

APPROVAL AND ADOPTION OF THE CONSERVATION AREA APPRAISAL FOR HALVERGATE AND TUNSTALL CONSERVATION AREA

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Portfolio: Planning

Ward Affected: Marshes

Purpose of the Report:

To approve and adopt the Halvergate and Tunstall Conservation Area Appraisal.

Recommendations:

1. That Cabinet and Council approve and adopt the conservation area appraisal for Halvergate and Tunstall Conservation Area (Appendix C)

Summary

1.1 The Broads Authority have produced and adopted a conservation area appraisal for Halvergate and Tunstall on 15th September 2023. As part of the conservation area falls within the Broadland District Council area, as the Local Planning Authority the appraisal also requires adoption by the authority. No changes to the conservation area boundary are proposed.

2. Background

2.1 Under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required from time to time to determine which part of their areas are of special architectural or historic interest whose character or appearance it is desirable to preserve or enhance, and to designate them as conservation areas. Under Section 71 of the Act the authority is also required to formulate and publish proposals for their preservation and enhancement.

2.2 The appraisal assesses the character and appearance of the conservation area, reviews the boundaries, identifies buildings of local heritage significance that also positively contribute to the character and appearance of the conservation area, and sets out proposals as to how the conservation area can be managed and further enhanced. The appraisal has been carried out in accordance with the guidance contained within the Historic England Conservation Area Designation, Appraisal and Management Historic England Advice Note 1 v 3.0 Feb 2019.

2.3 The conservation area was designated in 2007 when the existing conservation area appraisal was also carried out.

2.4 The initial draft of the appraisal prepared by the Broads Authority was subject to public consultation between 14th April and 9th June 2023.

2.5 All the residents in the conservation area were consulted, along with local members and other key stakeholders such as Historic England and Norfolk County Council. Documents were also available on the Authority's website and notices were put up in the village, with officers available to answer queries by telephone, e-mail or letter. A public meeting/drop-in session was held on 13th May in Halvergate Village Hall.

2.6 A list of consultation responses is contained at Appendix B. The main points can be summarised below:

- Concern regarding the fire damaged grade II listed Stone Cottage and its outbuildings and the length of time that repairs are taking. The repair of the cottage is identified as a Management and Enhancement proposal.
- Concern that the Management and Enhancement proposals have placed undue responsibility and financial burden on the owners of the sites identified. Clarification has been provided on this matter verbally and in the document. It is a legal requirement that Management and Enhancement proposals are included (as they were in the previous document) and it does not place any further obligations on owners but may help in encouraging repairs and identifying and applying for funding sources.

- Concerns regarding some of the Management and Enhancement proposals, some of which have been removed (e.g. the installation of a bench and notice board by the pond) or re-worded (e.g. 'the sensitive repair (where required) of the railings to the paddock east of the War Memorial' to ensure that it was clear that the wholesale replacement of the railings was not being suggested).

2.7 The Broads Authority took the appraisal to their planning committee for approval and adoption on 15th September 2023. The report is available on their website:

[Planning Committee \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

2.8 The recommendation has been taken to Broadland Communities, Housing and Planning Policy Development Panel on 13th December. They recommended that Cabinet recommends to Council to approve and adopt the conservation area appraisal.

2.9 Questions raised at the panel meeting were:

- It was asked why an article 4 direction to restrict permitted development rights was not considered appropriate when it was raised at the consultation. It was outlined that the legislation requires article 4 directions to only be considered in special circumstances where the character of an area is at risk from alterations that are normally permitted development. It is usually applied where there is a high degree of uniformity of character e.g. streets of terrace houses, where retaining uniformity of design is very important to preserving the character and appearance of a conservation area. Since the Halvergate and Tunstall conservation area is varied in terms of types and design of dwellings it was not considered necessary or appropriate to serve an article 4 direction in this case.
- It was asked whether a resident's comment that there is a degree of uncertainty over the respective roles of the Broads Authority and Broadland District Council has been addressed. This was addressed by the Broads Authority after the consultation and the section is on p7 of the appraisal which refers to the separate development management documents for each council: the Broads Local Plan (2019) and the Development Management Plan (2015.) P9 also sets out that although Broadland Council provides services for the area, and that the planning function is separate for the Broads Authority.

