

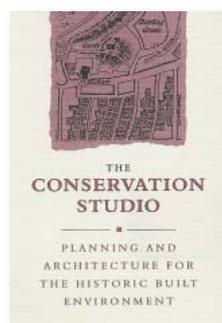
# **BETLEY CONSERVATION AREA**

## **MANAGEMENT PROPOSALS**

**December 2008**







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- Proposed conservation area boundary changes
- Buffer zones
- Suggestions for Local List



# I INTRODUCTION

## 1.1 The purpose of the Management Proposals

While there has been a conservation area covering Betley for over 30 years, the effectiveness of this designation depends upon the way in which the conservation area has been managed in the past. This is not simply a matter of planning controls being exercised correctly by the Borough Council, as significant contributions can also be made by the Parish Council, local businesses, residents and community groups. The purpose of the Management Proposals, therefore, is to provide a framework for future actions which although primarily the responsibility of the Borough Council, will also depend on the co-operation and enthusiasm of local people and local organisations.

Government policy<sup>1</sup> has made it clear that conservation areas are not necessarily 'preservation' areas. Change is an inevitable facet of modern life and the challenge is to manage change in a manner that does not lose sight of the special historic qualities of a place.

Local authorities are required by law to periodically review their conservation areas and the preparation of Character Appraisals and Management Proposals forms part of this obligation. Indeed, keeping Character Appraisals up to date is a Key Performance Indicator in the Best Value assessment of local authorities, although after July 2007 this no longer included Management Proposals.

The involvement and approval of the local community in the formulation and delivery of these documents helps to strengthen their status and will hopefully mean that the various actions identified in the Management Proposals will have greater impact and longevity. For the Betley Conservation Area, the early consultation with the principal stakeholders, a stakeholders' meeting, and a full period of public consultation on the draft documents, has provided opportunities for contributions from the local community at the formative stages.

The proactive management of conservation areas gives clarity and robustness to decision making, which means that issues may be more defensible in, for instance, planning appeals. Both documents will therefore be

of use to the Borough Council when determining applications for change within or on the edges of the conservation area, and for property owners and their agents when considering schemes for refurbishment, alteration or new development.

## 1.2 The Betley Conservation Area Character Appraisal

A Character Appraisal, which is published separately, has identified the principal positive and negative features of the conservation area, and provided an outline of the main issues.

*Summary of positive features:*

- Attractive setting in undulating countryside with notable views across fields and historic parkland;
- The many ponds, streams and meres in and around Betley;
- Areas of dense woodland and fields infiltrate the village and provide strong links to the adjoining countryside;
- An avenue of lime trees marks the southern entrance from Wrinehill;
- Main Road retains a large number of varied listed buildings, mostly in residential uses, providing a mostly cohesive streetscape to either side of the road;
- Buildings have varied scales from modest timber-framed cottages to prestigious village houses built of brick;



*Village houses on the Main Road (Myrtle Cottage)*

- St Margaret's Church (grade I) dates to the 15<sup>th</sup> century, and is built from local red sandstone and timber-framing;
- Betley Old Hall (grade II\*) marks the northern entrance to the village and is also 15<sup>th</sup> century, with striking elevations of timber framing and plastered panels;
- Betley Court (Grade II\*) is located further south and with its entrance gates, walls and former stables, forms the most notable building in the village;
- Mainly residential uses apart from the Reading Room, the Village Shop and Post Office, the Swan Public House, Betley Court Farm and the village cricket and football pitches (the active Village Hall lies just outside the conservation area boundary);
- Varied materials including local sandstone, limestone, red and blue brick, and timber framing;
- Use of red brick with blue/black brick in chequer pattern, such as Bowhill Farmhouse;
- Many examples of the use of blue/black roof tiles, scalloped or plain, and the occasional use of natural slate or thatch.



*Betley Court*

*Summary of the principal issues:*

Spatial:

- Protection of the landscape setting around Betley;
- Protection of the rural qualities of the conservation area, including the trees;
- The loss of gardens and other open green spaces to new housing development in the past, and the continued pressure for more backland development;
- Busy and fast moving traffic through the village (despite a 30 mph speed limit).



*Landscape setting to the south west of Betley*

Buildings:

- Many examples of visible satellite dishes;
- The occasional loss of front gardens for car parking;
- Use of modern materials on historic buildings, such as uPVC windows;
- Poor condition of the Model Farm buildings next to Betley Old Hall;
- Poor condition of some of the farm buildings at Betley Court Farm;



*Modern development off Common Lane*

- A listed building review is urgently required, along with suggestions for a Local List.

Conservation area boundary:

- Some amendments are required to the conservation area boundary.



*Some gardens have been converted to car parking*



*Visible satellite dish on The Swan*

## 2 LEGISLATIVE BACKGROUND

### 2.1 The implications of conservation area designation

Designation as a conservation area brings a number of specific statutory provisions aimed at assisting the “preservation and enhancement” of the area. These are as follows:

- The local authority is under a general duty to review designations ‘from time to time’ and to ensure the preservation and enhancement of the conservation area. There is a particular duty to prepare proposals (such as conservation area appraisals or grant schemes) to that end;
- In the exercise of any powers under the Planning Acts with respect to any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area;
- Extra publicity must be given to planning applications affecting conservation areas. This is usually achieved through the use of advertising in the local newspaper;
- Conservation Area Consent is required for the demolition of any unlisted building in a conservation area and the local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if consent is not obtained;
- Written notice must be given to the Borough Council before works are carried out to any tree in the area;
- The display of advertisements may be more restricted than elsewhere;
- The Borough Council or the Secretary of State may be able to take steps to ensure that a building in a conservation area is kept in good repair through the use of Urgent Works Notices and Amenity Notices;
- The energy conservation expectations of the Building Regulations (Part L) do not necessarily apply to buildings within a conservation area;
- Powers exist for local authorities, English Heritage or the Heritage Lottery Fund to provide financial grant schemes to assist with the upkeep of buildings in conservation areas, although these are usually targeted to areas of economic deprivation.

