



**SCOTTISH CIVIC TRUST**  
**A HOW-TO GUIDE**  
**CONSERVATION AREA**  
**MANAGEMENT**



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## FURTHER READING

Scottish Planning Policy (SPP)  
Scottish Historic Environment Policy (SHEP)  
Managing Change in the Historic Environment Guidance Notes Series  
New Design in Historic Settings  
PAN68 Design Statements  
PAN71 Conservation Area Management  
PAN3/2010 Community Engagement



## INTRODUCTION

The Scottish Civic Trust has over 40 years' experience of working in conservation and planning. Through our core activities we support a nationwide network of local civic societies and conservation groups, which act as a driving force for effective local historic environment advocacy. This guidance document recognises the role that local groups play in the effective management of conservation areas in Scotland, and is intended as a guide for local groups and individuals to better understand the implications of conservation area designation, the planning policy context, and good practice for managing change and influencing the shape of Scotland's built environment.

## WHAT IS A 'CONSERVATION AREA'?

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." Local authorities have a statutory duty to identify and designate such areas.

Conservation areas are crucial to the conservation of our historic built environment. At March 2010 there were 641 conservation areas in Scotland, compared to 636 in 2008. Based on the 2010 postcode index 262,036 (9.6%) of households live in these conservation areas, which cover around 0.3% of Scotland's land area.

The overall layout may be just as important to the character of these areas as individual buildings. The majority are urban: parts of cities and towns plus a few villages and cultural landscapes. To safeguard them for the enjoyment and benefit of future generations any new development should preserve or enhance their varied character.

The public will normally be consulted on any proposal to designate conservation areas or to change their boundaries. Proposals for conservation areas are usually brought to your attention when the local plan for your area is reviewed. Proposals must be advertised in at least one local newspaper and the Edinburgh Gazette.

**There are 641 conservation areas in Scotland representing 0.3% of the country's land area and 9.6% of households.**

Eaglesham





## WHAT DOES CONSERVATION AREA STATUS MEAN?

The main regulatory instrument afforded by conservation status is the control of demolition of unlisted buildings and structures through the mechanism of “conservation area consent” (CAC). This was introduced in 1971 in the recognition of the importance that even relatively minor buildings can play to the overall character or appearance of a conservation area (in general terms, the demolition of a structure unless it is a listed building is afforded permitted development status).

Conservation area status also brings the following works under planning control:

- removal of, or work to, trees
- development involving small house extensions, roof alterations, stone cleaning or painting of the exterior.

Conservation area designation enables planning authorities to implement stronger management control via Article 4 Directions, which would otherwise not be possible. These can play a particularly important role in protecting unifying features (e.g. doors, windows and shop-fronts) and in arresting the incremental erosion of character and appearance by small-scale alterations that in themselves may not be significant but collectively and over time might have a negative impact.

It is recognised that the successful management of conservation areas can only be achieved with support and input from stakeholders, and in particular local residents and property owners.

## WHAT IS ‘CHARACTER’?

An understanding of the ‘character’ of a conservation area grows out of a careful study of the nature, form and history of a specific place. This helps identify the nature of a place – how it has developed and become what it is today and what factors influenced its current form. It is important not only to describe what currently makes up a place – the form, layout, architectural styles and materials used – but also to gain an understanding of how these elements were created and why they took the form they did. Getting under the skin and unpicking the appearance of a place is crucial to understanding and appreciating its character.





## CONSERVATION AREA APPRAISALS

Planning Authorities have a duty to prepare proposals for the preservation and enhancement of conservation areas, although there is no imposed timeframe for doing so. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also indicates that planning authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area in making planning decisions that affect the area. A more considered and careful approach is therefore needed in considering development proposals in a conservation area.

In response to these statutory requirements, an appraisal document defines and records the special architectural and historic interest of the conservation area and identifies opportunities for enhancement. Scottish Government guidance on conservation area appraisals is set out in Planning Advice Note 71: Conservation Area Management (December 2004). Additional government policy and guidance regarding the management of historic buildings and conservation areas is set out within Scottish Planning Policy (SPP), in Scottish Historic Environment Policy (SHEP) and in the Managing Change in the Historic Environment series of guidance notes.

