Baddesley Clinton guidebook, (National Trust 1998), pp 23-7.



The manor house was originally the home of the Ferris family who remained within the Catholic faith after the Reformation. By the mid-17<sup>th</sup> century, Baddesley Clinton house became the headquarters of the Franciscan Fathers of the Second English Province and by 1756 Father George Bishop had established a small chapel on the present Convent site. It was later joined by a Franciscan school which had moved out of Edgbaston. The Franciscan Academy closed in 1829 and since that time the church was served by secular priests.

### *Poor Clares Convent*

In 1850, a group of Poor Clares nuns arrived from Bruges to establish the first Convent of the Poor Clares of the Colettine Reform in England since the Reformation. In 1857, Agnes Mary Clifford, daughter of the Baron Charles Clifford of Chudley in Devon, had joined the Poor Clares and brought with her a substantial dowry. This money was used to build a new church, presbytery and school on land donated by the Ferris family.<sup>2</sup> The original chapel was demolished and the new church of St Francis Assisi was designed by Benjamin Bucknell in partnership with the Coventry architect T. I. Donnelley, opening in 1870.



Figure 2: Church of St Francis Assisi. Taken by author.

<sup>2</sup> H. Norris, Baddesley Clinton: Its Manor, Church and Hall, 1897, p. 83.

The south range of the sisters' lodgings were added in 1878-9; the architect is unknown for this work. The presbytery was built in 1882 to designs by Edward Hanson and by 1905 two further ranges of Convent buildings were added. In 1909, a lean-to corridor from the servers' sacristy to the church was extended to provide access to the sanctuary and nave. At the same time, the original access door in the southern corner of the sanctuary arch was blocked off and the Sacred Heart altar placed in front of it.



Figure 3: The Convent School buildings and playground, 1910s. Source: Warwickshire County Records Office

During the 20<sup>th</sup> century, various extensions were made to the Convent buildings to enable them to be more functional. A side chapel was added to the north side of the church in the 1960s to enable the sisters to see Mass being celebrated in the church. The inside of the church underwent some alterations in 1970, including covering most of the decorative work which had been carried out by Rebecca Orpen. The most notable alteration was to the south wing which had an infill bay added and various other alterations. The school building was







Figure 4: The Convent courtyard, landscaped garden and original water fountain. Taken by author.

occupied until 1990 at which time the building was converted into office use. In 2010, the Poor Clares marked their 160<sup>th</sup> year at Baddesley Clinton but as the community was too small to sustain the use of such a large complex, the Convent buildings ceased to be used for that purpose.

## 2.5 Character of the area

Poor Clares Convent was sympathetically converted into residential dwellings between 2013-2016. The character of the complex has been retained with the legacy of its historical use highly legible, with the grounds remaining largely enclosed.

Historically, buildings or complexes of buildings which have been retained in single use, for instance large industrial complexes, schools, hospitals, or in this case a religious community, are examples of our heritage and should be retained in some form. The buildings form an interesting architectural survival which, together with the grounds, is worthy of conservation area status, both from a historical and architectural context. The development has successfully preserved the communal character of the complex by retaining the courtyard garden and maintaining external walls, which also preserves the Convent's original sense of enclosure.

The Convent buildings contain a number of features that demonstrate the site's special architectural interest. The church is constructed in an early English style with simple lancet windows built in brick with stone dressings. The sisters' choir is denoted by a slightly lower roof line and there is a timber spirelet. The sanctuary and choir have circular openings housing quatrefoil windows. The Presbytery to the west is brick built with bay windows and octagonal chimneys.

The Convent buildings were built generally around a cloister of two storeys with a single storey lean-to forming the cloister in red brick. Within the original cloister is a projecting canted bay with a former entrance porch on the opposite side now enclosed by a modern projection. Within the north side of the main range of buildings is a two storey canted bay with a complex roof structure; a similar projection exists on the east side. The buildings, although simple, have stone dressed windows and are broken up by the various canted projections. To the north west is the original entrance gate which formed the access to the outside world and gave access both to the grounds of the Convent and also the main door into the Convent, being in the side of the



archway. The southern range, formerly the infirmary, is a very simple range of buildings, probably the latest to be added to the 19<sup>th</sup> century complex which has subsequently been altered, probably at the beginning of 20<sup>th</sup> century and also later in the 20<sup>th</sup> century when the infill block was added between the two wings.



