HELLINGLY NEIGHBOURHOOD DEVELOPMENT PLAN

TOPIC PAPER NO 3

HERITAGE ASSETS

Author: John Blake, June 2017

Planning should conserve heritage assets in a manner appropriate to their significance, so that they can been enjoyed for their contribution to the quality of life of this and future generations

Core Planning Principle,
National Planning Policy Framework, para. 17

Introduction

1. The conservation of heritage assets is not only a core planning principle of national planning policy but also an objective supported by residents of Hellingly Parish. In response to a questionnaire sent to all registered electors in the Parish in September 2016, completed by 18.2% of recipients, 90% expressed support for policies that seek to prevent the demolition or inappropriate alteration of significant buildings identified as being of local historical interest and only 4% disagreed (HNDP/S3).

2. This core planning principle is of particular relevance to Hellingly Parish in view of the scale and rapidity of development recently completed or planned for the near future, particularly in the south of the parish. Many heritage assets and their settings are now under potential threat. The parish has a long and notable history and it is important that its legacy is protected so that future generations can benefit from a 'sense of place'.

3. This Topic Paper covers four main categories of heritage assets:

   a) Statutorily Listed Buildings
   b) Non-statutorily Listed Buildings
   c) Conservation Areas
   d) Historic Parks and Gardens

   It makes suggestions for consideration for inclusion in the Neighbourhood Development Plan for the Parish.

Statutorily Listed Buildings

4. There are 60 buildings and structures in Hellingly Parish which are statutorily listed as being of special architectural or historic interest. Such buildings are graded according to their significance. Grade I buildings are the most significant, being of outstanding quality. There are 2 Grade I listed buildings in Hellingly Parish – the Parish Church of St Peter and St Paul and Horselunges Manor.

5. Next in order of importance come Grade II starred buildings. There are four of these in Hellingly Parish – Broad Farmhouse, Carters Corner Place, Winkenhurst and the Mill Building at the Old Water Mill in Hellingly.

6. Then come the Grade II unstarred buildings. These are the most numerous both nationally and locally. There are 54 Grade II buildings in Hellingly Parish. A schedule setting out the grading and location of all statutorily listed buildings in the parish is attached as Appendix A.

7. The following table shows the distribution of these statutorily listed buildings and structures throughout the parish. It will be seen that around 1/3 of them are located within what is broadly defined as Hellingly Village.

Location	Grade			Totals
	I	II*	II	
Lower Dicker			2	2
Lower Horsebridge			7	7
Hellingly Village	2	1	18	21
North Street/A267		2	8	10
Grove Hill/Bridge			5	5
Elsewhere		1	14	15
Totals	**2**	**4**	**54**	**60**

8. Statutorily listed buildings are subject to a control system which is separate from and additional to that set out in the Town and Country Planning Acts. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

> "*No person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner that would affect its character as a building of special architectural or historic interest*"

9. Unlike Town and Country Planning legislation, this Act also specifies that contravention of Section 7 is an offence. Section 9 states that any person carrying out such works without consent or without complying with any condition attached to a consent shall be guilty of an offence and be liable to a fine or imprisonment.

10. The 60 buildings and structures listed in Appendix A do not include the former Hellingly Railway Station which the Parish Council has considered on a number of occasions dating back to December 2015 to be worthy of statutory listing for both its architectural and historic interest. Enquiries have revealed that Heritage England will only add buildings to the list if they are at risk, which is not the case in this instance. The most that can be done at present is therefore to recommend that it be included in the non-statutory Local List (see below) and referred to Heritage England for statutory listing if there is any material change in circumstances.

Locally Listed Buildings

11. In addition to the national Statutory List, a number of authorities have compiled lists of buildings and structures of local architectural or historic interest. These Local Lists are not subject to the same controls as the Statutory List. Their demolition, alteration or extension does not require Listed Building Consent, nor are unauthorised works subject to the same penalties. Their local listing is however, a material consideration in the determination of any planning application affecting them.