3. Proposed action

3.1 It is proposed to advise for Cabinet and Council to adopt the conservation area appraisal produced by the Broads Authority (Appendix C).

4. Issues and risks

4.1 Inclusion in the conservation area has the following implications:

- Any submission for planning permission will be considered with regard to preserving and enhancing the character and appearance of the conservation area.
- Planning permission will be needed to demolish buildings and other structures such as front garden walls (if over 1m in height)
- Alterations affecting external appearance, particularly to the front elevation are likely to require planning permission e.g. dormer windows and satellite dishes
- Six weeks notice is required to be given to the council prior to undertaking any works to trees.

4.2 The appraisal provides improved background information on defining the character and appearance of the conservation area, and this in turn will lead to an improvement in design and access statements and assist in decision making when determining planning applications. The appraisal also includes recommended enhancement (p45), however it should be noted that these are recommendations rather than obligations.

4.3 There are not therefore considered to be any significant financial implications with regard to officer time or resources.

5. Conclusion

5.1 The assessment of the conservation area and the public consultation have been carried out by the Broads Authority in line with recommended guidelines produced by Historic England and in consultation with Broadland District Council.

5.2 It is advised that Cabinet and Council approve the adoption of the conservation area appraisal for the Broadland District Council Local Planning Authority Area.