### 2.2 The control of development and change

#### The requirements for planning permission

Certain works to family houses within a conservation area, which are formally considered to be “permitted development”, will now require planning approval from the Borough Council. The overall effect of these additional controls is that the amount of building works which can be carried out to a family house or within its grounds without a planning application is substantially smaller in a conservation area than elsewhere.

These are:

- Planning permission is needed for extensions to family houses in conservation areas where they add more than 10% or 50 cubic metres in volume to the property (whichever is greater). This is a slightly smaller amount than the usual requirement for planning permission which is limited to 15% or 70 cubic metres, except for terraced houses which are also limited to 10% or 50 cubic metres, wherever they are located;
- Planning permission is needed for external cladding to family houses in conservation areas, using stone, artificial stone, timber, plastic or tiles;
- Planning permission is needed for any alteration to the roof of a family house resulting in a material alteration to its shape, most notably the addition of dormer windows;
- Planning permission is needed for the erection of any structure within the curtilage of a family house whose cubic capacity exceeds 10 cubic metres. This is especially important for sheds, garages, and other outbuildings in gardens within conservation areas.

Where a building is statutorily listed, different legislation applies, as all internal and external alterations which affect the special architectural or historic interest of the building require Listed Building Consent. Furthermore, commercial properties (such as shops and public houses), and houses which are in multiple occupation (flats) have far fewer permitted development rights and therefore planning permission is already required for many alterations to these buildings.

### Satellite dishes

The rules governing satellite dishes in conservation areas are significantly tighter than outside such areas and are set out in OPDM Circular 10/2005. This states that for all unlisted buildings in a conservation area, in whatever use and of whatever size, planning permission is required for all ‘antennas’ (which includes satellite dishes and any other equipment used to deliver electronic communications) which are located on a chimney, wall or roof slope which both face onto, and are visible, from a road. In such cases, planning permission will usually be refused. The rules governing other locations on the building are extremely complex so it is always best to ask the local planning authority if planning permission is required before carrying out the work.

For listed buildings, Listed Building Consent is practically always required for the installation of ‘antennas’ and if the Borough Council considers that the installation will have an adverse effect on the special architectural or historic interest of the building, Consent will usually be refused.

Conventional TV aerials and their mountings and poles are not considered to be ‘development’ and therefore planning permission is not required.

(See also the OPDM pamphlet, *A Householders’ Planning Guide to the Installation of Antennas* available on the OPDM website).

### Article 4 directions

Permitted development rights may be withdrawn if the Borough Council imposes an Article 4 direction. This does not mean that development, such as changes to windows or the erection of satellite aerials, will necessarily be impossible. It does, however, mean that planning permission has to be sought and this allows for the merits of a proposal to be considered against the conservation interests. This document includes a recommendation for an Article 4 Direction in the Betley Conservation Area, which is discussed in greater detail in section 7.3.

### Telecommunications masts

The law governing the erection of masts and antennae is complex and whilst some companies have licences which allow some structures to be put up in conservation areas without planning permission, the legislation does allow for consultation with the local authority concerned before the work is put in hand. Further information can be found in the second edition of PPG8 *Telecommunications*.

### Trees

Within conservation areas, anyone intending lopping or felling a tree greater than 75 mm. diameter at 1.5 metres above the ground must give the Borough Council six weeks written notice before starting the work. This provides the Borough Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the conservation area, in which case a Tree Preservation Order may be served. This protects the tree from felling or inappropriate lopping. Fruit trees are no longer exempt, although slightly different constraints occur where the tree forms part of a managed forest or is in another agricultural use.

## **2.3 National policy and guidance**

Central government policy on conservation areas is contained in PPG15.<sup>2</sup> This covers the designation of areas and the responsibilities that stem from designation, including the appraisal of the special interest of conservation areas and the control of development affecting them. It also makes the general point that ‘*conservation and sustainable economic growth are complementary objectives and should not generally be seen as in opposition to one another*’.

PPG15 sets the expectations by urging local authorities ‘*to maintain and strengthen their commitment to stewardship of the historic environment*’. The expectations are further developed in English Heritage guidance on the appraisal and management of conservation areas.<sup>3</sup>

## 2.4 The Local Plan and the emerging Local Development Framework

The context for the local plan is provided by:

- The West Midlands Regional Spatial Strategy;
- The Staffordshire and Stoke on Trent Structure Plan 1996-2011 (adopted March 2001);
- The Minerals Local Plan (adopted December 1999);
- The Local Waste Plan (adopted February 2002);
- The Newcastle-under-Lyme Local Plan 2011 (adopted October 2003).

The last four documents will shortly be replaced by the new *Local Development Framework* (LDF). This new planning system was established by the *Planning and Compulsory Purchase Act 2004*, which abolishes Structure and Local Plans and replaces them with *Local Development Documents*. Policies in the Structure Plan and the Local Plan remained in force until September 2007, although some might be 'saved' into the new LDF. More information about this important change to the planning system can be found on the Borough Council's website: [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk).

Betley is shown on a Proposals Map in the Local Plan. This confirms the following designations:

- A conservation area covers the village centre and more open land to the north-east and south;
- The built-up part of the village (excluding Betley Court and its associated buildings) is defined by a Village Envelope boundary; beyond this, all of the land is Green Belt, controlled by Policy S3;
- Land to the north and south-east of Betley is identified as an Area of Landscape Enhancement (Policies S3 and N20); other Green Belt land is identified as an Area of Active Landscape Conservation (Policy N18);
- An SSSI, Black Firs, lies to the north of the village and an SSSI and Ramsar Site lie around Betley Mere to the south-west of the village, both beyond the conservation area boundary.

A summary of the most relevant policies is included at Appendix I.

A Parish Plan for Betley, Balterley and Wrinehill was published in May 2005 following extensive public consultation. This looked particularly at the following issues: Environment; Traffic; Healthcare; Policing; Fire and ambulance service; Leisure activities; Education; Transport; Refuse; Economic activity; and Planning. A number of recommendations for future action are made in the Plan, some of which are also discussed in this appraisal.

