

ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA

Purpose of the report

This report proposes the making of an Article 4 Direction, which will remove some permitted development rights from certain properties and require planning approval for certain minor works.

Recommendation

To agree to the making of an Article 4 Direction for Keele Conservation Area on the terms set out in the report.

Reasons

The removal of permitted development rights through an Article 4 Direction would help protect features in the Keele Conservation Area which are key elements to its distinctive special character, and to give effect to the proposals within the agreed Conservation Area Appraisal and Management Plan for Keele Conservation Area.

1.0 Background

- 1.1 The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAAMPs) for the Conservation Areas in the Borough. A Conservation Area Appraisal and Management Plan have been adopted by the Council for Keele Conservation Area. One of the proposals set out in this Management Plan was that the Borough Council would consider the making of an Article 4 Direction for certain and relevant types of development.
- 1.2 This process has already been carried out in Butterton, Betley, Basford and more recently in Madeley, Audley, Whitmore, Stubbs Walk, The Brampton and Watlands Park following similar Appraisals, and relevant consultation. Article 4 Directions have been made and confirmed in all of these areas.
- 1.3 Consultation was undertaken on the Management Plan for Keele Conservation Area, involving the seeking of the views of local stakeholders, including the Parish Council on the particular issues facing the Conservation Area. Some support for Article 4 Directions was given during this consultation from residents and no objections were received.
- 1.4 The final version of the Appraisal and Management Plan for the Conservation Area was approved by the Borough Council as a Supplementary Planning Document on 6th June 2018.
- 1.5 Article 4 Directions are one of the tools available to local planning authorities to help to respond to the requirement in legislation to preserve and enhance their Conservation Areas. Such Directions are made under Article 4 of the General Permitted Development Order (the GPDO) and they can withdraw selected automatic planning permissions granted by the GPDO. The existence of an Article 4 Direction ensures that the community, through its Local Planning Authority, has an opportunity to consider any

proposed changes by requiring the submission of a planning application to obtain planning permission first for particular types of development. An Article 4 Direction only means that a particular development cannot be carried out under permitted development rights and therefore needs a planning application. It does not mean that such development is not allowed.

1.6 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions 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. Conservation Areas are designated because of their special character and appearance and their architectural and historic interest. The aim of such a designation is to try and preserve and enhance this special character and appearance.

1.7 The Conservation Advisory Working Party has been asked for their views on this proposal and its views will be reported to the committee.

1.8 **National Planning Practice Guidance**

1.9 The Town and Country Planning (General Permitted Development) Order 2015, as amended, makes various forms of development permitted development and thus grants automatic planning permission for them.

1.10 The 2014 *National Planning Practice Guidance* provides easy accessible and up to date information on all aspects of Planning including the making of an Article 4 Direction. The following link sets out the information needed to make such a Direction and answers general questions on procedure and the implications of a Direction.

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

2.0 **Removal of Permitted Development Rights**

2.1 Local planning authorities can remove permitted development rights by either a condition on a planning permission or by an Article 4 Direction. The latter are made on a case by case basis and should be based on whether the exercise of permitted development rights, in the case of Conservation Areas, would harm the visual amenity of an area or damage the historic environment. The potential harm that the Direction is intended to address should always be clearly identified. An Article 4 Direction means that a particular development cannot be carried out under permitted development rights and therefore needs a planning application.

2.2 Not all areas have the same permitted development rights. There are a range of exclusions to what development is permitted in protected areas, which is known as Article 2(3) land, which covers Conservation Areas. Article 4 Directions are however a means to bring within the scope of planning control some of the incremental changes which can damage the important characteristics of a Conservation Area. The Guidance states that there should be a particularly strong justification for the withdrawal of permitted development rights relating to

- a wide area (such as the whole of a local authority area)
- agricultural and forestry development – such directions would need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development

- leisure plots and use
- the installation of microgeneration equipment.

2.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and only come into force on a specified date which is not less than 28 days after the notice is published. Permitted development rights are withdrawn after consideration has been given to any representations and the Direction is formally confirmed by the Local Planning Authority.