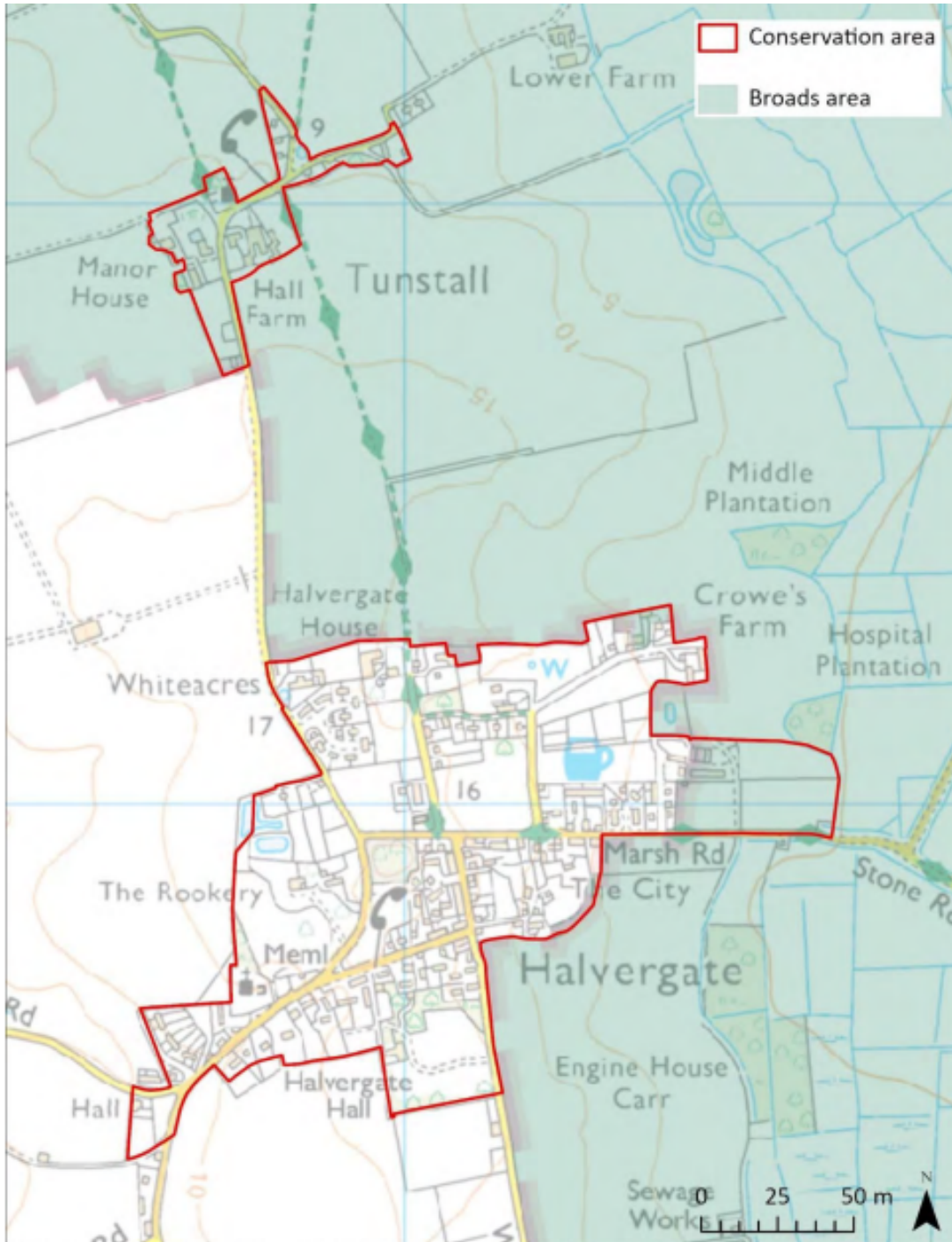
6. Recommendations

6.1 That Cabinet and Council approve and adopt the conservation area appraisal for Halvergate and Tunstall Conservation Area (Appendix C)

Background papers

Appendix A

Map showing the Halvergate and Tunstall conservation area boundary (red line), the area within the Broads local planning authority area (green), and the area within Broadland District Council area (clear.)



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Appendix B

Consultation Responses

Organisation / Individual	Method of response	Comments / Questions	Action
Resident	Telephone	Does the document change things with new development, allowing more or less?	Responded to discuss and informed that it neither promotes or prevents development but helps to guide it to ensure any development protects and enhances the CA.
Resident	Telephone	<ul style="list-style-type: none"> Checked that we had the War Memorial as listed and asked whether the new memorial being installed would automatically be listed. Talked about the problem of the fire-damaged cottage near the pond and asked which the building of local interest was on that site? Suggested maps would be helpful. Said the document is 'not too bad'. 	Responded: <ul style="list-style-type: none"> Explained new memorial would not automatically be listed and about the '30 Year Rule' for listing. BDC will be working with the owner of Stone Cottage regarding its repair. The locally listed building referred to is at Pond Cottage, which is not the building next to the pond (Stone Cottage) as is often assumed, but is opposite. A plan showing the location of the locally listed buildings will be provided.
Resident	Email	<ul style="list-style-type: none"> Does the document change the conservation status of the village? Mention of extensions to area, page 32? Why are proposed management and enhancements all responsibility of parishioners rather than statutory bodies? Additional areas for improvement identified. Reference to overhead cables is removed and these are still a problem. 	<ul style="list-style-type: none"> No. This is an error. To be deleted. There are no extensions proposed. Clarify that we cannot make anyone (parishioners or public bodies) do anything. They are suggestions. Agree with suggestions re street signage, Highways contacted and suggestion added to document Include reference to overhead cables

Organisation / Individual	Method of response	Comments / Questions	Action
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<p>John Percival, Historic Environment Senior Officer (Strategy and Advice), Norfolk County Council</p>	<p>Email</p>	<p>We have no comments on the substantive content of the Conservation Area Appraisal, which is thorough and professional.</p> <p>The document would perhaps benefit from a plan or plans showing the undesignated heritage assets (locally listed buildings) listed in Appendix 2.</p>	<p>Noted.</p> <p>Maps and plans to be provided in final document.</p>
<p>Resident</p>	<p>Email</p>	<ul style="list-style-type: none"> • The stream that runs from Moulton Road to Damgate, Acle should be protected and enhanced by an extension to the conservation area. • It is an area of beauty and carves the landscape • Further development on the western side of the village could damage its ecosystem. • Believes further development may be planned near Church Avenue which would put the stream at risk. • Maps, aerial images and photos provided 	<ul style="list-style-type: none"> • Although this is clearly a historic stream, which would appear to create an attractive environment and presumably has ecological benefits, it is not considered to be of sufficient 'special architectural or historic interest' to extend the CA to cover it (para 191 NPPF). • Discussed with BDC (as it is within their area) and they agree. Should a planning application for development in the area be submitted, there will be a public consultation period and this matter can be raised then. • A sentence will be added to CAA doc to highlight the significance of the stream on the wider setting of the CA.