An appraisal document therefore seeks to:

- 1 define the special interest of the conservation area and identify the issues which threaten the special qualities of the conservation area
- 2 provide guidelines to prevent harm and achieve enhancement
- 3 provide the local authority with a valuable tool with which to inform its planning practice and policies for the area. An appraisal

provides a firm basis on which applications for development within the conservation area can be assessed. It should be read in conjunction with the wider development plan policy framework produced by the local authority.

Some communities have developed Conservation Area Appraisals of their own such as the Helensburgh Conservation Areas Group.

In 2010 the Scottish Historic Environment Audit (SHEA) found that 32% (204 out of 641) of conservation areas have Conservation Area Appraisals in place.

### HELENSBURGH CONSERVATION AREAS GROUP

In 2005 Helensburgh Community Council began to liaise with other community groups in Helensburgh with the purpose of undertaking an appraisal of the conservation areas in the town.

The appraisal process included an exhibition of 'Impressions of the Conservation Areas' seen through the eyes of Helensburgh's photographers, artists, writers and school children.

Groups such as Helensburgh Photographic Club, the Helensburgh & District Art Club and the Helensburgh Writers Group were invited to contribute their interpretation of what the conservation areas mean to them. A tremendous response was received from the various local groups and the local schools.

This extensive and meaningful public consultation led to a very positive reception for the appraisal document, which has since been adopted by Argyll & Bute Council as Supplementary Planning Guidance, and an increased awareness of conservation & design issues in the town.

Helensburgh Community Council has since gone on to publish a Design Guide for the town, based on Argyll & Bute Council design aspirations expressed in the local plan, translated into key design characteristics for Helensburgh.

The loss of historic windows can have a significant cumulative  Keith CA Boundary Review 

## ARTICLE 4 DIRECTIONS

The Town and Country Planning (Permitted Development)(Scotland) Order 1992 (known as the GPDO) sets out certain types of development that do not require planning permission, known as permitted development rights.

Within conservation areas, many permitted development rights are unaffected. For example, the GPDO allows for the replacement of traditional sash and case windows with uPVC in conservation areas, without having to apply for permission. While small in scale, the cumulative effect of such developments can have a detrimental effect on unifying features that contribute to the character of conservation areas.

In line with guidance, it has been common practice among planning authorities to extend control within Conservation Areas by way of an Article 4 Direction. Essentially, this requires planning permission to be sought for certain specified types of development where this would not normally be required. Article 4 Directions are a further way of ensuring that a conservation area maintains its character and appearance. As at 2010, 62% (397 out of 641) of conservation areas have Article 4 Directions in place.

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 Householder Permitted Development Rights changed the permitted development rights for homeowners, and in conservation areas.

The changes apply to development relating to dwellinghouses, currently set out in the GPDO. The principal aim of the changes is to simplify the rules so that they are easier to understand and apply. It is also the intention that more minor and uncontroversial developments will not require a formal application for planning permission.

These changes came into force in February 2012 and further restricted Permitted Development rights in conservation areas; the changes would alter the classes of development which require permission within a conservation area, which may dispense of the need for Article 4 Directions for householder development.





## PLANNING IN A CONSERVATION AREA

The easiest way to help protect and enhance a conservation area in your area is to comment on development proposals through the planning system.

Any planning application which a planning authority considers likely to alter the character of a conservation area must be advertised in the local press and a notice posted near the site. The planning authority must then allow 21 days for objections and comments before determining the application. The planning authority must take these representations into account before making a decision.

When making representations to the planning authority, keep in mind that designation as a conservation area does not place a ban upon all new development within its boundaries. However, new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or appearance of the area. Each planning authority should have policies on development within a conservation area within its local plan, and may also have supplementary planning guidance (SPG) with further policies and guidance on conservation and design issues.