# 3 ACTIONS BY THE BOROUGH COUNCIL

## 3.1 The Development Control process

Local authorities already have controls available through their planning powers, but much depends upon how they are interpreted and implemented. For instance, any material changes to the appearance of properties that are not single dwellings require planning permission, but the interpretation of what is 'material' is for the Borough Council to decide. A new shopfront is generally regarded as a material change, but there is less certainty about the renewal of windows on upper storeys or a change in roof materials.

As detailed in Section 2 above, single dwellings have considerable permitted development rights that enable some alterations to be carried out without the need to obtain planning permission. These works include, for example, changes to doors, windows, roof materials or rainwater goods and the construction of minor extensions. Although they may be minimal in each case, such alterations can have a cumulative effect that is damaging to historic areas. Where this is a problem, an Article 4 Direction should be considered and such a Direction is recommended in part of the conservation area in section 7.3.

Commercial buildings and flats have fewer permitted development rights, but an Article 4 Direction can be useful for controlling, for instance, the painting of walls. The Council needs to be consistent and proactive in its interpretation of what it considers to be a 'material' alteration to such buildings – for instance, many Councils insist on planning applications being made for the insertion of uPVC windows or for new roof materials above shops or in offices.

A common complaint is that planning decisions are inconsistent. While each has to be determined on its own merits, much can be achieved by having a clear interpretation of statutes, detailed policy and guidance, and training to help elected Councillors to work within these constraints.

It is important also that Council Members and officers should be aware that development proposals can have an affect on a conservation area even when they are some distance outside it. In such cases, the duty to pay special attention to the character and appearance of the conservation area still applies.

**Action 1:** *The Borough Council will adopt a consistent and liberal interpretation of what it considers to be a 'material' change.*

**Action 2:** *The Borough Council will use Article 4 Directions where there is evidence that permitted development is having a negative affect on the character of a conservation area.*

**Action 3:** *The Borough Council will promote consistent decision making by providing training opportunities for the decision makers.*

## 3.2 An Enforcement Strategy

Most local authorities subscribe to the Cabinet Office *Enforcement Concordat*, which sets out best practice principles for enforcement, such as openness, consistency, proportionality and responding to complaints. The Borough Council should take these forward into an enforcement strategy in order to:

- Explain the scope of planning enforcement;
- Openly define priorities;
- Set measurable standards for service delivery;
- Explain how investigations are carried out;
- Explain enforcement procedures and enforcement actions.

While public safety will come first, enforcement in relation to the historic environment should have a high priority because so much of it is irreplaceable. The strategy should also explain the circumstances when the Borough Council would make use of Repairs Notices, Urgent Works Notices and Amenity (S215) Notices.

**Action 4:** *The Council will develop an Enforcement Strategy to explain the circumstances in which various forms of action are taken and the priority that is given to the historic environment.*

## 3.3 The role of Historic Environment Champions

English Heritage is keen to see Historic Environment Champions to promote conservation issues in each local authority. These are preferably elected

councillors, but can be senior officers whose role, as defined by English Heritage, is to:

- Help unlock the untapped potential of the local historic environment;
- Provide leadership for heritage issues within the authority;
- Join up policy between departments across the local authority and ensure the historic environment is taken into account in the development of all the authority's policies and forward strategies;
- Develop a close working relationship with the Design Champion, ensuring that the authority has a seamless and coherent approach to the built and historic environment;
- Identify opportunities for the authority to use the historic environment in the pursuit of its wider corporate objectives.

The Commission for Architecture and the Built Environment (CABE) is equally keen for local authorities to have Design Champions and it is common for the two roles to be taken up by the same person.

The Borough Council has had a Heritage and Design Champion since April 2005 and one of their roles is to raise awareness of conservation issues and to encourage other elected councillors to make full use of the training opportunities offered by English Heritage through its HELM<sup>4</sup> initiative.

**Action 5:** *The Borough Council will reinforce and support the role of the Heritage and Design Champion for the Borough of Newcastle-under-Lyme.*

### 3.4 Promotion and awareness

It is important that local people should understand the significance of their surroundings if they are to play their part. There is a clear need to publish information on the history of each conservation area and its special qualities. This could be an effective outcome of the character appraisal process. There is also a significant role for amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere.

Community involvement is an integral part of the Local Development Framework process. Involvement already happens through town and parish councils, but there is sometimes scepticism as to how well the local voice is heard at the Borough Council level. To help address this problem, the Borough Council has already established a Conservation Advisory Working Party, which considers all relevant applications and acts as an important interface between local understanding and council decision making.

Some degree of change is inevitable in conservation areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the negative effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

**Action 6:** *The Borough Council has placed information on its website on listed buildings and on the conservation areas in the Borough and this information should be updated and expanded as necessary.*

**Action 7:** *The Borough Council will ensure that information is available to enable communities to understand the significance of their conservation areas and the consequences of living and working within them. In addition to the information on the website, this could be achieved by the production of written guidance, public meetings, and public exhibition.*

**Action 8:** *The Borough Council will take steps to explain its planning decisions in greater detail where they are contrary to the advice of the Conservation Advisory Working Party or the parish councils.*

**Action 9:** *The Council will continue supporting the Conservation Advisory Working Party and will ensure that the Committee is given the opportunity of commenting on all applications affecting the historic environment in the Borough.*

### 3.5 The production of further guidance or leaflets

Further guidance is needed from the Borough Council to help applicants for planning permission and listed

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building consent and the local community. Topics relevant to Betley include:

- Advertisement signs in a conservation area;
- Historic buildings;
- Living in a conservation area.

**Action 10:** *The Council will extend and update its range of published guidance to include guidance on specific topics, particularly those specified above.*

# 4 THE CONTROL OF THE HISTORIC ENVIRONMENT

## 4.1 Introduction

There is an increasing emphasis in planning policy on issues relating to the historic environment, and this is particularly important in the Borough of Newcastle-under-Lyme, with its 20 conservation areas and 365 listed building entries. The Borough includes a variety of historic settlements including the principal town of Newcastle-under-Lyme, which has three separate conservation areas already designated - Town Centre, Brampton and Stubbs Walk. This reflects the variety and quality of Newcastle's historic features, including its medieval street layout and its many historic buildings, a large proportion of which are statutorily listed. Other conservation areas cover smaller villages, such as Betley, Keele and Mucklestone or historic parks and gardens, such as Keele Hall. In addition, there are ten Scheduled Monuments in the Borough, including several which relate to the various industrial processes which once were the main form of economic activity.