12. Wealden District Council has not compiled such a Local List, but in its Issues Options and Recommendations consultation document (September 2015) it announced its intention to do so, stating that its Preferred Option for Testing was to:

> ***Create a consistent and positive policy framework within which to assess the impact of development on non-designated heritage assets within Wealden District, with a presumption in favour of retention within development; and to use criteria agreed with Historic England to create a consistent approach to the identification of non-designated heritage assets within the District for inclusion on a continually evolving Local Heritage List, whether through nomination by the public or identification through the development management process. Consider further management of non-designated heritage assets on a Local Heritage List through Article 4 Direction.***

13. The National Planning Policy Framework states in para.134 *"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 securing its optimum viable use*".

14. Wealden District Council amplifies this in Policy HE4 of its draft Local Plan (March 2017) as follows:

> ***Permission will be given for those developments that secure the preservation and enhancement of non-designated heritage assets and their settings. Schemes that show a positive commitment to retaining the asset as an active part of the site will be encouraged. Development that would result in the loss of, or demonstrable harm to the significance or setting of a non-designated heritage asset, will be resisted, unless the proposed development has other public benefits that clearly outweigh the loss of, or harm to, the asset, or there is no other feasible means of bringing a key development site forward.***

15. Heritage England has issued its 'Principles of Selection for Listing Buildings' and these are attached as Appendix B. However, they are general principles applying to the whole country for the purposes of statutory listing on the National Register. It remains to be seen how Wealden District Council will apply them more specifically to relate to its area. Nevertheless, applying these national principles in the local context of Hellingly Parish, it is possible to draw up a short list of buildings which might be considered suitable for local listing.

16. Some 6 years ago, Wealden District Council invited Parish Councils to nominate buildings for inclusion in a non-statutory Local List of buildings of architectural or historic interest. Hellingly Parish Council submitted several nominations. However, preparation of the Local List was not progressed because no provision had been made for it in the adopted Local Plan and its utility was therefore in doubt.

17. The buildings and structures nominated by the Parish Council 6 years ago were:

- *Hellingly Primary School* – built 1913 and described in Buildings of England: Sussex East as a "busy but not unsuccessful composition"
- *Mill Bridge, Hellingly* – erected 1826 to serve the Old Water Mill
- *Zoar Chapel, Lower Dicker* – built in 1838 and enlarged in 1874
- *Potters Arms, Lower Dicker* – pre-1843, historic connection with Dicker Pottery
- *Dicker Stores, Lower Dicker* – converted into a shop in 1845
- *Kings Head Public House, Lower Horsebridge* – pre-1745 old coaching inn at junction of two turnpike roads opposite old toll house
- *White Hart Public House* – erected 1778 to serve turnpike traffic
- *Hellingly Hospital Chapel* – designed by G T Hine and built 1901-3, described in Buildings of England: Sussex East as "cruciform, in a Free Perp Arts and Crafts style, spacious brick interior with nave arcades"
- *Woodhams Bridge over Cuckoo Trail* – erected 1880, a 3 span bridge over rail line

18. Since that time, the Potters Arms in Lower Dicker has been converted into a dwelling house. External alterations were restrained and it continues to display the name 'Potters' on its front façade. The Kings Head Public House in Lower Horsebridge has also been altered by the conversion of the former stables into a function room and the addition of a front porch. Both remain recognisable as historic public houses and are candidates for local listing on grounds of their historic associations. The Hellingly Hospital Chapel is vacant and its continued existence is at risk.

19. In addition to the above nominations, it is suggested that the following buildings and structures are also worthy of consideration for local listing:

    - *Zoar Villa, A22, Lower Dicker* – mid 19th century, home of Uriah Clark (founder of Dicker Pottery in 1843)
    - *Chapel House and Cottage, A22, Lower Dicker* – 2 of dozen or more houses with patterned brickwork built by Uriah Clark in mid-19th century for his employees
    - *Verdun House, A22, Lower Dicker* – public house from 1840s to 1909 (Carpenters Arms then Rose and Crown)
    - *Burleigh Cottage, A271*. Lower Horsebridge – 19th century, adjacent to 2 listed buildings, group value
    - *Cherries, Hope and Old Sweetshop Cottages, A271*, *Lower Horsebridge* – 19th century, adjacent to listed building, group value.
    - *War Memorial, Hellingly Cemetery, North Street* – unique memorial design
    - *Village Hall, Church Road, Hellingly* – erected 1914/15
    - *Pond and Bell Cottages, Mill Lane, Hellingly* – erected around 1830, Six Bells Public House until about 1900
    - *Brook Cottage, Mill Lane, Hellingly* – adjacent to 2 listed buildings, group value
    - *Station House, Station Road, Hellingly* – former railway station, erected 1880, designed T Myers

20. The buildings and structures listed in paras. 17 and 19 are not necessarily comprehensive. They do not preclude others being added to the Local List as a result of proposals from local groups, conservation societies and private individuals.

Conservation Area

21. There is only one conservation area in Hellingly Parish. First designated in 1972 – one of the earliest to be so designated in Wealden – the Hellingly Conservation Area was tightly drawn, comprising just 24 dwelling houses clustered around the Grade I listed parish church and its historic circular churchyard.

22. A district wide review of all existing and potential conservation areas has recently been undertaken by Wealden District Council as part of its preparation of the new Local Plan. This review resulted in the significant enlargement of the Hellingly Conservation Area which was strongly supported by the Parish Council.

23. The enlarged conservation area was formally designated by the District Council in March 2017. It now extends westwards to include Broad Farmhouse, northwards to include Hill Harbour House and eastwards to include Hellingly Watermill. It does not include Horselunges Manor or the dwellings to the east of the Cuckoo Trail in Station Road and Mill Lane which have long been regarded as forming part of Hellingly Village.

24. The enlarged conservation area now includes 35 buildings and structures, of which 21 are statutorily listed as being of architectural or historic interest. However its character derives not solely from its preponderance of historic assets. Hellingly village is located on a low promontory between the confluence of 2 rivers, the Bull and the Cuckmere. The latter was at one time navigable up to Hellingly and the fields around the village flood regularly. The flat flood plain around Hellingly village is integral to its setting and visual character, affording views to the church from various points, most notably along the A267.

25. Designation of a conservation area is not an end in itself but the start of a continuing process of preservation and enhancement. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "*It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their areas which are conservation areas*" and that these proposals "*shall be submitted to a public meeting in the area to which they relate*". No such proposals have been formulated or published at any time since the Hellingly Conservation Area was designated in 1972.

26. In early 2015 the Head of Planning and Environmental Services at Wealden District Council replying to a Written Question (03/2015) asking whether the Council had a tree planting policy in this conservation area, stated:

> ***Hellingly Conservation Area has no current management plan. The character and appearance of conservation areas can change through incremental stages or quite suddenly and appraisals help to identify threats and opportunities which can be developed into a management plan. A management plan sets out the way in which development pressure and neglect will be managed to ensure conservation areas retain the qualities which led to their designation.***

> ***As part of a management plan, a tree strategy, as appropriate, could include an assessment of the amenity value of trees before there is pressure to remove them through the tree notification process. The strategy could also usefully include measures to ensure trees are protected, and their growing environment enhanced if opportunities arise, during street works or other developments.***

The full answer is included in Appendix C.

27. Public concern has been expressed on a number of occasions about changes affecting the character and appearance of the conservation area, particularly in the churchyard. A recent example is included in Appendix C. It would be beneficial to the conservation area, and in line with national policy, if a management plan including proposals for preservation and enhancement could be prepared by the District Council in consultation with the County, Parish and Parochial Church Councils and local residents. The Neighbourhood Development Plan could recommend that this should be done.

Historic Parks and Gardens

28. There are 20 parks and gardens in Wealden listed on the National Register established under the National Heritage Act 1983 and carrying the same weight as listed buildings. Historic England (previously English Heritage) estimates that only two-thirds of the sites that deserve inclusion are included on the Register.