Generally, developments should be of a high quality, both in terms of design and materials, and sympathetic to the character of the conservation area. This does not mean the design must replicate the traditional styles or detailing of existing historic buildings, indeed there are excellent examples of contemporary buildings in a historic context which enhance their surroundings. The Scottish Civic Trust generally takes the view that a building should be 'of its time' and a contemporary design which is harmonious with the historic context is most appropriate.

Make your comments and criticism constructive. Be aware of, and refer to, the policies regarding conservation areas (and listed buildings, if appropriate) in the local plan and any supplementary planning guidance. Find out if there is a conservation area appraisal. This will set out the 'special character' which is to be protected and you should refer to parts which might support your comments.

Historic Scotland has recently published new guidance *New Design in Historic Settings* which outlines general principles for developments in a historic area.

### "PRESERVE OR ENHANCE"

The legislation states that conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to *preserve or enhance*." It should be noted that the phrase "*preserve or enhance*" has been the subject of debate over the years, and is one of the few areas of historic environment legislation that has been subjected to legal tests.

A landmark case, now known as the Steinberg principle (from *Steinberg & another v. Secretary of State for Environment*, 1988) together with further refinements of other cases (notably *South Lakeland District Council v SofS for the Environment*, 1992) defined the statutory objective of preserving and enhancing as one that achieved by positive contribution to preserve or by development which leaves the character or appearance unharmed. This is now largely considered to be the principle of "do no harm".

It should also be noted that the assessment of "preserve or enhance" for planning purposes needs to be made against the character of the whole of the conservation area, unless it can be shown that there are areas of distinct character within the whole. In this instance, the assessment is made in the context of these character zones.

Helensburgh Conservation Area Appraisal   Winning design for Helensburgh Pier Design Competition

## BE CREATIVE!

Of course, you don't have to wait for others to act! If there is a site in a local conservation area that needs attention, or there appears to be the prospect of some development taking place in the future, get ahead of the game and produce a "civic vision" for the site. Get the community together to discuss what is needed, and how best to develop the area. Think constructively and creatively about how the area in question could contribute to the longterm well-being of the local built environment. A Development Brief could be as simple as a "wish-list" – affordable housing, play facilities, a new footpath or a new park. You could bring the local knowledge of the society to articulate the aspects of importance, such as historical context of the site. This information can be invaluable to planners and developers alike. If the skills are available, more comprehensive briefs can be prepared, and include visual mock-ups of the vision of the society.

Finally, don't rule out a local architectural or design competition. Even through you may not control the site, such an "ideas competition" can stimulate creative thought and action.

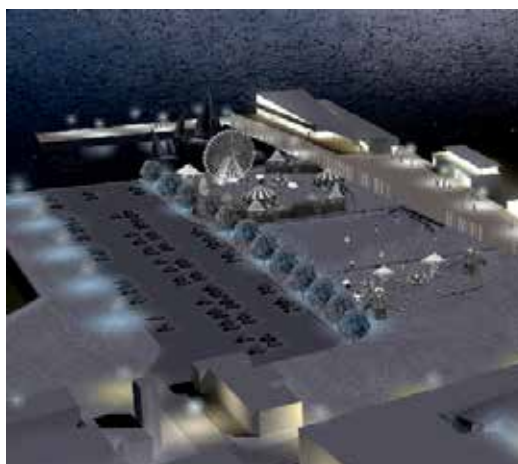
## HELENSBURGH PIER DESIGN COMPETITION

Unhappy with the possibility of their pier area being rezoned for town centre and retail uses, the Helensburgh & District Civic Society developed a design ideas competition to demonstrate to the council and the community the dynamic redevelopment potential of the site.

The aim was to encourage concepts which would revitalise the pier environment and enhance the town's seafront with distinctive innovative designs which could provide public use for leisure, recreation and tourism in an attractive, high quality and appealing setting.

