

Article 4 Faqs - Further Information

The Town and Country Planning Act 1990 states:

Article 4 permits local planning authorities and the Secretary of State to direct that any or particular development permitted under article 3 is not to apply in relation to a specified area (and Schedule 3 sets out the procedures in relation to article 4 directions).

Article 3 contains the relaxed development rights introduced in 2015 and now in force. The full list is found in the full document:

http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf

There have been some more recent minor amendments in 2016 affecting change of use and other issues that do not appear to affect our area.

This is particularly relevant when trying to protect a conservation area.

The conservation act of 1990 states:

In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also

- a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

Historic England comments on article 4 are:

Article 4 directions can increase the public protection of [designated](#) and non-designated [heritage assets](#) and their settings. They are not necessary for works to [listed buildings](#) and [scheduled monuments](#) as [listed building consent](#) and [scheduled monument consent](#) would cover all potentially harmful works that would otherwise be [permitted development](#) under the planning regime. However, article 4 directions might assist in the protection of all other heritage assets (particularly conservation areas) and help the protection of the [setting](#) of all heritage assets, including listed buildings.

The full historic England document is in the link below:

<https://historicengland.org.uk/advice/hpg/historic-environment/article4directions/>

The Government website pages explain article 4 in the following terms:

What is an article 4 direction?

An article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

Paragraph: 036 Reference ID: 13-036-20140306

Revision date: 06 03 2014

What can an article 4 direction do?

Provided that there is justification for both its purpose and extent, an article 4 direction can:

- cover an area of any geographic size, from a specific site to a local authority-wide area
- remove specified permitted development rights related to operational development or change of use
- remove permitted development rights with temporary or permanent effect

Paragraph: 037 Reference ID: 13-037-20140306

Revision date: 06 03 2014

When is it appropriate to use article 4 directions?

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. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to:

- a wide area (eg those covering the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)
- agriculture and forestry development. Article 4 directions related to agriculture and forestry will 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 uses
- the installation of microgeneration equipment

Paragraph: 038 Reference ID: 13-038-20140306

Revision date: 06 03 2014

Can all permitted development rights be withdrawn by an article 4 direction?

Some permitted development rights cannot be removed via article 4 directions. These are set out in article 4(1) to (3) of the General Permitted Development Order. These exemptions are to ensure permitted development rights related to national concerns, safety, or maintenance work for existing facilities cannot be withdrawn.

Paragraph: 039 Reference ID: 13-039-20140306

Revision date: 06 03 2014

Does an article 4 direction mean that development is not allowed?

An article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail.

Paragraph: 040 Reference ID: 13-040-20140306

Revision date: 06 03 2014

If permitted development rights have been withdrawn by an article 4 direction, is it necessary to pay a fee when making a planning application?

If a planning application is required solely because permitted development rights have been removed by an article 4 direction, no planning application fee is payable.

Paragraph: 041 Reference ID: 13-041-20140306

Revision date: 06 03 2014

The above is the situation, in a nutshell. For the more extensive legal notes see below.

Local Uses of Article 4

Here are a few examples of local use of article 4 directions made locally and how they are used:

Sheffield Borough Council have used article 4 to protect the use of houses of multiple occupation (class C3)

<https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/hmos/article-4-hmos.html>

Darley Dales have used article 4 to protect historical buildings and areas from change in Wirksworth, Matlock and Matlock Bath

<http://www.derbyshiredales.gov.uk/planning-a-building-control/conservation/article-4-direction>

Amber Valley explain what this one in Derbyshire is about:

<http://www.south-derbys.gov.uk/Images/Appendix 2 Article 4 Direction v3 tcm21-259851.pdf>

This local plan of Swadlincote has 63 references to article 4 and gives good examples of how they have used article 4 to protect certain points of heritage, culture and historical significance. (use the find search to seek them out quickly)

http://www.south-derbys.gov.uk/Images/SWADLINCOTE%20CONSERVATION%20AREA%20MANAGEMENT%20PLAN_tcm21-259856.pdf

Leicester has used article 4 to add certain buildings to the local heritage assets register

<https://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/article-4-directions/>
<https://www.leicester.gov.uk/planning-and-building/conservation/heritage-conservation/local-heritage-asset-register/>

Nottingham has also used article 4:

<http://www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/article-4-directions-and-restrictions-on-permitted-development/#Houses>

Other related documents:

Planning Portal notifying the neighbours scheme (not in a conservation area)
https://www.planningportal.co.uk/info/200130/common_projects/17/extensions/2

The full Government explanation is in the article below, with more generalized planning information. Article 4 specifically is towards the end of the article:

<https://www.gov.uk/guidance/when-is-permission-required>

The whole document where the article 4 is introduced is within the schedule below and which forms the law of the process;

Town and Country Planning Act Schedule 3

SCHEDULE 3

Procedures for Article 4 directions

Procedure for article 4(1) directions without immediate effect

1.—(1) Subject to paragraph 2, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

- (a) by local advertisement;
- (b) by site display at no fewer than 2 locations within the area to which the direction relates, or, if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates,

for a period of not less than 6 weeks; and

(c) subject to sub-paragraph (2), by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.

