

PROPOSED ARTICLE 4 DIRECTION FOR MAER CONSERVATION AREA

Purpose of the report

For the Working Party to consider the making of an Article 4 Direction in the Maer Conservation Area.

Recommendation

That the Working Party indicates its views on a proposal to the Planning Committee to make an Article 4 Direction for Maer Conservation Area as set out in the report .

Reasons

The removal of permitted development rights through an Article 4 Direction would help protect features in the Maer 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 the Maer Conservation Area.

1.0 Removal of Permitted Development Rights

1.1 The use of a direction under article 4 of the General Permitted Development Order enables the Local Planning Authority to withdraw specified permitted development rights across a defined area. The use of such 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. The potential harm that the direction is intended to address should always be clearly identified. An article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and only come into force on a specified date which is not less than 28 days after the notice is published. Permitted development rights are withdrawn after consideration has been given to any representations and the Direction is formally confirmed by the Local Planning Authority. Other Directions can be made with immediate effect where permitted development rights are withdrawn straight away and if the local planning authority considers that the development to which the Direction relates would pose an immediate threat to local amenity. "With immediate effect" directions have to be confirmed by the LPA within 6 months of coming into effect to remain in force.

2.0 Scope of Maer Conservation Area Article 4 Direction

2.1 A Conservation Area Appraisal and Management Plan has been adopted by the Council for the Maer Conservation Area as a Supplementary Planning Document. The review of the Conservation Area in 2018/19 gave consideration to controlling the removal of and erection of boundary treatments on the road frontages within the village given the stone walls play an important part in the special character of the 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. Given the fact that residents have already changed windows and doors largely to upvc and this has not been particularly harmful given the nature of the changes and location of the

properties, it is not proposed to remove the right, via an Article 4 Direction, to make such changes.

- 2.2 The removal of front boundary hedges cannot be controlled other than under the Hedgerow Regulations which apply only in certain circumstances and involve limited considerations. It is not “development”. Whilst there are controls over certain works of demolition in Conservation Areas, permission is not required to take down any wall, gate or fence which is less than 1 metre high where abutting a highway, or less than two metres high. Similarly the installation of new boundary walls, piers or fences up to a metre in height do not require any form of planning consent. With an Article 4 Direction any new walls and fences or other boundary treatments can be controlled by requiring a planning application to be submitted for consideration. Some walls are protected by their Listed Building status from demolition but elsewhere they could be protected by a Direction.
- 2.3 The Direction has been limited to walls which are either significant to the character and appearance of the Conservation Area, by their quality or are boundaries within the most publicly visible parts of the Area or involved in important views within the Conservation Area. In addition the Direction also aims to control the type of new boundary features which are proposed. **Schedule A** below sets out the specific walls and road frontages for which it is proposed to remove certain permitted development rights within part of Maer Conservation Area. A plan for the Conservation Area indicating the location of these locations is shown at Appendix 1.
- 2.4 It is proposed that given there is no immediate threat to local amenity in this case the Council should proceed via the use of a non-immediate Direction for Maer which could come into effect following the proposed consultation and after the required consideration of any representations that may be received.

3.0 **Consultation**

- 3.1 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 property affected by the Direction. A site notice in three locations will also be placed within the Area to explain the effect of the Direction.
 - Placing a notice 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.
- 3.2 Following the consultation, consideration will be given by officers to any representations before deciding to confirm the Direction at Planning Committee, probably at its meeting on 13th August 2019.

Schedule A

Maer Conservation Area - Article 4 Direction Address Schedule

1. The following properties and land would be affected by removal of Permitted Development rights for removal, including partial demolition, alteration and construction of boundary treatments where they would front a road

St Peters Church, Maer Village and land north of the church and churchyard
The Old Vicarage, Home Farm, Haddon Lane, Maer Village
1, 2, 3, & 4 Maer Mews, Haddon Lane
Primrose Cottage, Haddon Lane
1(Bramble Cottage), 2, 3, 4(Beekeepers Cottage), 5(Jubilee Cottage), 6, 7, 8, 9, 10
Maer Village
The New House, Stone Cottage
The Old Laundry
Maer Village Hall
Holly Cottage, Maer Cottage, Bothy House, The Old Post Office
Gardener's Cottage
The Garden House, Croft House
Maer Hall Estate, Maer Lodge and Maer Estate Cottages