The Civic Society set up an organising group including society members and local architects. The competition was run through the RIAS for no charge, helping the competition make a presence in the architectural schools of Scotland and in return promoting membership of the RIAS for students. The judging panel commended the competition as 'an important catalyst towards a major reappraisal of the town's seafront.'

The winning designs were exhibited at the town's library to stimulate discussion and comments by the people of Helensburgh. The Helensburgh & District Civic Society also championed the winning design concept as the preferred way forward to the Argyll & Bute Council, The Helensburgh Partnership and other relevant bodies.







## REGENERATION AND FUNDING

Grants are a major stimulus to conserving the nation's built heritage, benefiting both communities and the general economy by generating work in the construction industry and supporting tourism. For example, between 1999 and 2010 Historic Scotland awarded grants of more than £133 million that assisted repairs worth over £650 million.

There are two main grant programmes aimed at regenerating conservation areas: Conservation Area Regeneration Schemes (CARS) and Townscape Heritage Initiatives (THIs). These often work in tandem, with a CARS scheme providing support for a THI.

### Conservation Area Regeneration Schemes

This fund, administered by Historic Scotland, provides financial assistance for area based regeneration and conservation initiatives undertaken by local authorities.

Since 2005, there have been four CARS application rounds and the successful applicants are listed below. In total, 28 CARS have been approved since the scheme began – across 20 local authority areas. As at March 2010, £13.7 million of funding had been awarded through CARS. There are no current plans for a further round of CARS.

### Townscape Heritage Initiative


Through the Townscape Heritage Initiative (THI) programme, the Heritage Lottery Fund makes grants that help communities to regenerate Conservation Areas displaying particular social and economic need throughout the United Kingdom.

Schemes are intended to contribute to the economy, sustainability, vitality and confidence of the community concerned, and they are often part of a wider strategy for regeneration.

### Architectural Heritage Fund

For individual conservation projects, rather than large-scale regeneration schemes, the Architectural Heritage Fund (AHF) helps voluntary and community groups to repair and regenerate historic buildings, with grants, loans, advice and publications. However, Please note that the AHF cannot help private owners, or buildings in continuing long-term ownership or use.

The AHF also runs a website 'Funds for Historic Buildings' ([www.ffhb.org.uk](http://www.ffhb.org.uk)) which is a comprehensive guide to funding for anyone seeking to repair, restore or convert for a new use any historic building in the United Kingdom (excluding the Channel Islands and the Isle of Man) which is listed, scheduled or in a conservation area and of acknowledged historic merit. It includes details of virtually all substantive funding sources which specialise in historic buildings, as well as many (including a variety of regeneration programmes) which provide funding for historic building projects within a wider remit.

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Conservation  
Area 



## SO HOW CAN YOU GET INVOLVED?

Members of the public and local civic groups can get involved with the protection of conservation areas in a number of ways:



Be familiar with the **policies** which apply to conservation areas by consulting the Local Development Plan or the conservation area character appraisal, if there is one, and any supplementary planning guidance.



Find out about **proposals** affecting the conservation area in the local press and submit comments to the planning authority.



**Constructive criticism** is best - controls are there to ensure development is appropriate to the preservation and enhancement of historic character, not to stop all new development.



Get involved during the **designation** or alteration of conservation areas. There may be opportunities through the consultation that will be undertaken by the planning authority during the preparation of the development plan.



Get involved in consultations for **supplementary guidance** related to conservation areas.



Develop a '**Civic Vision**' for a problem site, or run a design **ideas competition** to stimulate discussion.



Develop your own '**community-led**' **conservation area appraisal**. This gives you the opportunity to identify the features of the area that are valued by the community, and provides an opportunity for communities to describe how they feel the physical character of their local area can be enhanced. Get in touch with the Trust if you are considering this option and we can provide advice and support throughout the process.



Contact the planning authority if you think **alterations** have been carried out within a conservation area without permission.



Inform the planning authority or Historic Scotland about **unlisted historic buildings** that may be under threat but worth considering for listing.



Contact the **Buildings at Risk** team at RCAHMS if a building is threatened with demolition.





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