It is important that this historic environment continues to be recognised and that local policies are included in the emerging Local Development Framework or accompanying documents for their future protection. Most particularly, this could include the preparation of a Local List of significant buildings (see 7.2) for the whole Borough, and the incremental preparation of Conservation Area Character Appraisals and Management Proposals for all of Newcastle's conservation areas in due course.

**Action 11:** *The Borough Council will continue to promote the historic environment and will ensure that adequate policies are included in the emerging LDF and accompanying documents.*

## 4.2 The control of historic buildings

### Listed Buildings

Listed building Consent is required for the demolition, alteration or extension of statutorily listed buildings. The policy context for this is set by central government in PPG15. National policy is also given a local perspective in the Local Plan and in the emerging LDF. There is current guidance for owners of listed buildings within the Borough on the Borough Council's website but this needs to be up-dated and expanded, as necessary.

**Action 12:** *The Borough Council will continue to assess applications for Listed Building Consent in line with Borough Council policy and guidance provided in PPG15 including the preparation, where appropriate, of an archaeological evaluation.*

### Locally listed buildings

There are also buildings of local significance which, although not statutorily listed, are nonetheless important to the history, appearance, character, and cultural value of the Borough of Newcastle-under-Lyme. At present, the Council has no means for giving formal recognition to the contribution made by such buildings. However, there is an increasing interest in local listing nationally. Most recently, this was expressed as positive encouragement in the government's heritage White Paper.<sup>5</sup>

It is recommended that the Borough Council should develop a local list in consultation with local amenity groups such as the Betley Local History Society in order to give better recognition and, where necessary control, of the historic environment. The first step is to agree criteria for the selection of buildings and structures for the local list. Proposed criteria are set out in Appendix 2. Buildings can be added to the list as circumstances allow, for instance through the conservation area appraisal process, or by a systematic survey of the whole district. Community involvement in the selection process will add weight to the list as a planning tool. It will also be necessary to acknowledge the local list in planning policy and state the circumstances in which it will affect planning decisions.

**Action 13:** *The Borough Council will ensure that resources are allocated to the preparation of a Local List including:*

- *Adopting appropriate criteria;*
- *Including provision for local listing in planning policy;*
- *Involving communities in the selection of buildings and structures.*

### Positive buildings

Conservation area character appraisals identify buildings that make a positive contribution to the character of the conservation area. In general, all listed and locally listed buildings in a conservation area will be regarded as 'positive'. However, there are

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often many more that, together, underpin the special interest of a place.

Government policy (as set out in PPG15) is for a presumption in favour of retaining positive buildings and any proposals for their demolition must be considered against criteria similar to those for the demolition of listed buildings. It is important that owners and occupiers of property in conservation areas should be aware of whether their buildings are regarded as positive and also how applications for change or demolition will be judged.

**Action 14:** *The Council will ensure that local publicity for conservation areas will make clear the consequences of designation including the presumption in favour of retaining positive buildings;*

**Action 15:** *Applications for the demolition of any 'positive' building in a conservation area will be assessed in a similar way to applications to demolish a listed building, and the applicant will be expected to demonstrate why the building is beyond economic repair, and to prove that it has been offered on the open market as an alternative to demolition.*

### **4.3 The control of conservation areas**

It has already been described how current legislation affects conservation areas including the need to designate, appraise and manage effectively. Apart from guidance contained in PPG 15, local policies also set out how the Borough Council will continue to monitor change and provide a rigorous planning regime.

**Action 16:** *The Borough Council will continue to carefully control all conservation areas within the Borough including reviewing their boundaries, providing Character Appraisals with Management Proposals on a five year cycle, and considering new areas for designation.*

# 5 CONSERVATION AREA BOUNDARY REVIEW

## 5.1 Proposed changes

Local authorities are required by law to regularly review the boundaries of their existing conservation areas, to ensure that they encompass 'areas of special architectural or historic interest'. The original boundary to the conservation area was drawn up in 1970 and was drawn to encompass the village centre, the northern and southern rural approaches, and parts of the village's landscape setting including the former gardens to Betley New Hall and Betley Court. Since designation, Betley Hall Gardens, Court Walk and part of Ladygates have all been built within the conservation area on previously undeveloped land.

As part of the appraisal process in September 2007, the whole conservation area was inspected and the robustness of the present boundary assessed. Whilst it is generally considered that the present boundary accurately reflects the area of 'special architectural or historic interest', a number of changes are recommended, some of them also suggested by the local community as part of the public consultation exercise. These are as detailed below:

Additions:

- Add Well Cottage and the farm building to the north of Betley Old Hall.

Well Cottage is a relatively unaltered late 19<sup>th</sup> century cottage with a large garden, highly visible on entering the conservation area from the north. The farm building is also 19<sup>th</sup> century and forms a group with the other buildings of the adjoining grade II listed Model Farm.

- Add the graveyard to the north-east of Church Lane.

The graveyard, which is still in use, is an attractive green open space with good views over fields to the north-east. It relates in terms of use and the provision of open space with St Margaret's Church (listed grade I) on the opposite side of Church Lane.

- Add land to the west as far as the brook in Common Lane.



Well Cottage



Farm building at Betley Old Hall Farm



Graveyard to St Margaret's Church



*Land next to the brook, Common Lane*

The brook forms a natural boundary and encloses land of landscape value, important to the setting of the existing conservation area.

Deletion:

- The modern buildings associated with Ladygate, allowing for the retention of the historic wall and mature trees to the west side of these houses.

This housing development has been built since the conservation was originally designated. The old boundary encompassed the line of the former entrance to Betley New Hall, so the boundary currently cuts through one of the houses in a seemingly random way. This correction will allow the continued protection of the mature trees and historic wall by conservation area designation, but will rectify the earlier anomaly. The exact line of the new boundary will require to be verified on site as this area lies within private land.