29. In 2004/05 The Sussex Gardens Trust assessed 17 non-designated sites in Wealden and, using Heritage England Register criteria, selected 11 gardens which warranted further consideration as being of significant historic interest in a national context. Top of the list was Horselunges Manor. A report prepared for Wealden District Council and the Sussex Gardens Trust by Barbara Simms in July 2004 identified the extent of the garden and other land of historic interest (see Appendix D). Of most interest was the formal garden laid out around the Grade I timber-framed Elizabethan Manor House within the confines of a 15th century moat. Outside the moated area, immediately to the south of the Manor, depressions in the land indicate the site of former fishponds shown on an 1825 map and a ridge that was possibly the standing for a former deer park shown on maps between 1575 and 1825.

30. Although Horselunges Manor was to be recommended by the District Council for inclusion on the national register, this did not happen because English Heritage were then no longer registering parks and gardens unless they were under immediate threat. Given that this is still the case, it would be appropriate for it to be identified in the Neighbourhood Development Plan as a non-designated (i.e. locally listed) Historic Park and Garden.

31. The draft Wealden Local Plan (March 2017) includes the following policy HE5 relating to Historic Parks and Gardens:

> **Planning permission will be granted where it can be demonstrated that proposals:**

a) **Conserve and enhance the special interest, significance and settings of Historic Parks or Gardens, both registered or of local importance and historic landscapes;**

b) **Respects the distinctive characteristics of existing designed or natural landscapes; and**

c) **It can be demonstrated that any harm can be outweighed by public benefits commensurate to the level of harm arising.**

The historic park and garden at Horselunges Manor, as identified in Appendix D, would benefit from the added protection that the application of this policy would provide if locally listed.

Conclusion

32. In summary, it is suggested that the Neighbourhood Development Plan should:

- Include a schedule of proposed nominations for the Local List of non-designated buildings and structures of historic or architectural interest.

- Recommend that the District Council prepare a Management Plan for Hellingly Conservation Area including proposals for preservation and enhancement in consultation with the County, Parish and Parochial Church Councils and local residents

- Include Horselunges Manor and its associated land as identified in Appendix D for nomination in the Local List of non-designated Historic Parks and Gardens.

Appendix A

Listed Buildings in Hellingly, East Sussex

Grade II	1, 2, and 3 Church Path, Church Lane, Hellingly
Grade II	Barn at Park Farm Hellingly
Grade II	Barn to North East of Leabridge Farm Farmhouse, North Street, Hellingly
Grade II	Barn to South West of Rock Harbour Farmhouse Hellingly
Grade II	Barn to South West of Stone Farmhouse Mill Lane, Hellingly
Grade II	Barn, including attached cart shed and stable at Holmbush Farm North Street, Hellingly
Grade II	Boship Farm Hotel A22, Hellingly
Grade II*	Broad Farmhouse North Street, Hellingly
Grade II	Brook House A271, Hellingly
Grade II	Busbridge House A271, Hellingly
Grade II*	Carter's Corner Place, Cowbeech Hellingly
Grade II	Cherry Tree Hellingly
Grade II	Cherry Tree House North Street, Hellingly
Grade II	Croft Cottage A271, Hellingly
Grade II	Devey's Cottage Church Road, Hellingly
Grade II	Garden Walls to South West of Carter's Corner Place Hellingly
Grade II	Globe Place Mill Lane, Hellingly
Grade II	Granary and Oasthouse, Hellingly Hospital to North West of Park Farmhouse Hellingly
Grade II	Grove Hill House Grove Hill, Hellingly
Grade II	Grovebridge Grove Hill, Hellingly
Grade II	Hatches Farmhouse Coldharbour Road, Arlington
Grade II	Hawkridge Cottage at Perrylands Farm Hellingly

