

Meeting: Cabinet

Date: 17 March 2026

Wards affected: Roundham with Hyde, Clifton with Maidenway, Goodrington with Roselands, Furzeham with Summercombe, St. Peters with St. Marys, Tormohun, Wellswood.

Report Title: Brixham Town, Old Paignton and Torquay Harbour Conservation Area Appraisal and Boundary Review Adoption

When does the decision need to be implemented? After the call-in period has concluded

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1. Purpose of Report

- 1.1. The Council has secured a designation as a “Heritage Place” by the National Lottery Heritage Fund. The designation and the multiyear funding programme that accompanies it provides an opportunity to complement the capital investment the Council is delivering with its partners with a revitalisation of Torbay drawing on the best of the built environment. This report seeks Cabinet approval to adopt the updated Conservation Area Appraisals (CAAs) and proposed boundary changes to the conservation areas of Brixham Town, Old Paignton and Torquay Harbour.
- 1.2. The updated appraisals and proposed boundary changes would help protect the characteristics of these areas, including their architectural and historic interests, which make them a distinctive and unique place for local communities. The appraisals are a positive and active tool to celebrate, protect and enhance the places that make Torbay special. They can be used to attract investment alongside maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.
- 1.3. Those considering investment in the area for new development are able to assess the impact of proposals on the area’s special interest, character and appearance. The appraisals will be a material consideration in decisions affecting each area, will help improve the delivery of our planning service and will support the planned regeneration of Brixham, Paignton and Torquay town centres whilst protecting and enhancing our lived, built and natural environments in line with the established priorities of our Community and Corporate Plan in particular Pride in Place and Economic Growth.

2. Reason for Proposal and its benefits

- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by acting as a tool to empower local communities and all other relevant stakeholders to celebrate, explore and express the value of the place in which they live and work, and by providing a greater understanding of the special characteristics of each conservation area to inform robust planning decisions. This will allow the Council to enhance the historic environment as an asset within the bay for local communities and the local economy whilst celebrating the distinctiveness and individual identity of the relevant areas of Brixham, Paignton and Torquay.
- 2.2. The reasons for the proposal, and need for the decision are to ensure that our duty as a Local Authority to designate and periodically review conservation areas and their boundaries under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met.
- 2.3. The review of all 24 conservation areas within the bay is vital to ensure that their distinct identity is fully understood and celebrated in order to allow their special character and appearance to be preserved or enhanced through the development management process or wider heritage or place-based initiatives.
- 2.4. The review of these three conservation areas (Brixham Town, Old Paignton and Torquay Harbour) was funded by the National Lottery Heritage Fund through the 'Torbay Heritage Place' programme to support the protection and celebration of heritage and culture across the bay over a 10-year period. These appraisals are the first step in the review and updating of all of our 24 conservation areas across the bay.
- 2.5. The updated CAAs allow us to have an updated and robust evidence base to inform development management proposals within each area and will be used as a material consideration within the planning process, this will provide clarity for residents and business owners using the planning service.
- 2.6. The updated appraisals and associated boundary changes provide a thorough understanding of positive features within each area to preserve, negative features to be enhanced, and risks to the area's character or appearance through decay, neglect or other threats. This will help inform future management proposals through the subsequent production of a Conservation Area Management Plan (CAMP) for each area which can be produced and delivered in partnership with local communities and relevant stakeholders.
- 2.7. Up to date appraisals will assist those considering investment in the area for new development to be able to proactively build and understand consensus on the character that it is desirable to preserve or enhance which can be used to inform robust planning decisions and to celebrate new high-quality, sensitive development within the historic environment. They will act as a catalyst for regeneration and will inspire well designed new development which will bring economic and social benefits to the area and local communities.

3. Recommendation(s) / Proposed Decision

- 3.1. That the Brixham Town, Old Paignton and Torquay Harbour CAAs and associated boundary changes be adopted, (as set out in Appendices 1,3 and 5).
- 3.2. That delegated authority be given to the Director for Pride in Place in consultation with the Cabinet Member for Place Development and Economic Growth and the Cabinet Member for Pride in Place, Transport and Parking to make minor changes, typographical corrections or non-material amendments to the Brixham Town, Old Paignton and Torquay Harbour Conservation Area Appraisals prior to formal publication.