## 5.2 The identification of buffer zones

In their guidance on Character Appraisals, English Heritage recommend the identification of 'buffer zones' on the edges of conservation areas where new development might have a particularly noticeable effect on the existing conservation area, or where the quality of the space merely requires recognition. By being defined as 'buffer zones', these areas do not have an additional statutory protection, but the Council will take their sensitive siting into account when applications for new development are received either within them, or on their edges.

In the case of Betley, three buffer zones are shown on the Management Proposals map:

- (i) The field to the north of Betley Old Hall;
- (ii) The fields to the south of the Model Farm, including the large meadows which allow good views from the west into the village;
- (iii) Land to the south and east of Betley Court, which once formed parts of its parkland.

(i) The first is highly visible from Main Road and whilst it is already protected by Policy S3 in the Local Plan, the field deserves special recognition as affecting the setting of the conservation area as well as providing a break between the village centre and the small hamlet of Buddileigh.



*Field to the north of Betley Old Hall*

(ii) The second is an important area of high quality landscape which provides important views from the public footpath towards Betley. These fields are also significant in that they provide the setting of the Model Farm, and parts were once terraced and form part of the agricultural history of the area. Part of it is also protected by Policy S3 in the Local Plan.

(iii) The third is an area of fields and woodland which helps form the setting to Betley Court when viewed from the fields to the south-west. Some of this land was once part of the more expansive landscaped gardens to Betley Court.



*Field to the south of Model Farm*



*Field to the south west of Betley Court*

# 6 POLICIES TO PRESERVE AND ENHANCE THE BETLEY CONSERVATION AREA

## 6.1 The protection of the landscape setting around Betley.

The character of a conservation area can be vulnerable to actions taken outside its boundaries as much as to those taken within the area. It is important, therefore, that the duty to pay special attention to the preservation or enhancement of conservation areas is exercised in relation to the use of planning powers particularly where sites come up for development just outside the boundary of a conservation area, or where significant views into or out of the area may be affected. It has also been upheld on appeal that Council's can refuse applications for development in these circumstances on the grounds that the proposal would have an adverse effect on the setting of the conservation area.

In practice, many conservation areas such as Betley have a context of landscape designations that provide strong protection. The connection has to be made that policies for the protection of both landscapes and conservation areas must work together for the mutual benefit of the historic and natural environments.

Betley is surrounded by attractive landscape which is already protected by Policy S3 in the Local Plan. This prevents any form of development in the Green Belt, subject to a number of exceptions. In addition, a 'buffer zone' has been identified on land outside the conservation area to the north of Betley Old Hall, and also around and to the south of Betley Old Hall Model Farm, where any development would be particularly detrimental. These are both marked on the Management Proposals Map for Betley. Other sensitive areas include the land to the west of properties along Main Road between Beeches and Woodside; land around Betley Court Farm and Betley Court garden; and within the conservation area, the field to the west, south and east of the cricket field. Views across these areas of land, both into and out of the conservation area, are particularly important.

### **Policy Betley CA No. 1:**

*The Borough Council will carefully monitor applications on the outskirts or edges of the Betley Conservation Area, particularly in the Buffer Zone to the east of Betley Old Hall, and will refuse those which could adversely affect*

*the conservation area due to the proposed development's use, height, bulk, detailing, loss of green open space, or the loss or the negative effect on important views into or out of the conservation area..*

## 6.2 Protecting the rural qualities of the conservation area, including the trees

Betley has a large number of trees, both within and on the edges of, the conservation area. The combined effect of these trees, with shrubbery, garden planting and the watercourses and lakes, all combine together to create a strong rural character, even within the village centre. These features are cherished by the local community and generally extremely well cared for, with many private gardens contained large mature trees which make a valuable contribution to the special character of the conservation area. Further work could be carried out by the local community, perhaps aided by a tree expert, in recording and identifying the many trees in and around the village.

### **Policy Betley CA No. 2:**

*The Borough Council will continue to protect and wherever possible, enhance, the rural qualities of the conservation area, including refusing applications for new development which would result in the removal or reduction of trees or established planting.*

## 6.3 The control of new development

Despite the high concentration of historic buildings in Betley, there is on-going pressure for further infill development on what would normally be considered 'backland' sites, usually in the gardens of existing buildings. This has already happened in Chamberlain Court and Court Walk, where new houses have been built on land which was once in use as the former public house garden (Chamberlain Court) or the garden to Betley Court (Court Walk). Further new housing is currently (November 2007) being built to the rear of Ivy Dene. The attractive walled garden to the back of some of the Fletcher-Tremlow houses in Main Road to the north of Betley Court Stables is another site currently threatened with new development.

The Borough Council already has strong policies in the Local Plan which will be carried over into the emerging LDF to control new development in conservation areas and adjoining listed buildings. In Betley, these policies must be adhered to and the incremental loss of private gardens to backland development, which cumulatively have an adverse effect on the special character of the conservation area, must be halted. Of utmost importance is the need to maintain the historic form of development, with frontage buildings facing the main street, with established private gardens behind. Modest schemes, which follow existing plot boundaries and knit in with the prevailing form of development, might be acceptable although the opportunities for such development are very limited due to the mainly built-up street frontages.

**Policy Betley CA No. 3:**

*(i) Any new development must adhere to policies within the Local Plan, the emerging LDF, and national guidance, most particularly PPG15 and PPG16;*

*(ii) The Borough Council will refuse applications for new development in or on the edges of the Betley Conservation Area which would result in the loss of existing garden space, or which would conflict with the prevailing form of historic development.*

*(iii) ‘Positive’ as well as listed buildings must be retained and their settings protected from unsympathetic development.*

*(iv) New development should follow the following guidelines:*

- The scale and general form of new development should follow established historic precedent, with particular reference to building lines, plot sizes, plot ratios, and vehicular and pedestrian access;
- New development involving the replacement of an existing building should not increase the volume of development on the site;
- New development should be sympathetic to the surrounding historic buildings in terms of scale, materials and details;

- The roofs and chimneys in the Betley Conservation Area are an important part of its special character and new development should reflect the traditional roof forms, pitches, materials and details, of existing historic properties;
- New development within the conservation area should be carefully designed to reduce its impact on existing views, both within and into, the conservation area. New development which might adversely affect views out of the conservation area (where different planning constraints apply) will be carefully monitored.

