

DEVELOPMENT SERVICES

REPORT TO PLANNING AND
HIGHWAYS COMMITTEE
21st May 2013

ARTICLE 4(1) DIRECTION, 20 NEWFIELD LANE, DORE

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Committee Members of the confirmation an Article 4(1) Direction in respect of 20 Newfield Lane, and of its implications.

2. BACKGROUND

2.1 20 Newfield Lane is a modest isolated dwelling on a large and generally open plot within the adopted Green Belt and an Area of High Landscape Value, as identified by the Unitary Development Plan. The dwelling, on the edge of Dore has previously been significantly extended over and above its original footprint. Views across the plot are prevalent to open countryside beyond.

2.2 The owner of 20 Newfield Lane submitted an application in respect of a substantial outbuilding within the extensive garden area to the side of the dwelling in April 2012 (ref. 12/00610/LD2). The application sought to establish that the outbuilding falls within Class E to Part 1 of Schedule 2 to the General Permitted Development Order (GPDO). There was significant local opposition to the proposal.

2.3 The application provided evidence of a significant threat to the open character of the Green Belt and the Area of High Landscape Value. In recognition of this, and of the significant level of public opposition to the proposed outbuilding, officers considered that all forms of future development in this prominent Green Belt location adjacent open countryside and fronting the west side of Newfield Lane, which is not substantially developed, should be subject to an application for planning permission. Members agreed that it was appropriate to exercise powers set out within the Town and Country Planning (General Permitted Development Order) 1995 (as amended) to make an Article 4(1) Direction to remove permitted development rights from the property, in the public interest.

2.4 The Direction came into force on 10th September 2012 and was reported to Members on 15th October 2012. It removes permitted development rights relating to the following provisions in the Town and Country Planning (General Permitted Development) Order 1995 (as amended):

Part 1 Development within the curtilage of a dwellinghouse

Class A:

The enlargement of a dwellinghouse.

Class B:

The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C:

Any other alteration to the roof of a dwellinghouse, (excluding the installation of rooflights).

Class D:

The erection or construction of a porch outside any external door of a dwellinghouse.

Class E:

The provision within the curtilage of the dwellinghouse of –

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Part 2 Minor Operations

Class A

The erection of a gate, fence, wall or other means of enclosure.

- 2.5 The Direction does not prevent the works that would otherwise be permitted development from taking place, but instead it requires that planning permission is first obtained.
- 2.6 The application for Certificate of Lawfulness of Development (ref. 12/00610/LD2) was subsequently considered by Members and refused at the Committee meeting on 15th October 2012. The reasons for refusal were:
 1. The application site is the subject of a Direction under Article 4(1), the effect of which is to remove deemed planning permission under Class E of the Town and Country Planning (General Permitted Development) Order 1995 (and any amendments) in respect of the provision of buildings within the curtilage of a dwellinghouse.
 2. The proposed building includes two floor levels and is therefore contrary to Class E.1(c) of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008.
 3. The scale of the proposed workshop, music room, tennis pavilion and

gymnasium are excessive in relation to the reasonable enjoyment of the domestic activities associated with the dwelling and the office is not associated with the domestic enjoyment of the dwellinghouse.

3.0 CONFIRMATION OF THE ARTICLE 4(1) DIRECTION

3.1 Directions relating to developments within Parts 1 to 4 of Schedule 2 may take effect for 6 months without the Secretary of State's approval, but must be confirmed following consultation before the end of this period i.e. before 10th March 2013.

3.2 The Article 4(1) Direction was confirmed on 8 March 2013. No objections were received during the formal consultation process although the owners of the subject property have confirmed that their lack of objection is made without prejudice to any future applications, appeals and legal proceedings made by them in respect of the development of the land in which they have an interest, at or adjacent to the subject site. The representation explains that the caveat includes any action which may be taken to establish rights relating to development commenced prior to the service of the Direction.

3.3 No other representations have been received.

4.0 EQUAL OPPORTUNITIES

4.1 There are no equal opportunity implications arising from the recommendations in this report.

5.0 FINANCIAL IMPLICATIONS

5.1 The withdrawal of permitted development rights by the Article 4(1) Direction may give rise to a claim for compensation if subsequent applications for planning permission for works covered by the Article 4(1) Direction are refused planning permission or granted subject to conditions. Compensation may be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of the permitted development rights.

6.0 RECOMMENDATION

6.1 That Members note the confirmation of the previously served Article 4(1) Direction at 20 Newfield Lane, Dore removing permitted development rights from the property, as set out above.

David Caulfield
Head of Planning

8th May 2013

Map of area subject of Article 4(1) Direction