Organisation / Individual	Method of response	Comments / Questions	Action
Resident	Email	<ul style="list-style-type: none"> • (Page 15): "...the erection of the Primitive Methodist Chapel on Squires Road..." - Was the road called Squires Road in 1878, at the time the Chapel was constructed? Squires Road today is located approx. 100 m further to the west; • (Page 15) : "...the National School on Marsh Lane, built in 1854 alongside a teacher's residence." - This building was not located on Marsh Lane but on Moulton Road, at the western end of the village. The confusion probably arises because Marsh Lane was the location of the new school built after the Moulton Road building was destroyed by fire in 1929. The former teacher's residence is today a private dwelling, Spring Cottage. 	Checked and document amended.
Janine Dykes, Historic England	Letter	No detailed comments but suggest considering Article 4s, inclusion of a glossary and reference to S106/ CIL money for enhancements in Management Plan.	<ul style="list-style-type: none"> • Article 4s considered but not considered appropriate. • Glossary to be included. • Reference to S106 / CIL added.
Resident	Letter	<ul style="list-style-type: none"> • The purpose and aims of document have our full support. • greater clarity needed across the community (needing wider publicity/communication?) on the aspects that require permissions and those that may or may not be allowed under Permitted Development Rights – and where best to go to for advice. 	<p>Noted.</p> <p>Clarified further in document</p>

Organisation / Individual	Method of response	Comments / Questions	Action
		<ul style="list-style-type: none"> ● use of 'Materials' in the conservation area, where there are all too many 'not in keeping' examples. ● There is a degree of uncertainty over the respective roles of the Broads Authority and Broadland District Council. ● The 'Barn at Tunstall Hall' (a Proposed Inclusion to the Broads Local List) is not part of this property. The barn in question is owned by the neighbouring farm ● In reference to this Barn, on page 18, the date on the date stone is shown as '18??', 1830 confirmed. ● Could 'Tunstall Hall' be given that name throughout, excluding the older alternatives - 'Hall Farm' and 'Hall Farmhouse'? ● Attention is drawn in the 'Tunstall' section on p26 to the significance of Tunstall church, its surroundings and approaches. Elsewhere, in Appendix 4 (page 36) reference is made to the importance of ground surfacing and the conservation of non-surfaced areas. With these points in mind, who is responsible for the maintenance of the thoroughfares on each side of the green triangle in front of Tunstall church? As a result of vehicular activity on all three sides the area of green triangle is diminishing through tyre erosion and the non-surfaced side 	<p>Clarified in document</p> <p>Section added to document</p> <p>Clarified in document and historic association with Tunstall Hall explained</p> <p>Amended</p> <p>Amended with explanation that listed with different name</p> <p>Recommended as an enhancement</p>