Figure 5: South façade of the Convent. Taken by author.

With the exception of the southern range, most of the Convent buildings and the presbytery remain as originally built, with any major alterations being carried out in the 19<sup>th</sup> century. There are, however, a number of 20<sup>th</sup> century single storey additions which could be removed in the future to return the building to its original form. Prior to recent conversion and residential development, a significant number of uPVC windows existed which detracted from the overall quality of the buildings; these have now been replaced predominantly by sympathetic timber replacements. The complex of buildings are enclosed by a wall which rises to a around 2m in height to the north east and south, enclosing the Convent grounds. Within the grounds are a number of mature trees and lawned areas including an area occupied by the sisters' cemetery.

The Church of St Francis of Assisi is set within a burial ground to the south and east

and similarly to the south and west where there are significant mature trees and shrubbery, preserving the church's original setting. A memorial plaque can be found in the church yard which contributes towards the sense of place and forms a reminder of the site's historic usage.



Figure 6: Memorial plaque in the churchyard. Taken by author.

To the west is the access to the presbytery and the former school buildings which are more visible from the public road than the Convent buildings themselves. These buildings form an important group and the open space should be preserved in order to maintain the historic sense of community function.



Figure 7: Southern entrance to the convent complex. Taken by author.

As a whole, **the complex represents a significant group of buildings of the mid to late 19<sup>th</sup> century that were built as a parish church, school and a convent with interlinking functions.** Single occupancy of the Convent buildings has clearly retained them in a largely unaltered form and the recent conversion has largely preserved this unique character. The majority of alterations prior to conversion, with perhaps the exception of the south range, are reversible in terms of restoring the character of the buildings. The grounds of the Convent and the church are maintained to an attractive standard and retain a number of significant mature trees. **It is therefore important that this high quality landscape within the Convent grounds be maintained** in order to preserve the appearance and character of the Conservation Area.

## 2.6 Materials

The Convent buildings are all constructed from a simple traditional palette of materials including red brick, with some limestone dressings, and a mixture of slate and plain clay tile roofs, with brick stacks. For new build elements, Lightly Weathered

Waterstruck bricks have been used to closely match the original buildings. This section also covers the Council's general approach to materials.

### Windows

The complex includes a range of interesting window types including fine lancet windows built in brick with stone dressings, with the sanctuary and choir having circular openings with quatrefoil windows. **Original windows form part of the historic fabric of the Convent which contribute towards the special interest and significance of the Conservation Area. For this reason, they should be repaired and not replaced** wherever possible. Where these are beyond repair, a like for like replacement could be considered acceptable, subject to the provision of large scale details. Prior to conversion, the Convent buildings had a significant number of uPVC windows and these have now largely been replaced with sympathetic timber replacements.

It should be noted that **the Council will not support the use of non-traditional materials, such as uPVC, for replacement windows** in the Conservation Area as this is considered detrimental to the area's appearance and character. On new build elements, strong preference will be



given to timber, although aluminium may also be acceptable in some instances.



Figure 8: Examples of window types at the Convent. Taken by author.

The use of standard double glazed units is generally not supportable in the District's conservation areas, as the view of the window is distorted by the sandwich effect of the two sheets of glass. It is also not possible to obtain the very fine glazing bars when double glazing is installed and the integrity of the original window could be lost, with the weight overall altered considerably in respect of the original counter balances in sash windows. Proper restoration and draught proofing of windows can greatly increase their thermal effectiveness which may warrant double glazing unnecessary. **Consideration should also be given to secondary glazing, which can be equally efficient as double glazed units and, if fitted discretely, need not affect the character of the building.** Secondary glazing is also generally more effective for sound proofing.

The Council does, however, recognise that double glazing is required in new buildings in order to meet current Building Regulation standards. However, such an approach must be developed as part of the overall design of the building and should be discussed with the Conservation & Design team at an early stage. As a general rule, on historic

elevations, single glazing should be the starting point. However, **on more recent additions and in areas of less sensitivity, the Council may accept the use of heritage double glazing with an overall thickness of 12-14mm.**



Roof lights that followed the line of the roof became popular in the 19<sup>th</sup>

century as a means of lighting stairwells and small attic rooms and were usually discretely located on the roof slope. In recent years, these have been in popular demand for creating more usable space within a roof. They can, however, detract from the overall quality or appearance of the building. **Conservation style roof lights that are flush fully with the roof should be used in conservation areas,** as these avoid the considerable upstand which most modern roof windows have. The introduction of discreet roof windows may also overcome the need for dormer windows, where these would be considered an unacceptable addition.

