



Cabinet 1 December 2010

Report of the Policy Development Committee: Review of the policy, effectiveness and management of Article 4 Directions in Bury St Edmunds (Dec10/07)

- (1) The Committee had previously raised concerns about the issues associated with Article 4 Directions, in particular that residents may be unaware of the requirements of the Directions, and it was requested that a review be undertaken of the use of Article 4 Directions within the two Bury St Edmunds conservation areas.
- (2) Members discussed the use of Article 4 Directions, why the Borough Council had them, the workload they generated and the implications of not having them. The report advised that the designation of a conservation area imposed some additional restrictions on changes which could be made to houses without requiring planning permission. This was to avoid a loss of traditional features and detailing on these properties. Local authorities were able to restrict permitted development rights under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The effect of a Direction under Article 4 was that householders must obtain planning permission before making changes restricted by the Direction. In most cases the restrictions only applied to those parts of a building fronting onto a road.
- (3) Taking away the permitted development rights of owners must always be done carefully, and only for sound planning reasons. Additionally, the legal procedure for making an Article 4 Direction was very time consuming. Advice to home owners and prospective purchasers was given by officers on a daily basis, and a clear and consistent approach existed as to how applications were assessed, which was also set out in an advisory leaflet. The Council also held a seminar in December 2008 for estate agents and solicitors explaining what an Article 4 Direction was, and letters have been written to replacement window companies. Despite all these measures, there still appeared to be difficulties maintaining effective communication with affected owners and companies carrying out work.
- (4) Members were in agreement that the main issue with regard to Article 4 Directions was that home owners were often not aware of the policy, and there was therefore a danger that people would make changes, and then be required to change them back. Additionally, they may then not have the funds to make the required changes, and discussion took place with officers regarding potential options to be more flexible in requiring compliance with the Directions, such as the time given to comply or placing charges on properties.

- (5) A number of further measures were discussed which could be introduced to achieve an even greater proactive approach to improve awareness of Article 4 Directions, such as facilitating the formation of residents associations, offering further seminars and workshops for residents, contacting letting agencies and landlords, and producing newsletters and updates. Members were keen that these actions should be rolled out across all the conservation areas in the Borough, in order to make the public aware of what they could and could not do, whilst at the same time protecting the heritage of these important areas.
- (6) The Committee **RECOMMENDED that:-**
- (1) **officers seek to secure the participation of local residents and groups in the ongoing management of existing Article 4 Directions, including a re-survey and updating/re-issue of all existing Article 4 Directions;**
 - (2) **workshops and seminars be arranged at locations convenient to residents for owners of traditional buildings, including listed buildings and those in conservation areas, with or without Article 4 Directions, with priority given to the owners of properties with Article 4 Directions in the Borough's conservation areas;**
 - (3) **traders providing appropriate products and services be approached to pay for display space at the seminars and workshops mentioned in recommendation (2) above, in order to make the seminars self financing; and**
 - (4) **consideration be given to extending Article 4 Directions to other conservation areas, with the support and co-operation of residents and parish councils.**

Contacts:

Nigel Aitkens, Chairman of the Policy Development Committee, (01284-735258)
Charles Bradbury, Vice-Chairman of the Policy Development Committee, (01284-762965)
Adriana Stapleton, Scrutiny Manager, (01284-757613)