

Committee:	Cabinet	Date:	11 January 2018
Title:	Article 4 Direction for Local Heritage List		
Portfolio Holder:	Councillor S Barker		
Report Author:	Angharad Hart – Conservation Officer 01799 510531	Key decision:	No

Summary

1. This report seeks support from Cabinet members for the **principle** of serving an Article 4(1)(b) Direction (Article 4 Direction) on selected properties identified on the Local Heritage List.
2. The Article 4 Direction would apply to all properties within the existing Conservation Areas, and outside them, **where it is felt that additional control over alterations and development is necessary** to preserve the area's special interest.
3. The Article 4 Direction would remove certain minor permitted development rights to those properties, including alterations to windows and doors, insertion of dormer windows and rooflights, the alteration of boundary treatments and removal of chimneys. The advantage of this approach is that the Authority could ensure that relevant properties are **afforded a consistent level of protection**, at the earliest opportunity, resulting in a greater level of consistency across the district.
4. Those buildings already identified as being of significance in the existing Conservation Area Appraisals will automatically be considered for inclusion.
5. At present the Authority has little to no control over alterations to key buildings in most of its Conservation Areas, including Saffron Walden and Thaxted. An example of the likely harm would be the replacement of original timber windows to a key building in the heart of the town, with unsympathetic modern plastic units. This could have a highly detrimental impact on the character and appearance of the area, but at present the Authority could not take action to avoid this.
6. The aim of the Article 4 Direction is to manage alterations to these buildings, to help ensure that the historic, architectural and local importance of these buildings is preserved. This, in turn, enhances and preserves the character and appearance of the district.
7. If members are minded to support this in principle, then a further report will be submitted to Cabinet, following a full public consultation. This will include a copy of the proposed Article 4 Direction and a full list of the properties affected.

Recommendations

- 8. That Cabinet support the **principle** of issuing an Article 4 Direction for the Local Heritage List.

Financial Implications

- 9. The process will be managed by the Conservation team primarily and will form part of their role, as proactive conservation work.
- 10. The process will involve a public consultation period of 6 weeks. During this time, it is proposed to undertake several public exhibitions, held across the District in the principle towns. There will be a modest cost associated with booking the venues.
- 11. It is desirable for the Authority to contact each property owner affected by the Article 4 Direction, by writing to them individually (see paragraph 21 below). To achieve this, the Authority would be required to carry out a number of Land Registry searches. This would involve an associated cost for each search and officer time to carry out each search.
- 12. There will be associated printing and **stationary** costs, as well as costs associated with posting letters to owners, as per the requirement above.
- 13. Property owners affected by the Article 4 Direction order will be required to apply for Planning Permission for certain works. They would not be required to pay an application fee for this service, provided the application relates solely to works that fall under the umbrella of permitted development. This is likely to impact on Development Management and Conservation staff resources, in processing and determining these applications. It is anticipated that this need would be met by existing resources, but this would require further discussion and review.

Background Papers

- 14. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 15.

Communication/Consultation	A public consultation would be required.
Community Safety	None
Equalities	None

Health and Safety	Health and Safety procedures should be observed during site visits to collect data and run the public exhibitions.
Human Rights/Legal Implications	Legal advice will be sought internally with regards to service of the Article 4(1) Direction Order.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Compiling the Article 4(1) Direction Order and publishing the order. Administering the public consultation process and associated exhibition meetings. Advertising the former and contacting relevant property owners. This will require resources from the GIS officer, Council Tax/ Land Registry team, Communications team and the Post Room. Resources also required in Development Management, and DM Support in registering, processing and determining applications.