#### *Rainwater goods*

Rainwater goods are an essential element of any roofing system and were traditionally made of lead, however the use of cast iron became more prevalent in the 19<sup>th</sup> century, as is the case at the Convent. **Cast iron should always be used for rainwater goods on listed buildings, although cast aluminium may be used in certain instances where the historic integrity is less critical.** The use of uPVC is, however, best avoided as this has a completely



different appearance and weathering qualities to those of cast metal. The proper maintenance of a rainwater system on any building is essential to the long term preservation of the building. For rainwater goods, consideration should be given to the use of cast aluminium or iron rainwater on the Convent buildings.

### *Roofs*

It is important that the original roof profile of the Convent buildings be retained and preserved, as this forms part of its unique character. The majority of roofs in Poor Clares Convent are comprised of natural, domestic slate. Until the mid/late 18<sup>th</sup> century, slate would not have been available for roofing in Warwickshire. However, with the development of the canals and the railways, slate came into widespread use. Welsh slate is usually used in thin slabs of uniform thickness and size; courses are regular, and a roof slated with this material appears thin, smooth, and precise. Slates are nailed to light timber battens, coursed in such a way that the vertical joints are protected and each slate is lapped over two others. Less common forms of slating in Warwickshire include the use of stone slate and Leicestershire and Lake District slate, which are laid to diminishing courses. Where slates are laid to diminishing courses they should always be restored in the same manner and using identical materials.

**Spanish and most other imported slates are not appropriate in conservation areas and on listed buildings** as they are noticeably darker than British slates and generally contain more impurities. However, certain types of good quality slate from foreign sources may be acceptable in conservation areas, subject to the appearance and quality of the slate, on a

case by case basis. All forms of patterned slates such as fishscales and diamonds should be reinstated or new slates cut to match the original patterns. Extensive patching on slate roofs and the use of ill matched slates and the necessity to clip slate replacements can disfigure roofs. Whilst the installation of artificial and reconstituted slate may be appropriate for modern buildings outside the Conservation Area, the texture and appearance is inappropriate in traditional surroundings. The appearance and integrity of many fine buildings has been spoiled by the replacement of traditional roofing materials with inappropriate mass-produced materials. For this reason, **all forms of artificial slate and reconstituted slate are unacceptable on listed buildings and in conservation areas**, including on new buildings.

Chimneys are an important feature of most traditional roofs. They often reflect the plan form of the building and have been designed as part of the overall building concept. With the installation of central heating, many chimney stacks are now redundant and, as a consequence, many traditional stacks have been removed or reduced in height. The Convent buildings have retained the majority of their original chimneys, with some demonstrating high architectural significance, such as the chimneys of the Presbytery. **Chimney stacks within conservation areas should always be maintained at their original height and where these have been reduced in height in the past, consideration should be given to reconstructing them back to their original form with appropriate string courses and pots.** Chimney pots are also an integral item of many stacks that have often been removed or replaced by



modern equivalents; wherever possible, uniform pots should be maintained.

The installation of new rooflights should be kept to the minimum and, where considered appropriate, these should be of the Velux conservation type and flush fully with the roof. The installation of dormer windows will be resisted as these are highly detrimental to the character and appearance of the Conservation Area.

**The introduction of solar panels requires careful consideration in any historic setting.** The use of solar panels could possibly be disguised within opposing roof slopes and therefore will not be visible or can be accommodated within the garden of a property. Whilst the use of clearly visible panels on buildings that make a positive contribution to the character of the area is generally not appropriate, the quality of solar slate has increased in recent years. The installation of these will be assessed on a case by case basis and weighed against

proposal. It is therefore possible to use photo voltaic tiles, however these should be discussed with a WDC Conservation Officer, and will be considered on their own merits as to the loss of historic and the visual impact.

#### *Boundary treatments*

Boundary treatments within Baddesley Clinton Conservation Area comprise of a mixture of railings, walls and natural planting or hedges. To the north and north-west, **it is essential that the remaining sections of the original Convent wall should be preserved and maintained in order to retain the buildings' original enclosure. Estate railings and hedges are considered appropriate for any new boundaries within the complex.** However, unfinished timber fencing should be avoided in order to retain the sense of openness and historic community function.