Grade II	Hill Harbour House Hellingly
Grade I	Horselunges Manor 1 Station Road, Hellingly
Grade II	K6 Telephone Kiosk opposite Church of St Peter and St Paul (Hailsham 843700) Church Lane, Hellingly
Grade II	Knightbridge House Grove Hill, Hellingly
Grade II	Leabridge Farmhouse North Street, Hellingly
Grade II	Littlegates Church Road, Hellingly
Grade II	Lobdens North Street, Hellingly
Grade II	Milepost at Horse Bridge on the North Side of the A271 Hellingly
Grade II	Mount Pleasant Hellingly
Grade II	Old Thatch North Street, Hellingly
Grade II	Old Tiles Church Lane, Hellingly
Grade II	Olive House B2104, Hellingly
Grade II	Park Farmhouse Hellingly
Grade II	Pheasants Wood Grove Hill, Hellingly
Grade II	Popp's Farmhouse Hellingly
Grade II	Priors Cottage Mill Lane, Hellingly
Grade II	Priors Grange Mill Lane, Hellingly
Grade II	Rock Harbour Farmhouse Swansbrook Lane, Chiddingly
Grade II	Rosemary Cottage Church Lane, Hellingly
Grade II	School House, Flint Cottage and Cloisters Church Lane, Hellingly
Grade II	Shawpitts Farmhouse Hellingly
Grade II	Springham Farmhouse Grove Hill, Hellingly
Grade II	Stone House Farmhouse Vicarage Lane, Hellingly
Grade II	Sunnyholme Church Lane, Hellingly

Grade II	Swansbrook Farmhouse Hellingly
Grade II	The Cottage (Antiques) A271, Hellingly
Grade II	The Fair Place Mansers Lane, Hellingly
Grade II*	The Mill Building at the Old Water Mill Mill Lane, Hellingly
Grade II	The Mill House at the Old Water Mill Mill Lane, Hellingly
Grade I	The Parish Church of St Peter and St Paul Church Lane, Hellingly
Grade II	The Priest House Church Road, Hellingly
Grade II	The Spa Stores North Street, Hellingly
Grade II	The Vicarage Mill Lane, Hellingly
Grade II	Vicarage Cottage Vicarage Lane, Hellingly
Grade II	Wellshurst North Street, Hellingly
Grade II	West Street Farmhouse Swansbrook Lane, Chiddingly
Grade II*	Winkenhurst North Street, Hellingly
Grade II	World's End Farmhouse Hellingly

Appendix B

department for culture, media and sport

Principles of Selection for Listing Buildings

General principles applied by the Secretary of State when deciding whether a building is of special architectural or historic interest and should be added to the list of buildings compiled under the Planning (Listed Buildings and Conservation Areas) Act 1990.

March 2010

improving the quality of life for all

Department for Culture, Media and Sport
Principles of Selection for Listing Buildings

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

Principles of Selection for Listing Buildings

Introduction

1. This guidance sets out the general principles that the Secretary of State applies when deciding whether a building is of special architectural or historic interest and should be added to the list of buildings compiled under the Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State cannot take any other factors into account when considering his decision.

Identifying and Recording the Historic Environment

2. In its broadest sense, the historic environment embraces all those aspects of the country that reflect the shaping hand of human history. Scarcely any part of England is untouched by the interaction between people and nature, which has taken place over thousands of years. Some of the most obvious features of this environment are historic buildings. England is exceptionally rich in these - great churches, houses, and civic buildings - but our understanding of the historic environment now encompasses a much wider range of features, and in particular stresses the relationship between individual buildings, and also the value of historic townscape and landscape as a whole.

3. There is growing appreciation not just of the architectural set pieces, but of many more structures, especially industrial, agricultural and other vernacular buildings that, although sometimes individually unassuming, collectively reflect some of the most distinctive and creative aspects of English history. More than this, our understanding and appreciation of the historic environment now stretches beyond buildings to the spaces and semi-natural features that people have also moulded, and which are often inseparable from the buildings themselves. For example, the pattern of roads and open spaces and the views they create within historic townscapes may be as valuable as the buildings. In the countryside, the detailed patterns of fields and farms, of hedgerows and walls, and of hamlets and villages, are among the most highly valued aspects of our environment. England is particularly rich in the designed landscapes of parks and gardens, and the built and natural features they contain: the greatest of these are as important to national, and indeed international, culture, as are our greatest buildings.