4. Appendices

Appendix 1: Brixham Town Conservation Area Appraisal

Appendix 2: Brixham Town Heritage Asset Audit

Appendix 3: Old Paignton Conservation Area Appraisal

Appendix 4: Old Paignton Heritage Asset Audit

Appendix 5: Torquay Harbour Conservation Area Appraisal

Appendix 6: Torquay Harbour Heritage Asset Audit

Appendix 7: 2025 Conservation Area Appraisal Reviews – Consultation Summary Report

5. Background Documents

- [Appendix 1: Brixham Town Conservation Area Appraisal](#)
- [Appendix 2: Brixham Town Heritage Asset Audit](#)
- [Appendix 3: Old Paignton Conservation Area Appraisal](#)
- [Appendix 4: Old Paignton Heritage Asset Audit](#)
- [Appendix 5: Torquay Harbour Conservation Area Appraisal](#)
- [Appendix 6: Torquay Harbour Heritage Asset Audit](#)
- [Appendix 7: 2025 Conservation Area Appraisal Reviews – Consultation Summary Report](#)

6. Introduction

- 6.1. Under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Authorities have a duty to designate conservation areas and periodically review their boundaries. Such areas are defined as ‘areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’. A CAA is the mechanism by which the local authority defines the special interest of the area.
- 6.2. Torbay has 24 conservation areas, the majority of which benefit from having associated CAAs. However, many of these documents were produced over a decade ago and over half are at least 15 years old. Historic England in their guidance document *HEAN 1 ‘Conservation Area Appraisal, Designation and Management’* advise that conservation areas should be reviewed every five years. Therefore, there is a clear need for all CAAs to be reviewed to act as up-to-date tools for today’s development context.

- 6.3. This report relates to the review of three CAAs; Brixham Town, originally produced in 2016 in draft form only, Old Paignton, originally produced in 2007 and Torquay Harbour, originally produced in 2004. All three conservation areas have undergone change since the production of the original appraisals and contain some of the bay's most sensitive heritage assets and areas. They also contain some of the primary regeneration sites within the bay.
- 6.4. The updated CAAs are the first step in addressing the clear need to review all CAAs within the bay in line with the adopted Torbay Heritage Strategy (2021-2026) and to meet our statutory duties as outlined above.
- 6.5. The updated CAAs have outlined the need to amend the boundaries of both the Brixham Town and Old Paignton Conservation Areas to account for unmanaged incremental changes which have, over time, diluted the character of an area and therefore warrant removal of certain areas: or to include additional areas of architectural and historic interest within the conservation area boundary. No boundary changes are proposed for the Torquay Harbour Conservation Area. Further detail of these areas and the reasoning behind the amendments for the Brixham Town CAA can be found within the appraisal document (Appendix 1) within the section entitled 'Boundary Review'. The proposed boundary changes for the Old Paignton CAA can be found within the appraisal document (Appendix 3). Full details can be found within the Consultation Summary (Appendix 7).

7. Options under consideration

- 7.1. Option 1 is to not carry out a review of our existing conservation areas.
- 7.2. This alternative is not part of the proposal, as this would result in the Council failing to carry out its statutory duty under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. Option 2 is to adopt the updated CAAs without the proposed boundary changes.
- 7.4. Option 3 is to adopt the updated CAAs with some of the proposed boundary changes.
- 7.5. Option 4 is to propose additional boundary changes not included within the draft documents for the conservation areas, having identified and justified the additional areas to designate or existing areas to remove.
- 7.6. Based upon the professional judgement of the consultants who carried out the review (Purcell) along with Council officers, and the responses received during the public consultation exercise, these options are not part of the proposal. All proposed changes are considered to be appropriate and in line with the council's duties under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Financial Opportunities and Implications

- 8.1. The project to review and update the three conservation areas was appropriately procured and carried out by an external consultant, Purcell. This was fully funded by the National Lottery Heritage Fund as part of the Torbay Heritage Places Programme.

- 8.2. The process of amending the boundary of a conservation area entails a small cost to advertise to meet the statutory notification requirements as described in the legal implications section below. This cost can be met within existing planning budgets.
- 8.3. Properties within the proposed extensions to the conservation areas once designated would be required to apply for planning permission for certain works that no longer benefit from permitted development rights. Properties proposed to be removed from the conservation area would have these permitted development rights reinstated. Such works include demolition of unlisted buildings, works to trees and advertisements.
- 8.4. There may be some increased work to the Council arising from the processing of those applications but the cost of this would be recovered from the associated planning fee.
- 8.5. The modest costs associated with the above points will be met from existing planning budgets.
- 8.6. Updated CAAs and associated CAMPs can unlock potential for external grant funding for heritage related projects which can have great benefits to local communities and businesses both directly and indirectly. This can be seen as a clear financial opportunity which can use the historic environment as a tool to enhance local areas and the local economy. Used in a positive and intentional way the revision of the appraisals should complement the Council's capital programme and may act to influence other private investment into the appraisal areas.