Figure 9: Examples of traditional boundary treatments in the Conservation Area



### 3.0 Policy and legislation

This section describes the current legislative and policy framework concerning the protection, conservation and enhancing of the built environment.

#### 3.1 National Planning Policy Framework (rev. 2019)

In 2012, the [National Planning Policy Framework](#) (NPPF) replaced a wide range of planning policy statements and guidance, including Planning Policy Statement 5 which had superseded Planning Policy Guidance 15 and 16 that, for many years, had shaped conservation practice. In the NPPF, conservation policies are principally in paragraphs 184-202 but policies giving effect to this objective appear elsewhere in the Framework, including on good design. The NPPF is underpinned and supported by the Planning Practice Guidance, which is reviewed and updated periodically.

The NPPF sets out the Government's planning policies for England and how these should be applied. Protecting and enhancing the historic environment is an important component of the Framework's drive to achieve sustainable development, as defined in paragraphs 6-10. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. Paragraph 7, citing Resolution 42/187 of the United Nations General Assembly, states that the overall purpose of the planning system is to contribute towards sustainable development:

*7. The purpose of the planning system is to contribute to the achievement of sustainable*

*development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*

Paragraphs 20-23 of the NPPF sets out the matters that strategic policies should make provision for, although this is not an exhaustive list and authorities will need to adapt this to meet their specific needs:

*20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

*a) housing (including affordable housing), employment, retail, leisure and other commercial development;*

*b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

*c) community facilities (such as health, education and cultural infrastructure); and*

*d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.*

Paragraphs 124-132 explain that high quality buildings and places are a vital element in the planning process. Design expectations should be made clearly at an early stage in policies with supplementary



planning documents (SPDs) and guidance (SPGs). The Framework also emphasises that good design is a key element in achieving sustainable development:

*124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

Policies that are specific to the historic environment appear in Chapter 16: *Conserving and enhancing the historic environment*, paragraphs 184-202), providing fundamental policy guidance for informing plan-preparation and decision making. Some notable paragraphs are as follows:

The Framework highlights that heritage assets – ranging from local sites of interest to World Heritage Sites – are irreplaceable resources and should be conserved appropriately:

*184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner*

*appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

The designation of conservation areas requires careful consideration in order to not devalue the concept of conservation:

*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.*

The NPPF creates a mandatory requirement for local planning authorities to request that applicants submit heritage statements where heritage assets are affected by planning applications:

*189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should*





*require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

The Framework gives considerable weight to the conservation of heritage assets in development proposals, irrespective of the level of harm:

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence,

but also from its setting. Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. In most cases, the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice in addition to the information provided by the Historic Environment Record, similar sources of information and inspection of the asset itself. Informed analysis is required as harm may arise from works to the asset or as is particularly relevant to a linear heritage asset, from development within its setting. Constructive conservation is concerned with the positive contribution that conservation of the setting of heritage assets can make to sustainable communities and for the desirability of new development making a positive contribution to local character and distinctiveness.

Crucially, when assessing if a proposed development would result in substantial harm this is largely concerned with the impact on the overall significance of the heritage asset. Substantial harm is a high test; one important consideration could be whether the adverse impact seriously affects a key element of its special architectural or historic interest. Whilst the impact of total demolition is obvious, partial destruction or alteration can have a considerable impact but may still amount to less than substantial harm. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works may have the potential to cause substantial harm, for instance if this



concerns the removal or alteration of a small but significant feature of the listed building.

The Framework sets out the requirement for substantial public benefits in order to outweigh substantial harm or total loss of a designated heritage asset:

*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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site.*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible.*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Where less than substantial harm occurs, this too should be weighed against the public benefits of the proposal:

*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, where appropriate, securing its optimum viable use.*

The Planning Policy Guidance on the historic environment outlines that public benefits may arise from many developments and could be anything that delivers the economic, social or environmental objectives described in the Framework:

*8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*



*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- reducing or removing risks to a heritage asset.
- securing the optimum viable use of a heritage asset in support of its long term conservation.