4. Processes of classification are necessary for the practical purposes of identifying and protecting individual sites and areas. This is achieved through the statutory systems for scheduling ancient monuments, listing historic buildings and designating conservation areas. Scheduling and listing are undertaken by the Secretary of State; designation of conservation areas is the responsibility of local planning authorities. In addition, English Heritage compiles registers of parks and gardens of special historic interest, and of historic battlefields. Once identified in these ways, the historic environment may be protected through the planning system.

Listing Buildings of Special Architectural and Historic Interest

5. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) imposes a duty on the Secretary of State to compile or approve a list or lists of buildings of special architectural or historic interest as a guide to the planning authorities when carrying

out their planning functions. The planning system is designed to regulate the development and use of land in the public's interest. The designation of historic sites enables the planning system to protect them, through the complementary systems of listed building consent and conservation area control, coupled with controls over scheduled monument consent.

6. The statutory criteria for listing are the special architectural or historic interest of a building. Many buildings are interesting architecturally or historically, but, in order to be listed, a building must have "special" interest.

7. Buildings on the list are graded to reflect their relative architectural and historic interest. Buildings of historic interest may justify a higher grading than would otherwise be appropriate.

   - Grade I buildings are of exceptional interest;
   - Grade II* buildings are particularly important buildings of more than special interest;
   - Grade II buildings are of special interest, warranting every effort to preserve them.

8. In addition to the statutory criteria and the general principles contained in this guidance, Selection Guides for different building types are published on English Heritage's website. The Selection Guides provide detailed technical information about each building type, and are linked to the general principles contained in this guidance. They demonstrate what features are considered significant and likely to make a building of special architectural or historic interest when assessing buildings of a particular type from different periods, regions, or styles. It is recognised that some buildings are unique or will fall into more than one building type. Where a building is a composite of different types, then any relevant criteria from the Selection Guides applies. The general principles outlined below take precedence over the Selection Guides, which are published as supplementary information. The Guides are updated and revised when needed to reflect the growing understanding of the significance of particular types of building through further research.

Statutory Criteria

9. The Secretary of State uses the following criteria when assessing whether a building is of special interest and therefore should be added to the statutory list:

   - **Architectural Interest.** To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

   - **Historic Interest.** To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.

10. When making a listing decision, the Secretary of State may take into account the extent to which the exterior contributes to the architectural or historic interest of any group of buildings of which it forms part. This is generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between a group of buildings. If a building is designated because of its group value, protection applies to the whole of the property, not just the exterior.

11. When considering whether a building is of special architectural or historic interest the Secretary of State may take into account the desirability of preserving, on the grounds of its architectural or historic interest, any feature of the building containing a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building. The desirability of preserving such a feature is a factor which would increase the likelihood of the building being listed. However, in the absence of any other aspects of special architectural or historic interest, such features will justify the listing of the building only if they are of themselves of sufficient interest to render the building of special interest. The provision can be used for a variety of features; examples could include a finely panelled sixteenth century room, a fireplace and over-mantel that has been introduced from another building, or an elaborate plaster ceiling. This provision cannot be used to preserve in situ anything that is not a fixture, such as furniture or paintings.

General Principles

12. Age and rarity. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:

    - before 1700, all buildings that contain a significant proportion of their original fabric are listed;
    - from 1700 to 1840, most buildings are listed;
    - after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
    - particularly careful selection is required for buildings from the period after 1945;
    - buildings of less than 30 years old are normally listed only if they are of outstanding quality and under threat.

13. Aesthetic merits. The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.

14. Selectivity. Where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Listing in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Secretary of State's policy is to list only the most representative or most significant examples of the type.