9. Legal Implications

- 9.1. The appraisals and boundary reviews meet the Council's obligations required by the Planning (Listed Building and Conservation Areas) Act 1990. Under Sections 69 and 71 of the Act, the Council should periodically review conservation area boundaries and formulate and publish appraisals defining the special characteristics and interest of these areas. The review of the Brixham Town, Old Paignton and Torquay Harbour Conservation Areas forms part of the Council's rolling programme of providing up-to-date conservation area appraisals for all of its designated conservation areas.
- 9.2. The principal legal effect of the designation of an area as a conservation area is control over particular demolition of unlisted buildings, control over works to trees, imposition of specific statutory duties on telecommunications operators and a variation of some permitted development rights. In determining applications, the Council also has a duty under the Planning legislation to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.3. The Act requires the variation of a boundary of a conservation area to be advertised in the London Gazette, a local newspaper and registered as a local land charge. The Secretary of State (DCMS) and Historic England will also be notified.

10. Engagement and Consultation

- 10.1. The project utilised the opportunity to consult with local residents and stakeholders within the built environment to allow communities to be engaged and participate in the production

of the appraisals and to celebrate and promote each of the three areas as great places to live and work. The proposed boundary changes to the Brixham Town Conservation Area were initially consulted on between 12 December 2024 to 16 January 2025 with the assistance of the Communications & Engagement Team. The results of this initial consultation informed revised proposals for this area. All three updated CAAs and associated boundary changes were subsequently publicly consulted on between 17 March and 07 April 2025.

- 10.2. The consultation was promoted with a series of six face to face engagement events (two in Torquay, two in Paignton and two in Brixham), three online surveys, plus paper copies of surveys available at Torquay, Paignton and Brixham Libraries, and at Brixham Town Council offices. It was also promoted via the Torbay Council website, newsletter articles, press release, video and social media.
- 10.3. In addition to this, individual letters were sent to every property affected by the proposed boundary changes, and elected members, relevant Council officers, external partners, statutory consultees, local community groups and relevant heritage organisations were all contacted and were provided with an explanation of the consultation, a link to the documents, and the online survey.
- 10.4. Upon completion of the full public consultation on all three appraisals, the proposed boundary changes were further assessed by members of the Local Plan Working Party over the Summer of 2025. This informed a change to the proposed boundaries to result in the following:

Old Paignton CAA
 - Cecil Road to be included within the conservation area
 - St.John's Court to be excluded from the conservation area
 - All other proposed boundary changes (inclusion of Hyde and Dendy Road, St. Michael's Road and Torbay Road and Paignton Station) as shown within Appendix 3 to be removed from the proposals.
- 10.5. Following the results of the full public consultation and input from statutory consultees and the Local Plan Working Party officers decided to pursue the formal adoption of the updated CAAs and the proposed boundary changes in line with the recommendations made. Full details can be found within Appendix 7.

11. Procurement Implications

- 11.1. The project to review and update the three conservation areas was carried out by an external consultant, Purcell. This was fully funded by the National Lottery Heritage Fund as part of the Torbay Heritage Places Programme.
- 11.2. The external consultant was appropriately procured and was selected after obtaining competitive quotes and inviting briefs to tender. This was carried out with the assistance of the Council's Procurement Team and in accordance with the requirements of the Procurement Act 2023 and organisational guidelines.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1. There are no anticipated negative climate or ecological implications as a result of the proposed adoption of the updated CAAs or proposed amendments to the boundaries of the conservation areas.
- 12.2. Each updated CAA includes a section on sustainability, and it is expected that the associated Conservation Area Management Plans for each area will go in greater detail on how properties and areas within the conservation areas can contribute to the Council's commitment to address the climate emergency and to assist in the delivery of our Housing Strategy to ensure that homes are safe, warm, fit for purpose and more environmentally friendly.
- 12.3. Conservation Area designation also increases protection of trees over a certain size.