Non-designated heritage assets (including those identified by the local planning authority) are also afforded some weight in the Framework and a balanced judgement is required when considering the impact of planning applications on the significance of these assets:

*197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the*

*application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Specific reference is also made to the demolition of buildings in the conservation area that make a positive contribution, although these do not necessarily have to be locally listed buildings or sites:

*201. Not all elements of a Conservation Area or World Heritage Site 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.*



## 3.2 The Local Plan (2011-2029)



# Warwick District LOCAL PLAN

helpingshapethedistrict

Warwick District has an adopted Local Plan (2011-2029) which sets the development framework for the District. The Plan has established a series of strategic policies, allocated sites for development, and includes policies to guide the form of development in the District. The Local Plan sits beneath the revised National Planning Policy Framework.

### 3.2.1 HE1 (Designated Heritage Assets and their setting)

Policy HE1 of the Local Plan explains that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset. This includes listed buildings, conservation areas, registered parks and gardens and scheduled monuments. Development may be permitted however if it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits – the economic, social or environmental objectives as described in NPPF paragraph 8 – that outweigh this harm or loss, or it is demonstrated that all of the following apply:

a) The nature of the heritage asset prevents all reasonable uses of the site.

b) No viable use of the heritage asset itself can be found that will enable its conservation.

c) Conservation by grant funding or charitable or public ownership is not possible.

d) The harm or loss is outweighed by the benefit of bringing the site back into use.

This policy adds that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. However, Historic England have clarified that 'area-based' designated heritage assets, including conservation areas, will not themselves have a single use and therefore securing the optimum viable use of area-based assets are not relevant considerations in assessing the public benefits of development proposals affecting such heritage assets.

HE1 also explains that the design of new buildings and alterations to existing ones affecting the setting of listed buildings and conservation areas needs careful consideration. New buildings and alterations to existing buildings should be designed to respect the setting of listed buildings, following the principles of scale, height, massing, alignment and the use of appropriate materials. Proposals that do not accord with the above requirements will not be permitted.

In considering planning applications within conservation areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the conservation area. Applicants will be required to submit detailed plans with

accurate survey drawings, a Design and Access Statement and a Heritage Statement to support their application.

Each historic building has its own characteristics related to its original design and its original or subsequent uses. The policy includes proposals for extensions and alterations to listed buildings and buildings within conservation areas. For listed buildings, traditional materials and appropriate colours and finishes will be required. The use of appropriate materials in any restoration or alteration works will be expected to maintain the character and appearance of both the building and its setting and applies to buildings in conservation areas. The objective of this policy is to ensure that any works or alterations to listed buildings are carried out using appropriate materials to preserve the integrity of the building. The use of UPVC windows, artificial or imported roofing material, plastic rainwater goods and the use of inappropriate colours are all examples of what will not be permitted.

The Council will also exercise its powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to take action where buildings are considered to ensure that listed buildings in private ownership do not fall into disrepair.

The National Planning Policy Framework supports the transition to a low carbon future in a changing climate, including the use of renewable energy. In the context of the historic environment, measures to support a low carbon future will only be supported where they do not conflict with policies relating to the historic environment.

It is acknowledged that the protection of listed buildings may not be consistent with

the need to promote accessibility and inclusion in accordance with Policy HS1. Applicants should therefore demonstrate how they have sought to reasonably balance these competing objectives and where they have made clear choices between policies.

### *HE2 (Conservation Areas)*

This policy states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. Measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.

It is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary. This policy adds that gardens and open spaces that add to the historic appearance and interest of conservation areas should be protected from development. The Council will continue to seek directions to restrict permitted development rights under Article 4 of the Town and Country Planning Act 1995, in order to maintain areas of high quality townscape. In addition, The Council will also consider, when appropriate, the designation of new conservation areas and the review of existing areas.

Unlisted buildings can often contribute significantly to the special architectural or historic importance of conservation areas.

Buildings that do not merit statutory listing often contribute as much to the overall character of conservation areas as those that are listed buildings. This policy seeks to retain the integrity and form of unlisted buildings in the conservation area and resist alterations and demolitions to these buildings where this would have an adverse effect upon the overall character of the conservation area. Furthermore, the demolition of unlisted buildings will only be supported where details of an appropriate replacement building are provided. In such cases a condition will be imposed to ensure that demolition does not take place until a contract for redevelopment has been entered into and planning permission for those works has been granted. This will prevent unsightly gaps appearing as a result of demolition far in advance of redevelopment.