15. National interest. The emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.

16. State of repair. The state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair.

Appendix C

MEMBERS' WRITTEN QUESTIONS

QUESTION NO. 03/2015

SUBJECT: **HELLINGLY GRAVEYARD TREES**

SUBMITTED BY: Councillor John Blake

For further information please contact:
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The Designation Report for Hellingly Conservation Area stated that 'there are many fine trees whose intrinsic quality contributes to the character of the village, for example the trees in the Churchyard, (and) it is considered important to protect these trees'. It identified 25 'important trees' and one group of trees in the Churchyard, which is a closed churchyard for which Wealden District Council is responsible. A number of these trees have subsequently been felled or otherwise lost. Does the Council have a replanting policy in such cases and, if not, will it consider introducing such a policy?

The law relating to conservation areas is in Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990. Conservation areas are areas of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance. They are designated by LPAs and are often, though not always, centred on listed buildings. Other buildings and landscape features, including trees, may also contribute to the special character of a conservation area.

The Town and Country Planning Act 1990 also makes special provision for trees in conservation areas which are not the subject of a TPO.

Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990 also

Tree Preservation Orders: A Guide to the Law and Good Practice, May 2006, DCLG

Trees in conservation areas which are already protected by a TPO are subject to the normal TPO controls. But the Town and Country Planning Act 1990 also makes special provision for trees in conservation areas which are not the subject of a TPO. Under section 211 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA 6 weeks' prior notice (a 'section 211 notice'). The purpose of this requirement is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree. There are exemptions to the 21

days, including the fact that the LPA's consent is not required for cutting down or carrying out work on trees which are dead or dying or have become dangerous.

The LPA can deal with a section 211 notice in one of three ways. They may:

1. make a TPO if justified in the interests of amenity. The proposal would then have to be the subject of a formal application under the TPO, or
2. decide not to make a TPO and allow the 6 week period to expire, at which point the proposed work may go ahead as long as it is carried out within 2 years from the date of the notice, or
3. decide not to make a TPO and inform the applicant that the work can go ahead.

If a formal TPO is not made, the LPA cannot refuse consent, nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree). This is because a section 211 notice is not, and should not be treated as, an application for consent under a TPO.

If a tree in a conservation area is removed, uprooted or destroyed in contravention of section 211 the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can. The same duty applies if a tree is removed because it is dead, dying or dangerous or because it is causing a nuisance. The duty attaches to subsequent owners of the land, although the LPA have powers to dispense with the duty. The LPA may enforce the duty by serving a tree replacement notice under section 207 of the Act.

In respect of Hellingly, the Pine tree that was felled was not a suitable specimen for a TPO; the tree had historically been excessively crown-lifted and had a number of pruning wounds on the tree trunk compromising its structural integrity. In addition it was constrained by the line of mature Lime trees and proximity to the adjacent cottages. The LPA's prior consent is not required for cutting down or carrying out work on trees which are dead or have become dangerous; this work can be undertaken immediately, with evidence being provided afterwards as was the case in this instance. Therefore, there was no contravention of section 211.