**6.4 The enhancement of historic character**

Although many of the historic buildings in the conservation area are listed, where strict controls have applied for many years, a number, identified in the Character Appraisal, have been spoilt by inappropriate materials and details. Additionally, the Character Appraisal has identified an even greater number of buildings which are considered to make a ‘positive’ contribution to the conservation area, some of which might be considered for Local Listing. Overall the Borough Council needs to ensure that all alterations to these buildings are carried out using the correct materials and details, and that where possible modern accretions are removed. This particularly affects windows and doors (where traditionally detailed timber not plastic or aluminium should be specified) and roof materials (where slate or clay tile should be used, rather than concrete or artificial slate).

**Policy Betley CA No. 4:**

*The Borough Council will insist that all applications for change to historic buildings (listed, locally listed and ‘positive’) use the correct materials and details.*

# 7 SITE OR BUILDING SPECIFIC RECOMMENDATIONS

## 7.1 Statutory list

Buildings which predate 1840 and are reasonably intact are usually included in the statutory list of buildings of special or architectural interest. In Betley, there are approximately 33 listed buildings or structures in the conservation area, of which one (St Margaret's Church) is listed grade I, and three (Betley Court, Betley Old Hall, and the Betley Old Hall Model Farm) are listed grade II\*. The rest are all listed grade II. Most of the entries relate to buildings, but several include boundary walls and three relate to historic features – a K6 telephone kiosk outside the former Black Horse Public House, now a dwelling; a cast iron milestone outside Whitegates on the west side of Main Road; and a bridge and weir over Betley Hall lake. Of note is the variety of the many listed buildings along Main Road and the mixture of brick and timber-framing which surprisingly provides a cohesive appearance despite the variations in colour, design and form.

The statutory list for Betley was drawn up in 1985. Since then, the criteria for listing has changed slightly and buildings which post-date the usual 1840 cut-off are now being added to the statutory list. Additionally, earlier buildings which may have been rejected before as being too altered are now being listed.

During the survey work for this document, it was noted that a number of unlisted buildings may be eligible for statutory listing. Further, more detailed survey work, including the inspection of interiors, would be helpful. Meanwhile, the proposed Local List included at Appendix 3 includes some buildings which might be of sufficient merit to include on the statutory list, and these are marked with an \*.

**Recommendation 1:** *The Borough Council should carry out a detailed survey of the buildings in Betley, including interior inspections, to see if any are of sufficient quality to merit inclusion on the statutory list. This could be done in conjunction with the Local List (see below).*

## 7.2 Local listing

There is currently no Local List for the buildings of the Borough but this document includes a recommendation that such as list is incrementally set up, starting with the Newcastle Town Centre and Betley Conservation

Areas, where conservation area character appraisals are currently being prepared. The purpose of a Local List is to draw attention to those more modest but locally significant buildings which are just outside the usual criteria for statutory listing, which usually cuts off at 1840. Locally listed buildings are important for their contribution to the local street scene or as examples of unusually detailed historic buildings, perhaps using local materials in an interesting way.

The buildings which are proposed for the Local List for the Betley Conservation Area are included at Appendix 3, along with the proposed Local List Criteria (Appendix 2). They include a number of possibly 17<sup>th</sup> century cottages and well detailed 19<sup>th</sup> century village houses. Some of these buildings (see above) may be of sufficient interest to merit inclusion on the statutory list.

**Recommendation 2:** *After consulting the local community, the Borough Council will draw up a Local List for the Betley Conservation Area.*

## 7.3 Article 4 Directions

Article 4 (2) Directions are made under the General Permitted Development Order 1995, and can be served by a local planning authority to remove permitted development rights where there is a real threat to a particular residential building or area due to unsuitable alterations or additions. An Article 4(2) Direction is accompanied by a Schedule that specifies the various changes to family dwellings, which will now require planning permission. Usually, such Directions are used in conservation areas to protect unlisted houses in use as a family unit, rather than flats or bedsits where permitted development rights are already much fewer.

Under an Article 4 (2) Direction, planning permission would be required for the following:

- (i) All extensions of whatever size including porches on the front\* of the building;
- (ii) Changing roof materials and the insertion of rooflights on the front-facing\* roofslope;
- (iii) Replacing windows or doors on the front\* elevation.

(\*Front means facing a public highway, private road or waterway.)

In greater detail, this means the following constraints:

### HOUSE EXTENSIONS

The enlargement, improvement or other alteration of a dwelling house including entrance porches, any part of which fronts a highway, private road or open space, will require planning permission.

### PAINTING A HOUSE

Permission is not required for the painting of a dwelling house, although the Council can include this in an Article 4 (2) Direction if it is seen as a particular problem.

### ROOFS

A planning application will be required for alterations to a roof slope which fronts a highway, private road or open space, including a change in the roof materials and the insertion of roof lights. Dormer windows require planning permission under separate legislation.

Traditional materials such as clay tiles or slate, sympathetic with existing roof coverings, should always be used in preference to concrete tiles or reconstituted alternatives. Rooflights of traditional appearance, designed specifically for Conservation Areas, are also preferred.

### CHIMNEYS

The partial or total demolition of a chimney can be controlled through an Article 4 Direction, if the Council decide that such work is an issue in a particular conservation area.

### REPLACEMENT WINDOWS AND DOORS

The replacement of existing windows and doors which front a highway, private road or open space will require planning consent.

Original windows and doors should be renovated and retained where at all possible. New windows and

doors should be of traditional construction, design and materials, similar to that originally used and sympathetic to the building as a whole. The use of uPVC and aluminium is generally out of character and therefore inappropriate.

### HARDSTANDING

The provision within a dwelling house of a hard surface for any purpose incidental to the enjoyment of a dwelling house such as parking hardstanding will require planning permission.

