



## Planning Policy Committee – 23 April 2018

### Brigstock Article 4(1) Direction

#### Purpose of report

To inform the Committee of the consultation carried out regarding the making of an Article 4(1) Direction in respect of the Brigstock Conservation Area, and to recommend confirmation of the Direction.

#### Attachment(s)

Appendix 1: Brigstock Article 4(1) Direction

#### 1.0 Introduction

- 1.1 An Article 4 Direction is a mechanism which allows local planning authorities to withdraw householder 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.
- 1.2 This Committee, at its meeting on 27 November 2017, approved consultation on a proposal to make an Article 4 Direction in respect of the land which forms the Brigstock Conservation Area (minute 272 refers). This proposal came about following a request from Brigstock Parish Council, who expressed concern about the loss of historic features from the Conservation Area.

#### 2.0 Feedback from the Consultation

- 2.1 A six week consultation period on the making of the Brigstock Article 4(1) Direction commenced on 15 January 2018. A copy of the Direction forms appendix one.
- 2.2 The consultation was undertaken in accordance with the requirements set out at schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Three notices were displayed in the area, and letters were sent to all affected properties, notifying owners and occupiers of the Direction. In addition, a notice was published in the Nene Valley News and on the Council's website.
- 2.3 Three responses were received as part of the consultation; one from Historic England and two from owners/occupiers.
- 2.4 The representation from Historic England confirmed support for the proposal. The response stated that the Brigstock Conservation Area is very well preserved and that states that an Article 4 Direction will help to maintain the historic character and ensure that any development is sympathetic to the character and properly controlled.
- 2.5 One of the responses received from residents/owners related to the boundary of the conservation area; it did not include any specific representations about the Article 4 Direction itself. The second response confirmed general support for the proposal; however, it considered the removal of Class A of Part 2 of Schedule 2 (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) to be overly restrictive. The respondent requested the word "maintenance" be removed from this class in the Direction.

2.6 It is not possible to partially vary the classes or parts of classes that are restricted as part of the Direction. It must therefore be decided if a particular class is to be removed or not. In the case of Class A of Part 2 of Schedule 2 it is considered important to retain in the Direction, in order to secure control over works to boundary walls, railings and fences which enclose gardens, as they provide a strong character to the area. It is noted that minor works, such as re-painting railings or re-staining a fence on a like-for-like basis are '*de minimis*' and as such would not require planning permission.

### **3.0 Next Steps**

3.1 In accordance with the procedures set out at schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, once the direction is confirmed it must be notified to owners and occupiers, then re-published, stating the date it comes into force. A copy of the confirmed direction must also be sent to the Secretary of State.

3.2 It is proposed that the Direction would come into force on 1 June 2018, subject to confirmation by the Committee.

3.3 Members are advised to note that 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.

3.4 Compensation is only payable in respect of planning applications made within 12 months beginning on the date the direction takes effect. It is not anticipated that it would be a significant amount, should there be a claim, since it is measured on the capital value of the property had the planning permission been granted, compared with the capital value of the property without. The compensation does not include any element for the expenses incurred by the applicant in attempting to obtain planning permission.

### **4.0 Equality and Diversity Implications**

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

### **5.0 Legal Implications**

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

### **6.0 Risk Management**

6.1 The Council may be liable to pay compensation; this is discussed at section 3.0 of the report.

### **7.0 Financial Implications**

7.1 The proposals give rise to expenditure relating to the administration of planning applications which arise through the direction, since the Council does not charge for them. These costs will be met through the existing Development Management budget.

## 8.0 Corporate Outcomes

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

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

## 9.0 Recommendation

9.1 The Committee is recommended to:

Confirm the Brigstock Article 4 Direction.

*(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 (2012)				
<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> 22-March-2018					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)

**EAST NORTHAMPTONSHIRE COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)**  
**(ENGLAND) ORDER 2015**  
**DIRECTION MADE UNDER ARTICLE 4(1)**  
**RELATING TO THE BRIGSTOCK CONSERVATION AREA**

WHEREAS the East Northamptonshire Council being the appropriate Local Planning Authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015, is satisfied that it is expedient that development of the descriptions set out in Schedule One below should not be carried out on the land shown edged black on the attached plan, known as the Brigstock Conservation Area, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the powers conferred upon it by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in Schedule One below.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with paragraph 1 of Schedule 3, shall come into force when confirmed by the Council within two years of the date of this Direction.

**SCHEDULE ONE**

1. The enlargement, improvement or other alteration of a dwellinghouse being development comprised within Class A, Part 1 of schedule 2 to the Order and not being development comprised within any other Class.
2. Any other alteration to the roof of a dwellinghouse being development comprised within Class C of Part 1 of Schedule 2 to the Order and not being development comprised within any other Class.
3. The erection or construction of a porch outside any external door of a dwellinghouse being development comprised within Class D of Part 1 of Schedule 2 to the Order and not being development comprised within any other Class.
4. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse being development comprised within Class G of Part 1 of Schedule 2 to the Order and not being development comprised within any other Class.
5. The installation, alteration or replacement of a microwave antenna (where 'microwave antenna' has the meaning given in the Order) on a dwellinghouse or within the curtilage of a dwellinghouse being development comprised within

Class H of Part 1 of Schedule 2 to the Order and not being development comprised within any other Class.

6. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development comprised within any other Class.
7. The painting of the exterior of any building or work being development comprised within Class C of Part 2 of Schedule 2 to the Order and not being development comprised within any other Class.

## SCHEDULE TWO

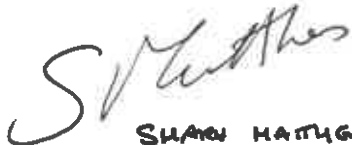
The Land to which the Direction applies:

The Direction only applies to the land known as the Brigstock Conservation Area, as shown edged black on the attached plan.

MADE UNDER THE COMMON SEAL OF  
EAST NORTHAMPTONSHIRE COUNCIL

on 9th January 2018

in the presence of



SHARON MATTHEWS  
EXECUTIVE DIRECTOR



CONFIRMED UNDER THE COMMON SEAL OF  
EAST NORTHAMPTONSHIRE COUNCIL

on

in the presence of





**Brigstock Conservation Area**



Scale:  
1:5,000

Department

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Ordnance Survey  
100019072

**Legend**

 Brigstock Conservation Area