Organisation/ Individual	Method of response	Comments / Questions	Action
		<p>nearest the church is deeply rutted. The whole becoming unattractive and part difficult to walk over in both dry and wet conditions.</p> <ul style="list-style-type: none"> • A widespread concern in the community is the state of ill-repair and lack of maintenance of Stone Cottage, its outbuildings (one now falling into the pond) and grounds in general. What pressure and/or grant support can be brought to bear to rectify its condition? 	<p>Discussed with BDC and explained the strength of public feeling about the building's state of repair. Repairs to the building are underway.</p>
Resident	Letter	<ul style="list-style-type: none"> • Sees the Management and Enhancement proposals as employees from Local Authority giving their personal observations about aspects of the village and placing additional liabilities on owners / the community. Suggestions should come from the community. Disagrees with the proposals. • The CA was established with the specific intention of protecting the villages from inappropriate development by a specific developer. It has served its purpose and does not need 'gold plating' and should not hinder appropriate development. 	<ul style="list-style-type: none"> • Management and Enhancement proposals are important part of CAA. Explain their purpose. Consider removing from the list the bar in front of the bench and bench / notice board by pond. Amend description for railings around paddock near village sign. The purpose of speaking to the parish and consulting on the documents is to obtain the views of local residents, hence why we were consulting and will be amending the document where appropriate. Professional not personal opinions. • The document is not intended to hinder appropriate development. It is not being 'gold-plated' just brought up to standards set out in current good practice.
Resident	Drop-in event	<p>Could the colours on the 'character area' map be more transparent or the base plan more clear so that you can see the buildings / street layout better?</p>	<p>Amendments made to mapping.</p>

Organisation / Individual	Method of response	Comments / Questions	Action
Resident	Drop-in event	The barn at Tunstall is no longer owned by Tunstall Hall	Noted
Various	Drop-in event	Several queries re: how we would make people carry out management / enhancement proposals, who was responsible and how they would pay. (Think part of the issue was that people hadn't read the actual document and just the leaflet).	<ul style="list-style-type: none"> • Check wording and clarify. • Stress potential to enable grant applications etc if management / enhancement proposals are identified in the CAA document. • Change design of leaflet for next CAA.
Various	Drop-in event	<ul style="list-style-type: none"> • Lots of concern re grade II listed Stone Cottage and its condition following fire damage and very slow progress with repairs. • Focal point in village. • Also concern re: the outbuilding that has collapsed into the pond. • BDC should use powers to resolve. 	<ul style="list-style-type: none"> • We have discussed with BDC • They are in contact with the building owner and repairs are progressing
Resident	Drop-in event	Inappropriate for us to be suggesting there should be a village notice board and bench by the pond. There is already a notice board outside the church.	This has been removed as a Management and Enhancement proposal from the CAA.
Resident	Drop-in event	A bench by the pond might encourage kids to loiter and anti-social behaviour.	This has been removed as a Management and Enhancement proposal from the CAA.
Resident	Drop-in event	Is the forecourt to the Red Lion pub that bad? Should it be included as a Management and Enhancement proposal?	This has been checked. Its condition is poor and could relatively easily be improved and enhance the conservation area and the setting of the grade II listed building. It is being retained in the document.
Resident	Drop-in event	Enhancement areas have been controversial.	<ul style="list-style-type: none"> • Comments have been considered and amendments made where appropriate. • More explanation will be provided in the document as to their purpose, the benefits of including them and the fact that it is a legal requirement to include them in the document.

Organisation/ Individual	Method of response	Comments / Questions	Action
Resident	Drop-in event	Railings around paddock to the north of War Memorial – these are very old – early 1800s? The age and condition of the railings are part of the character of the area. Hold memories for residents. Would not like to see them looking all spick and span as this would change their character.	Noted. Amendments made to text to suggest like for like repair / replacement of sections where appropriate.
Resident	Drop-in event	Pond not owned by Parish. Owner's details provided.	Noted.
Resident	Drop-in event	The bench with the railing in front of it is called the Coronation Bench (installed at last coronation). Has always had the bar in front of it which was installed for safety reasons and again people feel fond of it and would be reluctant to see it removed. What would the benefit be in it being removed?	Noted. The specific suggestion to remove the safety bar has been removed and re-worded to suggest that the area could be enhanced.
Resident	Drop-in event	Entrance to village- condition of signs etc (Marsh Road) – what enforcement powers are there relating to that.	Noted and agreed. No specific enforcement powers but the issue will be flagged up with Highways and included in the CAA.
Resident	Drop-in event	Pro conservation area. Could the Parish try to get the conservation area status overturned as some on the PC are not keen on it?	Noted and explained that it would be hard to remove the CA status.
Resident	Drop-in event	The poor condition of the Red Lion PH roof was flagged up.	Already included as a Management and Enhancement proposal in the CAA.
Various	Drop-in event	Several comments opposing new development opposite Village Hall	In BDC area and reported to them. Not relevant for the document as outside the CA.
Resident	Drop-in event	Pro-new development opposite village hall.	In BDC area and reported to them. Not relevant for the document as outside the CA.
Resident	Drop-in event	Could we list contacts for grants at the end of the document?	Not considered appropriate, as grant sources change regularly and it would be dependent on what sort of works were to be covered by the grant.