### GATES AND FENCES

The erection, construction, improvement or alteration of a gate, wall or other means of enclosure, fronting a highway, private road or open space, will require planning permission. Demolition of the whole or any part of a gate, wall or other means of enclosure will also require consent.

There are many residential properties in the Betley Conservation Area which are in use as single family units but many are modern where alterations are of less importance. It is therefore suggested that the Article 4 (2) Direction covers only those buildings which are annotated as 'positive' in the Character Appraisal.

**Recommendation 3:** *An Article 4 (2) Direction is served to encompass all 'positive' unlisted family dwellings in the Betley Conservation Area, including those which are proposed for the Betley Local List.*

## **7.4 Railings Replacement Grant Scheme**

There is potential to reinstate some railings to the front of historic properties within the conservation area, which would help to enhance the special architectural and historic interest of the buildings and the conservation area in general. This would be a longer-term project which would require financial input from both the Borough Council and the buildings' owners, working in partnership together.

**Recommendation 4:** *The Borough Council will consider establishing a Railings Replacement Grant Scheme, subject to the funds being made available.*

# 8 DELIVERING ACTION

## 8.1 The strategy

It is important that the Betley Conservation Area should be as self-sustaining as possible, both socially and economically, if it is to remain in anything like its present state. Achieving this requires constant management to control any necessary changes so that its special character and appearance is not adversely affected.

The Conservation Area Character Appraisal has identified identifies the challenges facing the conservation area and these are summarised at 1.2 above. These issues can be addressed by the actions recommended in Sections 3, 4, 5, 6 and 7 above.

Clearly, the actions include some that can start immediately, while others may only be aspirations at present pending the development of resources. Resources, however, are not the issue for immediate actions. Spending decisions are constantly being made and the challenge is to ensure that those investments are made in ways that benefit the special character of the conservation area.

The Management Priorities Proposals can only be effective, however, if they are actually implemented. A draft Programme at 8.3 sets out the tasks in immediate, medium and long-term timescales over the next few years.

Success will require commitment by all Borough Council departments and their partners to ensure the sensitive exercise of controls, such as planning permissions, building control, fire regulations and highways standards, in the best interests of the Betley Conservation Area and, likewise, the sensitive deployment of such resources as are available. Success depends also on the part played by other stakeholders: property owners, residents, businesses, and amenity groups. It is also vital that the Borough Council allocate adequate resources for these Recommendations to be successfully implemented.

## 8.2 Expectations

### Newcastle-under-Lyme Borough Council

The designation and review of conservation areas

are legal requirements. In support of these statutory duties, the Borough Council can be expected to commit adequate resources by ensuring it has access to the necessary skills and that it adopts appropriate policies. It should also ensure that communities are sufficiently informed about the implications of designation so that they too can play their part.

Although the administration of conservation areas is largely a planning function, there are many other actions that can impact on character and appearance. It is important, therefore, that conservation aims are coordinated across all local authority departments, and it is significant that much has already been achieved by the establishment of a Conservation Advisory Working Party and by the appointment of a Heritage and Design Champion. However, standards designed for modern environments should not be applied unthinkingly to areas and buildings that have stood the test of time. The Borough Council can therefore be expected to be sensitive to the special interest of the Betley Conservation Area and its listed buildings in exercising, for instance, building control. Similarly, the Fire Officer, who administers the requirements of the fire regulations, and the Highways Authority, who have responsibility for highways matters, should also be aware of the sensitivity of the historic environment.

### Owners and residents

Those who live and work in the conservation area are expected to recognise the collective benefits they enjoy. For this, they must understand the need to take a contextual view of any proposals, rather than acting in isolation.

Some degree of change is inevitable in conservation areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

### Community involvement

It is important that communities are well-informed about the qualities of their conservation areas and of the opportunities for enhancing them. While the

Borough Council is a useful source of advice, there is a significant role for the Parish Council, any amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere. Indeed, this document has been drawn up with the help and co-operation of local stakeholders including community representatives.

### 8.3 Programme

The purpose of these Management Proposals is to concentrate on the matters which most affect the historic environment in Betley and to put forward specific recommendations which hopefully the Borough Council will be able to adopt and action in due course. Priorities in this document will of course also be constrained by possible changes to staffing and resources.

**Immediate** tasks are generally those that can be adopted without reference to other programmes including resource planning. They will be capable of being completed within the next year:

- Formal adoption of the Conservation Area Character Appraisal as an informative document for the Local Development Framework;
- Formal adoption of the Management Proposals as a Supplementary Planning Document;
- Designate amendments to the conservation area boundary as proposed in the boundary review;
- Ensure links with other policy areas to protect the land around the conservation area, particularly the 'buffer' zone;
- Investigate potential breaches of development control, such as satellite aerials, with a view to seeking changes or enforcement.

**Continuous** tasks require regular iteration:

- Monitoring of change including updating of the photographic baseline, which should never be more than five years old;
- Review of the Betley Conservation Area Character Appraisal on a five-year basis;
- Annual review of these Management Proposals.

**Medium-term** goals are those that require preparation but could be implemented within the next 1-3 years:

- Establish a policy and criteria for Local Listing, and also consider recommendations for statutory listing;
- Use community involvement to select buildings and structures for the Local and Statutory List;
- Use the recommendations of conservation area management proposals as a starting point for Local Listing;
- Establish an Article 4(2) Direction for family houses which are considered 'positive'; and provide detailed guidance for the residents;
- Establish a baseline photographic survey, covering all front elevations, of evidential quality to support the Article 4(2) Direction;
- Establish an Enforcement Strategy;
- Complete a Building-at-Risk survey.

### 8.4 Commitment and adoption

It is important that the Borough Council adopts the Character Appraisal as a 'material' document which will be used when considering applications for change within the Betley Conservation Area. It is also important that the Management Proposals should be formally adopted by the Borough Council as a Supplementary Planning Document so that it informs the Local Development Framework and that its intentions also carry due weight in the consideration of planning proposals.