Situation

16. An Article 4 Direction Order is served by the Local Authority to remove selected permitted development rights, and may extend to individual properties only, a group of assets or a defined area. It is proposed to issue the order under paragraph 4(1)(b) to apply to individual properties.
17. Each of the district's 37 Conservation Area appraisals identifies buildings that make a positive contribution to the historic and architectural character of the Conservation Area. These are referred to commonly as 'non-designated heritage assets'. The appraisals often recommend that these would be worthy candidates for an Article 4 Direction.
18. Without the benefit of an Article 4 Direction, alterations could be carried out to these important buildings, without the need for any consent; some of which can result in a highly detrimental impact to the character of the building itself and the wider area. This might include the replacement of historic or original windows and doors, removal of historic boundary walls, the introduction of solar panels to a principal roof slope and even demolition.
19. At present, the Authority has no means to control such works, even within the Conservation Area. Whilst such alterations may seem minor in nature, the cumulative impact over time can be significant.

20. There are currently four Article 4 Direction orders in force in Uttlesford District, in respect of non-designated heritage assets. These apply in the following Conservation Areas: Great Chesterford, Newport, Stansted Mountfitchet and Great Dunmow. Many properties in these areas are already required to apply for consent for alterations to their property, as per the requirements of the order. This workload is met by existing officer resources.
21. It is proposed to introduce a single Article 4 Direction order to cover all the identified buildings on the Local Heritage List, where permitted development rights would apply. Some structures identified on the register, such as war memorials, pumps and letter boxes for instance, would not be subject to these permitted development rights, and therefore, the Article 4 Direction would not apply. This will be fully clarified in the final Article 4 Direction Order.
22. The advantage of this approach is that rather than serving an individual order on designated properties in each of the Conservation Areas, the Authority would be able to cover all relevant buildings in the district, in one go. This would ensure that **assets are afforded a consistent level of protection**, at the earliest opportunity, resulting in a greater level of consistency across the district.
23. By serving the Article 4 Direction Order on the Local Heritage List, rather than only on designated properties in Conservation Areas, the Authority is able to provide protection to the other important non-designated heritage assets which fall outside of the conservation area boundary, but which are equally significant and worthy of preservation.
24. The order would supersede the existing four Article 4 Directions, which would be cancelled. By running the two processes in parallel, there would be **no break in protection** to the properties which already benefit from an Article 4 Direction order.
25. In accordance with Schedule 3, The authority would be required to provide notice of the Article 4 Direction as soon as practicable after the direction has been made by a) a local advertisement, b) a site display at no fewer than 2 locations within the area to which the direction relates for a period of no less than 6 weeks and c) a notice on the owner and occupier of every part of land to which the direction applies.(GPDO)
26. There is no right of appeal against the making of an Article 4 Direction¹. However, should an application be refused by the Local Authority, the applicant will have the right to appeal the refusal decision within the set timescale.
27. The service of the Article 4 Direction Order would be subject to further member agreement, following the publication of the Local Heritage List (scheduled for early 2018) and a full public consultation.

■ ¹ Andrew Dick, *The Use of Article 4 Directions* <www.ihbc.org.uk/recent_papers/docs/Andrew> [Accessed 4th December 2017]

28. The proposed Article 4 Direction would apply to some or all of the following Parts, Classes and schedules:

Schedule 2

Part 1 Class A – enlargement, improvement or other alteration of a dwellinghouse

Part 1 Class B – additions etc to the roof of a dwellinghouse

Part 1 Class C – other alteration to the roof of a dwellinghouse

Part 1 Class D – porches

Part 1 Class H – microwave antenna on a dwellinghouse

Part 2 Class A – Gates, fences, walls etc

Part 2 Class C – Exterior painting

Part 2 Class D – electrical outlet for recharging vehicles

Part 2 Class E – electrical upstand for recharging vehicles

Part 3 Class A to V – change of use

Part 11 Class B – demolition of buildings

Part 11 Class C – demolition of gates, fences, walls etc

Part 14 Class A to O – Renewable Energy

Risk Analysis

28.

Risk	Likelihood	Impact	Mitigating actions
Inability to monitor effectively alterations and works within the Conservation Area and to other non-designated heritage assets outside of the conservation area boundary	3/4	3/4	Service of an Article 4(1) Direction to non-designated heritage assets to preserve the character and appearance of the Conservation Area and wider locality and minimise risk of harmful development within the district.

resulting in loss of character, appearance and significance of the asset and/or locality.			
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.