



## Planning Policy Committee – 27 November 2017

### Brigstock Article 4 Direction

#### Purpose of report

The purpose of this report is to inform the Committee of the proposal to designate an article 4 direction in respect of the Brigstock Conservation Area and to recommend consultation on the proposals.

#### 1.0 Introduction

- 1.1 The Council has been approached by representatives of Brigstock Parish Council who are concerned about the loss of historic character within the designated conservation area. Specifically, the concern relates to the replacement of historic windows and doors, often with plastic, and the loss of traditional roof coverings. Such work is currently able to be undertaken under permitted development, where no planning application is required. Officers have met with representatives of the parish council and consider that an article 4 direction would be an appropriate means of addressing this issue.
- 1.2 An article 4 direction is a mechanism which allows local planning authorities to withdraw permitted development rights in certain circumstances so as to bring building works, which would otherwise be permitted development, within control. The aim of making such a direction is to ensure that the traditional details which form part of the character of an area are not removed or altered, and that development which would damage the character of an area does not go ahead.
- 1.3 The Council currently has four conservation areas that are subject to article 4 directions. These are the conservation areas of Easton on the Hill, Collyweston, Duddington and King's Cliffe; all of which were approved in the 1990s.

#### 2.0 Article 4 Directions

- 2.1 Advice on the use of Article 4 Directions is contained in the National Planning Policy Framework (2012, para 200), which states that the use of them to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.
- 2.2 The effect of an article 4 direction is not that development within the particular category of permitted development cannot be carried out, but simply that it is no longer automatically permitted by Article 3 of the General Permitted Development Order 2015 and must instead be subject to a planning application. This does not necessarily mean that the Council would refuse permission for works proposed, but it does enable it to retain some control over the design and detailing of the proposed development and to grant permission subject to appropriate conditions.
- 2.3 Such applications would need to be considered against national and local policy and any other relevant material consideration, including a conservation area appraisal. This type of application would not attract a planning fee so the additional costs would be borne by the Council in determining the application.
- 2.4 It should be noted that an article 4 direction cannot be applied retrospectively to works that have already been carried out.

### **3.0 Proposed Article 4 Direction**

3.1 It is proposed that the following permitted development rights are withdrawn in the case of the Brigstock Conservation Area:

- Class A of Part 1 of Schedule 2 – the enlargement, improvement or other alteration of a dwellinghouse
- Class B of Part 1 of Schedule 2 – the enlargement of a dwellinghouse consisting of an addition or alteration to its roof
- Class C of Part 1 of Schedule 2 – any other alteration to the roof of a dwellinghouse
- Class D of Part 1 of Schedule 2 – the erection or construction of a porch outside any external door of a dwellinghouse
- Class G of Part 1 of Schedule 2 – the installation, alteration or replacement chimney, flue or soil vent pipe on a dwellinghouse
- Class H of Part 1 of Schedule 2 – the installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse
- Class C of Part 2 of Schedule 2 – the painting of the exterior of any building or work
- Class C of Part 11 – any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.

3.2 The above list is consistent with the Council's existing article 4 directions.

### **4.0 Process for making an article 4 direction**

4.1 The procedures which must be followed in making, modifying or cancelling any direction made under article 4 are set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.2 The Council must consult on the direction for a period of at least 21 days, and take account of any representations received during that period when deciding whether to confirm the direction. The legislation states that where a local planning authority makes a blanket direction under article 4(1)(a), it must publicise it by inserting a notice in a local newspaper, erecting no less than two site notices and serving a notice on every dwelling affected by the direction (unless this is impracticable).

4.3 The direction comes into force on the date on which the notice is served on the owner or occupier, or the date of the press advertisement. While there is no right of appeal against the making of an article 4 direction, any representations made in response to the notice must be considered. The direction may then be confirmed, not less than 28 days after the last notice was published.

4.4 Upon being notified, the Secretary of State has wide powers to modify or cancel article 4 directions in most circumstances. However, the Secretary of State cannot modify directions related to listed buildings, or buildings notified as being of architectural or historic interest. Once the direction is confirmed, further notice of the confirmation must be undertaken, in the same way the initial notification was undertaken.

### **5.0 Next Steps**

5.1 A further report will be presented to the Committee in due course to confirm the direction, subject to confirmation by the Secretary of State.

### **6.0 Equality and Diversity Implications**

6.1 There are no equality and diversity implications arising from the proposals.

## 7.0 Legal Implications

7.1 There are legal implications arising from the proposals; these are outlined in the report.

## 8.0 Risk Management

8.1 The Council may be liable to pay compensation to those occupiers whose permitted development rights have been withdrawn if the Council:

- Refuses planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- Grants planning permission subject to more limiting conditions than the GDPO would normally allow, as a result of an article 4 direction being in place.

## 9.0 Financial Implications

9.1 The proposals give rise to expenditure relating to the administration of planning applications which arise through the directions since they do not attract a fee.

## 10.0 Corporate Outcomes

10.1 It is considered that the proposals will help deliver the following corporate outcomes:

- Good Quality of Life – Sustainable – High Quality Built Environment
- Effective Management

## 11.0 Recommendation

11.1 The Committee is recommended to:

Agree the content of the article 4 direction and that it is published for consultation purposes.

*(Reason - To accord with legislation and enhance the quality of the local environment)*

<b>Legal</b>	Power: The Town and Country Planning (General Permitted Development) (England) Order 2015				
	Other considerations: National Planning Policy Framework				
<b>Background Papers:</b> N/A					
<b>Person Originating Report:</b> Lloyd Mills, Senior Conservation Officer – <a href="mailto:lmills@east-northamptonshire.gov.uk">lmills@east-northamptonshire.gov.uk</a> – 01832 742133					
<b>Date:</b> 1-Nov-2017					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

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