The Council maintains its own list of parks and gardens that are of historical interest, but which may not meet the criteria for inclusion on the national register. These are important in landscape terms and often contribute towards the appearance and character of conservation areas and some also form the setting of listed buildings. Whilst it is recognised that they are of less significance nationally, they are important within a local or regional context. The purpose of the list is to ensure that the case for protecting such parks and gardens is taken into account fully when considering development proposals and to act as a spur to the formulation of positive restoration proposals. A list of these locally important parks and gardens is set out in the Local Plan, however this is not exhaustive and is based upon research evidence available at the time of plan preparation.

*HE3 (Locally Listed Historic Assets)*

Policy HE3 explains that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and traditional materials.

The Council maintains a list of locally important historic assets that may not meet the statutory criteria for listing. Within conservation areas, permitted development rights may be removed by the service of an Article 4 Direction on locally listed assets. Where locally listed historic assets are not within a conservation area, the Council may consider implementing an Article 4 Direction to control aspects of development and demolition. Locally listed historic assets are designated both within and outside conservation areas.

Other relevant policies when determining applications for listed building consent and planning applications affecting heritage assets include BE1 (Layout and Design), BE4 (Converting Rural Buildings), HE4 (Archaeology) and NE4 (Landscape). The full wording and supporting explanatory text for each policy above can be found via the Council's online [Planning Policy](#).

### **3.3 Neighbourhood Plans**

The next level down in the hierarchy of planning policies is the Neighbourhood Plan (NP). There are several Neighbourhood Plans in place around the District. These plans must be made in conformity with national and local policies and are designed by local communities to guide development. Once adopted (or substantially complete) these form part of the policy framework for that area. They can identify additional



development sites (over and above that identified in the Local Plan) or can further guide particular aspects of development. There is currently no Neighbourhood Plan in place for Baddesley Clinton.

### 3.4 Legislation

#### *The Civic Amenities Act 1967*

The Civic Amenities Act 1967 was an Act to 'make further provision for the protection and improvement of buildings of architectural or historic interest and of the character of areas of such interest; for the preservation and planting of trees; and for the orderly disposal of disused vehicles and equipment and other rubbish.' This introduced the concept of conservation areas before being superseded by the 1990 Act.

#### *The Planning (Listed Buildings and Conservation Areas) Act 1990*

[The Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) provides specific protection for buildings and areas of special architectural or historic interest, in addition to the normal planning framework set out in the Town and Country Planning Act 1990. Some key sections of the Act are as follows:

Section 9 of the Act sets out the requirement for listed building consent to be obtained for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest. This requirement applies to all types of works and to all parts of those buildings covered by the listing protection, provided the works affect the character of the building as a building of special interest. It is a criminal

offence not to seek consent when it is required.

It is a common misunderstanding that that the special interest of a listed building lies only in its front façade or original features such as fireplaces and plasterwork; the general form and layout of the listed building may be as important as any 'period feature'. Whilst the list entry for each building may also give assistance, it is not an exhaustive description. It is also not a defence to show that consent would or should have been given if it had been applied for; a defence is available however if the works were urgently necessary in the interests of health and safety. All buildings pre dating 1<sup>st</sup> July 1948 within the vicinity of the listed building could also be protected by being within the curtilage of the principal building. The Council's Conservation team should always be contacted in order to confirm the position of any potentially curtilage listed buildings.

The Act grants exemption from the requirements of listed building consent to ecclesiastical buildings in ecclesiastical use to recognised religious denominations. The exemption applies to works to all places of worship owned by recognised religious bodies listed in the [Ecclesiastical Exemption \(Listed Buildings and Conservation Areas\) \(England\) Order 2010](#).

Section 16 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 54 explains that an urgent works notice may be served to owners of buildings where works are urgently necessary for the



preservation of a listed building. These can – and have been – served in cases where the Council has raised serious concern in relation to the condition and integrity of a listed building. These notices are strictly limited to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The cost of carrying these works can then be recovered by the local authority under Section 55.

Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 69 requires the local planning authority to 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 to designate such areas as conservation areas. This means the planning authority has extra powers to control works and demolition of buildings to protect or improve the character or appearance of the area. The special character of these areas is not just made up of buildings, but is also defined by other features which contribute to particular views and the familiar local scene:

- The way roads, paths and boundaries are laid out.
- Characteristic building and paving materials.
- The way buildings are used.
- Public and private spaces, such as gardens, parks and greens.