### 8.5 Monitoring and review

The efficient delivery of a conservation service requires regular monitoring of change and the agents of change. The Borough Council is expected to undertake:

- Periodic reviews of the effectiveness with which the service addresses pressures for change;
- Updating of the baseline photographic survey on a five-yearly basis;
- Review the Betley Conservation Area Character Appraisal on a five-year basis;
- Annual review and updating of the Betley Conservation Area Management Proposals.

# APPENDICES:

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## Appendix I LOCAL PLAN POLICIES

The most important conservation area policies are Policies B9 and B10:

### Policy B9: Prevention of harm to conservation areas

The Council will resist applications that would harm the special architectural or historic character or appearance of the Conservation Areas.

### Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area

Permission will only be granted to construct, alter the external appearance or change the use of any buildings only if its proposed appearance or use will preserve or enhance the character or appearance of a conservation area. This will be achieved by the following criteria being met:

- (i) The form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing respect the characteristics of the buildings in the area.
- (ii) The plot coverage characteristics respect those of the area.
- (iii) Historically significant boundaries contributing to the established pattern of development in the area are retained.
- (iv) Open spaces important to the character or historic value of the area are protected.
- (vi) Trees and other landscape features contributing to the character or appearance of the area are protected.

Other relevant policies are the following:

- Policy B11
- Policy B12
- Policy B13
- Policy B14
- Policy B15
- Policy B16
- Policy B17
- Policy B18
- Policy B20

## Appendix 2 CRITERIA FOR LOCAL LISTING

### 1 Purpose of a Local List

Buildings that are listed nationally are protected by law. They tend to be buildings of higher quality and generally date from before 1840. The purpose of a Local List is to identify locally significant buildings and other features which may not be considered eligible for statutory listing.

### 2 The effect of local listing

The protection of buildings or other features which are Locally Listed can be achieved through policies in the Local Plan, or in Supplementary Planning Document. The identification of these special buildings or features is also best achieved through consultation with local communities, giving them ‘ownership’ of the Local List and helping to inform and enlighten local knowledge.

Although there is no statutory protection for such buildings, local listing can be a material consideration to be taken into account in determining planning applications.

### 3 Principles of selection

Locally listed buildings or structures are those which make a special contribution to the history, appearance, character, and cultural value of the Borough of Newcastle-under-Lyme. They include the following:

- Buildings which have qualities of age, style, materials and detailing;
- Well detailed historic shopfronts;
- Historic structures such as walls or railings;
- Historic street furniture including paving, post boxes, bollards, or street lighting;
- Former industrial sites (where scheduling as an ‘Ancient Monument’ is not appropriate), which have particular local significance;
- Other features which have historical or cultural significance, perhaps by association with a famous person or event.

They should all survive in a clearly recognisable form, with their historic features and layouts still present. Some selection of the better examples of these buildings or structures will be necessary, so in some cases the most authentic and interesting of a group of buildings may be Locally Listed, rather than the whole group. It is likely that most of the entries will date from the mid-19<sup>th</sup> to the mid-20<sup>th</sup> century, but recent buildings of outstanding quality could be considered.

## 4 Categories

In summary, the Local List for the Borough of Newcastle-under-Lyme could include the following categories:

### (i) BUILDINGS

These may include:

- Buildings designed by a particular architect or designer of regional or local note;
- Good examples of well designed domestic buildings which retain their original details and materials;
- Good examples of educational, religious or community buildings which retain their original details and materials;
- Landmark buildings or structures of notable design;
- Buildings or structures of which contribute to our understanding of the development of the area.

### (ii) STRUCTURES

These may include:

- Notable walls or railings;
- Street lighting ;
- Bollards;
- Street surfaces;
- Post boxes.

### (iii) HISTORIC ASSOCIATION

These must be well documented and may include:

- Any building or structure which has a close association with famous people or events;
- Any building or structure which has a close association with an important local feature including statutorily protected sites or buildings.

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## **Appendix 3 PROPOSED LOCAL LIST FOR THE BETLEY CONSERVATION AREA**

### **Church Lane**

Grindley House  
Church House  
Wesley Court

### **Main Road – south of Church Lane**

Ravenscourt Barns  
\*The Old Police House, The Estate House and adjoining house – marked TFT 1885  
Betley Court Farmhouse  
Betley Court Farm buildings  
The White Cottage  
Coachman's Cottage  
The Rosary  
Sunny Side  
\*Pair of cottages south of Linden House – marked TFT 1880  
Linden House

### **Main Road – north of Church Lane**

The Reading Room  
Byrne Cottage and Ivy Cottage  
Recreation House  
\*Wall behind Telephone Exchange, once the boundary wall to the Betley New Hall estate  
Hawthorn and Primrose Cottage  
Bow End House  
Newlands  
Sandstone walls and former front entrance to Betley New Hall

### **Betley Hall Gardens**

\*Former wall to Betley New Hall, once enclosing the walled garden

\*Buildings or structures which could be eligible for statutory listing

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## Appendix 4 CONTACTS

For information on planning matters generally in Betley, please contact:

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Design and Conservation Officer,  
Newcastle-under-Lyme Borough Council  
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Staffordshire ST5 2AG

Tel: 01782 742408

Email: [Louise.Wallace@newcastle-staffs.gov.uk](mailto:Louise.Wallace@newcastle-staffs.gov.uk)

For information on scheduled monuments and the County-wide Historic Environment Record (HER), please contact:

Suzy Blake  
Historic Environment Records Officer  
Staffordshire County Council  
Development Services Directorate  
Riverway  
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Tel: 01785 277281  
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### (Footnotes)

<sup>1</sup> Planning Policy Guidance 15 (PPG15) – *Planning and the Historic Environment* - 1994

<sup>2</sup> PPG15 - *Planning Policy Guidance: Planning and the historic environment* - 1994

<sup>3</sup> English Heritage – *Guidance on Conservation Area appraisals* – 2005

English Heritage – *Guidance on Management Proposals for Conservation Areas* – 2005

<sup>4</sup> Historic Environment Local Management (HELM)

<sup>5</sup> Department for Culture, Media and Sport – *Heritage protection for the 21<sup>st</sup> century* – March 2007