

**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE – 7 MARCH 2017**

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**Title:**

**DUNSFOLD CHURCH CONSERVATION AREA APPRAISAL**

**[Portfolio Holder: Cllr Brian Adams]  
[Wards Affected: Chiddingfold and Dunsfold]**

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**Summary and purpose:**

The purpose of this report is to recommend that the Dunsfold Church Conservation Area Appraisal (CAA) (with boundary amendments) be adopted by the Council as a material consideration and used in the determination of any application for planning permission and listed building consent within the Conservation Area (CA).

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**How this report relates to the Council's Corporate Priorities:**

It relates to the Council's Corporate Priority 3 to protect and enhance the environment of Waverley.

The production of the CAA for Dunsfold Church CA is set out within the Planning Service Plan 2016/17 and follows the programme agreed by Executive in October 2011.

**Financial Implications:**

There are no financial implications. The use of the document as a material planning consideration will be managed within existing resources.

**Legal Implications:**

This Appraisal is being carried out pursuant to Section 71 of the statute set out below as well as in accordance with the corporate policy and objective referred to above. The Dunsfold Church CAA (with incorporated boundary amendment) will be a material consideration when considering planning and listed building applications in the area. Thus "Special Attention" (s 69 Planning and Listed Building Act 1990) must continue to be paid to the desirability of preserving or enhancement of the character or appearance of this conservation area. The proposed extensions will give an additional degree of protection against the demolition of buildings and walls within the boundary of the Conservation Area. It also means that additional tests (as set out in the Local Plan and National Planning Policy Framework) are considered when determining planning applications. Permitted development rights in these areas are reduced. This means that the extent of building works that can be carried out without the need for planning permission is reduced. In addition advertisement control is extended, together with similar protection for trees equivalent to the Tree Protection Order regime.

There are Human Rights Act 2001 implications (Article 8 (1) (Property and Family Life) but the Courts have held that public interest policy objectives constitute a lawful interference with these rights .

The boundary changes will be reflected by entries in the Local Land Charges Register.

There is no formal appeal process against any boundary alteration. Challenge if any could only be brought by way of Judicial Review, subject to the normal public interest test and proof of Wednesbury unreasonableness comprised in this Appraisal (Associated Picture Houses Ltd v Wednesbury Corporation 1948 and related case law)

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## **Introduction**

1. Dunsfold Church is one of 43 Conservation Areas (CAs) in Waverley. In 2011, the Executive agreed a programme for the commencement of CAAs which has been extended to 2020. Prior to the programme, 4 CAAs had been adopted. Since the programme has commenced, 11 CAAs have been adopted, Dunsfold Church will be the 13th to be adopted in the programme alongside Dunsfold.
2. The need to undertake CAAs is set out in the Planning (Listed Building and Conservation Areas) Act 1990 (Section 71) and is supported through saved Policy HE8 of the Waverley Local Plan and Emerging Local Plan Policy HA1.
3. CAAs are undertaken to identify and explain the character of the Conservation Area (CA). This document will identify the specific qualities of the Dunsfold Church CA and will thereby help to manage change within the area. The Management Plan section also identifies a variety of projects that should be implemented to preserve and enhance the area.
4. It is considered pertinent for Waverley to undertake CAAs and this process allows for a review of the boundary and an assessment of adjacent areas to evaluate whether the boundary should be extended.
5. Two extensions are proposed to the existing CA boundary and formed part of the consultation. Additionally one area is proposed to be removed from the CA. These are detailed within the CAA document, which is attached at Annexe 1.

## **Consultation process**

6. A walkabout was conducted with the Local Councillor and representatives from the Parish Council. A public consultation was undertaken to support the development of the CAA and to ask the public's views of the proposed extensions.
7. 3 responses were received to the consultation and are summarised in the separate Consultation Statements which are attached at Annexe 2. These did not result in any changes to the CAA document.

## **Conclusion**

8. Dunsfold Church CAA has been subject to a robust consultation process to ensure residents and interested stakeholders had the opportunity to comment.

9. Once the document is adopted, it will be fully published to incorporate additional photographs and be published on the Waverley website.

### **Recommendation**

It is recommended to the Council that the Conservation Area Appraisal for Dunsfold Church be adopted as a material planning consideration, to include the following amendments to the boundary:

- Extension: St Mary's Church cemetery
- Extension: Land at Church Close Farm
- Removal: Field adjacent to The Rectory

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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