(2) In a case where this paragraph applies, the local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

(a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person or

(b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

(a) include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction;

(b) specify that the direction is made under article 4(1) of this Order;

(c) name a place where a copy of the direction, and a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, may be seen at all reasonable hours;

(d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority; and

(e) specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than 2 years after the date referred to in paragraph (d).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period referred to in sub-paragraph (4)(d) has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), including a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, to the Secretary of State on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction comes into force in respect of any part of the land within the area to which it relates on the date specified in accordance with sub-paragraph (4)(e) but does not come into force unless confirmed by the local planning authority in accordance with sub-paragraphs (9) and (10).

(8) On making a direction under article 4(1)—

152(a) a county planning authority must give notice of it to any district planning authority in whose district the area or part of the area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority must give notice of it to the county planning authority, if any.

(9) In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period specified in accordance with sub-paragraph (4)(d).

(10) The local planning authority must not confirm a direction until after the expiration of—

(a) a period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or

(b) such longer period as may be specified by the Secretary of State following the notification by the local planning authority to the Secretary of State of the direction.

(11) The local planning authority must, as soon as practicable after a direction has been confirmed—

(a) give notice of such confirmation and the date on which the direction will come into force; and

(b) send a copy of the direction as confirmed to the Secretary of State.

(12) Notice under sub-paragraph (11)(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(13) A local planning authority may, by making a subsequent direction, cancel any direction made by them under article 4(1); and the Secretary of State may, subject to paragraphs 2(3) and (4), make a direction cancelling or modifying any direction under article 4(1) made by a local planning authority at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (12) apply in relation to any direction made under sub-paragraph (13) by a local planning authority unless the direction it is cancelling is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) to (10) apply in relation to any direction made by a local planning authority under sub-paragraph (13) cancelling a direction to which paragraph 2 applied.

(16) The Secretary of State must notify the local planning authority as soon as practicable after making a direction under sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Secretary of State.

(18) A direction made under sub-paragraph (13) by the Secretary of State comes into force in respect of any part of the land within the area to which it relates—

(a) on the date on which the notice is served in accordance with sub-paragraph (1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if sub-paragraph (2) applies, on the date on which the notice is first published or displayed in accordance with sub-paragraph (1).

Procedure for article 4(1) directions with immediate effect 2.—(1) This paragraph applies where—

(a) a direction relating only to development permitted by any of Parts 1 to 4, or Class B or C of Part 11, of Schedule 2 has been made by the local planning authority under article 4(1) and the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or

(b) a direction within the whole or part of any conservation area has been made by the local planning authority under article 4(1) which the authority consider should have immediate

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effect and the development to which the direction relates is described in paragraphs (a) to (j) of sub-paragraph (3).

(2) Subject to sub-paragraphs (3), (4) and (9), paragraphs 1(1) to (3), (4)(a) to (d), (5), and (8) to (10) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Secretary of State of the direction on the same day that notice is given under paragraph 1(1).

(3) The Secretary of State may not make a direction under paragraph 1(13) within the whole or part of in—

(a)

(b) (c) (d)

(e) (f)

(g) (h)

(i)

(j)

any conservation area where the development to which the direction relates is described

Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;

Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;

Class E of Part 1 of that Schedule, where the building or enclosure, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;

Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;

Class G of Part 1 of that Schedule, consisting of the installation, alteration or replacement of a chimney on a dwellinghouse;

Class H of Part 1 of that Schedule, where the part of the building or other structure on which the antenna is to be installed, altered or replaced fronts a relevant location;

Class A of Part 2 of that Schedule, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;

Class C of Part 2 of the Schedule, consisting of the painting of the exterior of any part of—

(i) a dwellinghouse; or (ii) any building or enclosure within the curtilage of a dwellinghouse, which fronts a relevant location;

Class C of Part 11 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.

(4) The Secretary of State may not modify a direction to which this paragraph applies or a direction which relates to—

(a) a listed building;

(b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or

(c) development within the curtilage of a listed building, and does not relate to land of any other description.

(5) The direction comes into force in respect of any part of the land within the area to which it relates—

(a) on the date on which the notice is served in accordance with paragraph 1(1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph 1(2) applies, on the date on which the notice is first published or displayed in accordance

with paragraph 1(1).

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(6) A direction to which this paragraph applies expires at the end of the period of 6 months beginning with the date on which it comes into force unless confirmed by the local planning authority in accordance with paragraphs 1(9) and (10) before the end of the 6 month period.

(7) The local planning authority must, as soon as practicable after a direction has been confirmed—

(a) give notice of their confirmation; and

(b) send a copy of the direction as confirmed to the Secretary of State.

(8) Notice under sub-paragraph (7)(a) must be given in the manner described in paragraphs 1(1) and (4)(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(9) Sub-paragraph (7)(b) does not apply in relation to a direction to which sub-paragraph (3) applies or to a direction which relates to—

(a) a listed building;

(b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or

(c) development within the curtilage of a listed building, and does not relate to land of any other description.

(10) In this paragraph, “relevant location” means a highway, waterway or open space.