Conservation Area Management Plans

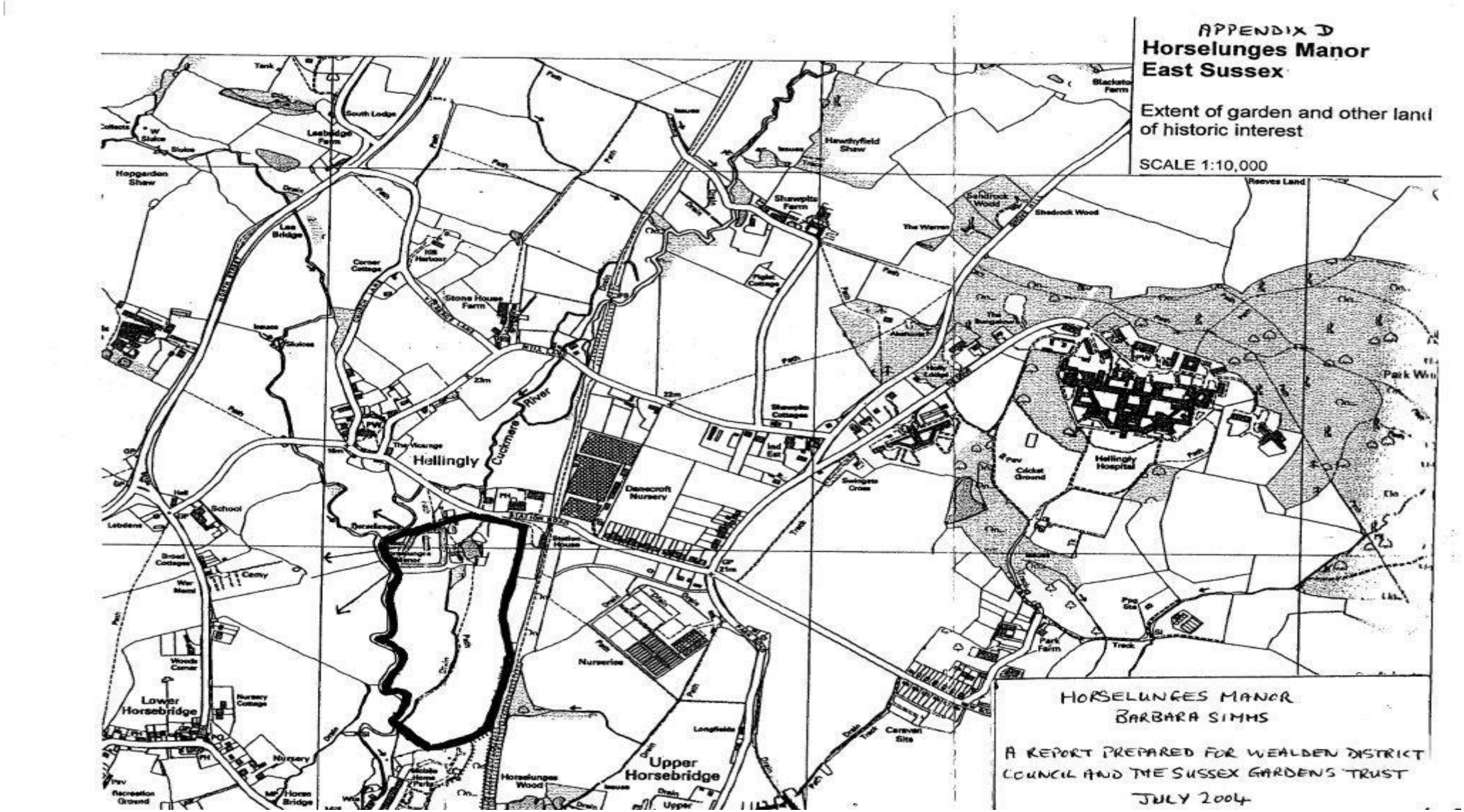
Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 places on local planning authorities the duty to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts. Wealden District Council is now beginning work on its next Local Plan which will include policies relating to a wide range of matters including the historic environment.

Any policies we put forward for inclusion will need to be based upon robust and up-to-date evidence which will be tested by the Planning Inspectorate at an examination in public. Existing Conservation Areas in Wealden district, including Hellingly, which was last appraised in January 1977, therefore need to be re-appraised and the Council has commenced this work.

Hellingly Conservation Area has no current management plan. The character and appearance of conservation areas can change through incremental stages or quite

suddenly and appraisals help to identify threats and opportunities which can be developed into a management plan. A management plan sets out the way in which development pressure and neglect will be managed to ensure conservation areas retain the qualities which led to their designation.

As part of a management plan, a tree strategy, as appropriate, could include an assessment of the amenity value of trees before there is pressure to remove them through the tree notification process. The strategy could also usefully include measures to ensure trees are protected, and their growing environment enhanced if opportunities arise, during street works or other developments.


APPENDIX D
Horselunges Manor
East Sussex
Extent of garden and other land of historic interest
SCALE 1:10,000
Hellingly
Upper Horsebridge
Lower Horsebridge
Cuckmere River
Hellingly Hospital
Deneycroft Nursery
HORSELUNGES MANOR
BARBARA SIMMS
A REPORT PREPARED FOR WEALDEN DISTRICT COUNCIL AND THE SUSSEX GARDENS TRUST
JULY 2004