2.4 Directions can also be made with immediate effect and are where permitted development rights are withdrawn straight away. This is only where the local planning authority considers that the development to which the Direction relates would pose an immediate threat to local amenity or would be prejudicial to the proper planning of an area. They can only relate to development within the curtilage of dwelling houses, works to fences or walls or other minor operations, some changes of use and temporary buildings and works of demolition (other than by Historic England). To remain in force immediate directions must be confirmed following consultation within 6 months of when it was originally made otherwise it will no longer remain in force. Article 4 Directions cannot be made for development which has already started or completed.

3.0 **Scope of Article 4 Direction**

3.1 The proposals within the Management Plan is limited to a removal of certain permitted development rights indicating that if such a Direction was made planning permission might then be required for

- all extensions whatever the size, including porches, on the front of the building
- changing roof materials and insertion of rooflights on front-facing roofslopes
- replacing windows or doors or other architectural features such as barge boards and finials on the front elevation
- removal or partial demolition of a chimney and painting of an unpainted house,
- the erection, alteration or removal of a wall, gate, or fence at the front of the house can also be controlled as well as demolition (front means a public highway or open space)

3.2 Important features such as windows, doors, roofs, chimneys and boundary treatment all play a part in defining the character of an area. This is relevant in Keele Conservation Area which has a high percentage of historic buildings with original features especially distinctive large chimneys, decorative roof tiles. The removal of front boundary hedges cannot be controlled nor presently can the installation of new boundary walls piers or fences up to a metre in height but with an Article 4 Direction any new walls and fences can be controlled by requiring a planning application to be submitted for consideration and historic walls can be protected.

4.0 **Proposed Article 4 Direction for Keele Conservation Area**

4.1 Officers have considered carefully the buildings in the Conservation Area including those identified as “positive buildings” within the Conservation Area Appraisal and those identified as potential buildings in the documents which might be added to the Council’s Local Register of Buildings of Architectural or Historic Interest, to determine which buildings are the most appropriate for an Article 4 Direction. The Register has been limited to buildings which are either significant to the character and appearance of the Conservation Area, by their quality or are within the key most publicly visible parts of the Area or involved in important views within the Conservation Area. **Schedule A** below sets out the specific buildings for which it is proposed to remove certain permitted

development rights in Keele Conservation Area, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area.

4.2 A plan for the Conservation Area indicating the location of these properties will be displayed at the meeting and attached as Appendix 1.

4.3 It is proposed that the Council should proceed via the use of a non-immediate Direction for Keele which could come into effect following the proposed consultation and after the required consideration of any representations that may be received.

5.0 **Consultation**

5.1 Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and the serving of the required notice on the owner/occupier of every house affected by the Direction.
- Placing an advert in The Sentinel which will set out the properties and classes of development affected, explain the Direction's effects and specify a period of 21 days to make representations to the Local Planning Authority.

6.0 **Compensation**

6.1 Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted. The grounds for compensation are limited to abortive expenditure (for example on the drawing up of plans) or other loss or damage directly relating to the withdrawal of permitted development rights. These rights for compensation are set out in sections 107 and 108 of the Town and Country Planning Act (as amended) and the Town and Country Planning (Compensation) (England) Regulations 2015 set out when time limits apply. Where 12 months' notice is given of withdrawal of the above rights, the issue of potential compensation does not arise at all. Additionally applicants of a permission which is refused by the Council must apply for compensation with 12 months of the date of that refusal (or attachment of conditions which go further than those in the GPDO), and must be applied for within 12 months of the date Direction is effective.

7.0 **Conclusions**

7.1 The Conservation Area Management Plan for the Keele Conservation Area contains a number of recommendations which when successfully implemented will meet the Council's statutory duties and responsibilities under the planning and conservation legislation to preserve and enhance the special architectural or historic interest of this area.

Schedule A

Keele Conservation Area - Article 4 Direction Property Schedule

1. The following properties would be affected by removal of Permitted Development rights relating to extensions; the provision of replacement windows and doors, porches; any alteration to the roof on front roof slopes, or slope fronting a highway; the removal or alteration of chimneys; and demolition or alteration of existing or erection of new boundary treatments

1, 2, 4, 6 and 8 Church Bank
The Old School, The Village
2 Keele Farmhouse and 3 Keele Farmhouse, The Village
4 to 10, 14, 16 to 32 (even) The village
5 & 7 The Village
Smithy House, 4 Highway Lane
1, 2, 3 & 4 Pump Bank

2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only, including the demolition or alteration of existing or erection of new.

2 & 3 The Village
3 Church Bank
Sneyd Arms