13. Associated Risks.

- 13.1. The risk if the proposal is not implemented is the Council failing to carry out its statutory duty under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 13.2. There is a strategic reputational and operational risk associated with the proposal if deliverable projects or programmes associated with the adopted CAAs are not properly aligned with the established priorities of the Community and Corporate Plan.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>There are potential barriers to the ability for some people to be able to access the document online for those who are unable or have difficulty accessing the internet.</p>	<p>The document is produced as a pdf and can printed off as a hard copy if required.</p> <p>The document has been written to be as jargon free and simple to use as possible – a glossary has been included.</p> <p>We are working with the graphic design team to ensure that a range of users can access the information using assistive technology where necessary.</p>	<p>Heritage & Design Team with Graphics Design Team – implemented on production of final draft of the document</p>

			The team can still be contacted via the telephone if required.	
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.	n/a	n/a
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>There are potential barriers to the ability for some people to be able to access the document online for those who are unable or have difficulty accessing the internet.</p> <p>There is also a need to consider how accessibility requirements can be sensitively achieved within the historic environment.</p>	<p>The document is produced as a pdf and can printed off as a hard copy if required.</p> <p>The document has been written to be as jargon free and simple to use as possible – a glossary has been included.</p> <p>We are working with the graphic design team to ensure that a range of users can access the information using assistive technology where necessary</p>	Heritage & Design Team with Graphics Design Team – implemented on production of final draft of the document

			<p>The team can still be contacted via the telephone if required.</p> <p>Officers need to be aware of the importance of reasonable adjustments and the needs of people with disabilities and learning disabilities.</p> <p>Accessibility requirements within the historic environment can be addressed within the associated management plans for each conservation area.</p>	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.	n/a	n/a
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of	There is no differential impact.	n/a	n/a

	people were married or in a registered civil partnership.			
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.	n/a	n/a
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	Potential barriers for those who are unable to access the internet or engage with the document because English is not their first language.	<p>The document is produced as a pdf and can printed off as a hard copy if required.</p> <p>The document has been written to be as jargon free and simple to use as possible – a glossary has been included.</p> <p>We are working with the graphic design team to ensure that a range of users can access the information using</p>	Heritage & Design Team with Graphics Design Team – implemented on production of final draft of the document

			assistive technology where necessary The team can still be contacted via the telephone if required.	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.	n/a	n/a
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.	n/a	n/a
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.	n/a	n/a
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact.	n/a	n/a
Additional considerations				

<p>Socio-economic impacts (Including impacts on child poverty and deprivation)</p>	<p>Census 2021 data demonstrates levels of deprivation in Torbay in terms of education, employment, health and housing. Torbay has higher levels of deprivation with 57.9% of households being deprived in terms of 1 or more dimension, compared to 51.7% of households in England and Wales.</p> <p>The percentage of children living in poverty in Torbay is higher than the averages for the UK, the South West and for Exeter, and relatively similar to the average for Plymouth.</p>	<p>There is no differential impact.</p>	<p>n/a</p>	<p>n/a</p>
<p>Public Health impacts (Including impacts on the general health of the population of Torbay)</p>	<p>Life expectancy in Torbay is slightly lower than the England average. Over the plan period, life expectancy in Torbay has decreased by 0.7% from 83.1 to 82.5 for females, and by 0.6% from 79.1 to 78.6 for males.</p>	<p>The document seeks to describe and celebrate the historic environment within a local area.</p> <p>There are proven beneficial links with engagement with the historic environment on mental health and wellbeing.</p>	<p>n/a</p>	<p>n/a</p>

	<p>The general health of the Torbay population is slightly worse than the England and Wales population, with 79.1% describing their general health as good or very good (compared to 81.6% for England and Wales) and 6.4% describing their general health as bad or very bad (compared to 5.4% for England and Wales).</p>			
Human Rights impacts	<p>Under the Human Rights Act 2010 Section 149 requires public authority decision makers to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with a protected characteristic and other parts of the community. This is commonly called the “public sector equality duty”.</p> <p>Public authorities, which includes local planning authorities by definition, are prohibited from acting in a way which is incompatible</p>	<p>There is no differential impact, however all officers need to be aware of the Human Rights Act 2010 Section 149.</p>	n/a	n/a

	with any of the human rights described by the Convention (Section 6 (1)), unless legislation makes this unavoidable.			
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.	n/a	n/a

15. Cumulative Council Impact

15.1. None

16. Cumulative Community Impacts

16.1. None