- Trees and street furniture.

The relevant demolition of an unlisted building in a conservation area, without the permission of the local planning authority, is a criminal offence. An unlisted building that makes a positive contribution to a conservation area is one that is important or integral to the character or appearance of the area. Its demolition may amount to substantial harm to the conservation area, proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole. This can be balanced by public heritage benefits such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; securing the optimum viable use of a heritage asset in support of its long term conservation. Conservation areas are mostly designated by local planning authorities, although the Secretary of State can designate a conservation area anywhere in England in exceptional circumstances – usually where the area is of more than local interest. Conservation areas give protection across a broader area of land than listing individual buildings and all features within the area, listed or otherwise, may be recognised as part of its character; the conservation area is greater than the sum of the parts.

Section 71 requires local planning authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area which are Conservation Areas.

Section 72 specifies that, in making a decision on an application for development in a Conservation Area, special attention shall be paid to the desirability of preserving



or enhancing the character or appearance of that area.

*The Town and Country Planning (Tree Preservation) (England) Regulations 2012*

A Tree Preservation Order is made under [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#) by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. Cutting roots is also a prohibited activity and requires the authority's consent.

The extent to which the trees, groups of trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place or accessible by the public and contribute to the character or appearance of the conservation area. Other considerations are size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape. Anyone proposing to carry out works on trees must serve on the Council six weeks' notice of the intended works. The notice should contain sufficient information to identify the trees,

details of proposed works and reasons. The authority then has six weeks in which to respond and work should not commence until it has commented, or the six weeks has expired, whichever takes place first. If the council considers that the proposed works should not be carried out, it can make a formal TPO.

The Regulations can be read in full at [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)

Other relevant legislation:

- [The Ancient Monuments and Archaeological Areas Act 1979](#) provides specific protection for monuments of national interest.
- [The Protection of Wrecks Act 1973](#) provides specific protection for wreck sites of archaeological, historic or artistic interest.
- [The Historic Buildings and Ancient Monuments Act 1953](#) makes provision for the compilation of a register of gardens and other land (parks and gardens, and battlefields).

While not part of the legislative framework, the [UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972](#) (to which the UK is a signatory) makes provision for the World Heritage List, which is a list of cultural and/or natural heritage sites of outstanding universal value.



## Further reading

Historic England (2019) Conservation Area Designation, Appraisal and Management

Historic England (2016) Local Heritage Listing

Historic England (2008) Conservation Principles, Policies and Guidance

Historic England (2017) The Setting of Heritage Assets

'Parishes: Baddesley Clinton', in *A History of the County of Warwick: Volume 4, Hemlingford Hundred*, ed. L F Salzman (London, 1947), pp. 13-19. *British History Online* <http://www.british-history.ac.uk/vch/warks/vol4/pp13-19> [accessed 17 June 2020]

Information regarding local history can be found at the Warwickshire County Council Record Office

[National Trust, Baddesley's Beginnings](#)

## Further information

For general development management related enquiries, please visit the Council's website and use the [General enquiry online form](#) and the Duty Officer will provide a response either in writing or by telephone within 5 working days.

To contact the Planning (Development Management) Administration Team please email [planningenquiries@warwickdc.gov.uk](mailto:planningenquiries@warwickdc.gov.uk) or telephone 01926 456536.

Enquiries about listed buildings can be made to the Conservation & Design team at [conservation@warwickdc.gov.uk](mailto:conservation@warwickdc.gov.uk).

Enquiries about tree applications and trees can be made to Planning Administration on 01926 456557.

Enquiries relating to Planning Enforcement team can be made to [planning.enforcement@warwickdc.gov.uk](mailto:planning.enforcement@warwickdc.gov.uk). You can report a breach of planning control via the [website](#).

Contacts relating to planning policy and the Local Plan can be found [here](#).

Conservation area appraisals have been published for each of the District's conservation areas and are available at [www.warwickdc.gov.uk/conservation](http://www.warwickdc.gov.uk/conservation). Various guidance leaflets relating to works in conservations areas and to listed buildings are also available online.

Information and advice for those living and working within conservation areas can also be found on the [Historic England website](#).

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