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Resident	Drop-in event	Issues with people parking on the roads making it hard for farm vehicles to pass and then having to go onto banks / verges and damaging them.	Comment added to CAA.
Resident	Drop-in event	Importance of trees and spaces between development	Already highlighted in document.
Resident	Drop-in event	Importance of views across the marshes from Wickhampton Road and The Street	Already in document.
Resident	Drop-in event	There were some green areas highlighted on a map in the previous document – some of which were just gardens and don't think should have been included. Checking this won't be in new document?	No.
Resident	Drop-in event	The trees are not maintained in the village.	<ul style="list-style-type: none"> • Included as Management and Enhancement proposal. • Contact NCC re maintenance of any street trees.
Various	Drop-in event	Issue of condition of churchyard wall raised a number of times but also flagged up the lack of funds to repair it and conflict with trees that they wouldn't want to be lost.	Included as Management and Enhancement proposal.

Proposed Local Listings in Tunstall and Halvergate consultation responses

Organisation / Individual	Method of response	Comments / Questions	Action
Resident	Telephone	Confusion as to why phone box in Tunstall was being listed and not the one in Halvergate?	Responded to confirm the K6 box in Halvergate is already listed and it is proposed to Locally List and not list the box in Tunstall.
Resident	Email	Confusion re telephone boxes and listing / local listing.	Responded to confirm the K6 box in Halvergate is listed and it is proposed to Locally List and not list the box in Tunstall.
Resident	Letter	<ul style="list-style-type: none"> • Concern re inclusion of Broads Local List. Buildings of significance already covered by listing. Local List is a precursor to National Listing. • Objects to adding barn at Manor House, Tunstall to the Local List. Already has a level of protection and amalgam of old and new and is redundant. • Which outbuildings at Manor Farm do we intend to include in the Local List? Already curtilage listing? The buildings are of no architectural merit and have no agricultural function. • Which barn at Tunstall Hall is being referred to? Why should it be placed on Local List. None of the barns are owned by Tunstall Hall so why is this association made? No permission was granted to take photos but a photo appears in the appraisal document. 	<ul style="list-style-type: none"> • Local listing is not a precursor to national listing. • The barn and other outbuildings would not be considered curtilage listed and given their group value with the listed building, farm and wider CA they should be LL. • Clarify which barn at Tunstall Hall to east of front garden of Tunstall Hall (map will be provided in document). It was historically associated with Tunstall Hall. Photo is not in the Conservation Area Appraisal but was used on a display at Halvergate Village Hall. Apologies to be sent as permission should have been sought as photo taken on private land. • The local listing of the Tunstall phone box would not impose obligation re maintenance. Our assessment suggests that the phone box does have some significance and contributes to the character of the area. • Pond Cottages – our assessment suggests suitable for LL. Very little additional bureaucracy.

Organisation / Individual	Method of response	Comments / Questions	Action
		<ul style="list-style-type: none"> • K6 telephone in Tunstall, local listing would impose obligation on maintenance. Not aesthetically or architecturally important. Local opinion is not uniformly supportive of their retention. • Pond Cottages are protected by the CA/ Local Listing serves no useful purpose except another level of bureaucracy where changes to meet energy needs etc of residents will be required. • Objects to Local Listing. 	<ul style="list-style-type: none"> • Should be noted that all the buildings proposed for LL were identified as buildings of Local Interest in the last CAA – in fact we have reduced the number of buildings. Not our personal observations but professional opinions. • The Broads Authority have met with the objector, who does not want to formally object but wanted to ensure the issues they raised were understood.

Appendix C: Halvergate and Tunstall Conservation Area Appraisal for adoption

Attached