

Chichester District Council

THE CABINET

6 February 2018

Article 4 Directions for Chichester Conservation Area

1. Contacts

Report Author:

Ian Wightman - Senior Historic Building Advisor

Telephone: 01243 534688 E-mail: iwightman@chichester.gov.uk

Cabinet Member:

Susan Taylor - Cabinet Member for Planning Services

Telephone: 01798 342528 E-mail: staylor@chichester.gov.uk

2. Recommendations

- 2.1. That the implementation of an “Immediate” Article 4 direction to cover minor alterations as set out in appendix 1 to this report to dwellings within the Chichester Conservation Area be approved.
- 2.2. That the implementation of a “non-immediate” Article 4 direction to cover installation of solar panels on buildings within the Chichester Conservation Area be approved.
- 2.3. That decisions to confirm and implement the directions referred to in paras 2.1 and 2.2 above be taken by the Head of Planning Services following consultation with the Cabinet Member for Planning Services and the ward members for the Chichester Conservation Area within six months of the Directions being made.

3. Background

- 3.1. The review of Chichester Conservation Area was completed in 2016 including extensions to the Character Areas outside of the City walls (5, 6, 7 and 8) and a new Character Area (9) covering Whyke.
- 3.2. The revised Conservation Area Appraisal and Management Proposals for Chichester Conservation Area were approved by the Cabinet on 6 September 2016 and confirmed in the London Gazette on 22 December 2016. The Cabinet resolved to implement immediate Article 4 (1) and non-immediate Article 4 (2) Directions on the whole of the Chichester Conservation Area, as amended, after a period of consultation. Details of the Article 4 Directions were included as Appendix 5 to the previous Cabinet report.
- 3.3. When officers came to implement the Article 4 Directions it was noted that the legislation referred to in the Cabinet report was incorrect. On 15 April 2015, the *Town and Country Planning (General Permitted Development) (England) Order 2015* came into force, superseding the *Town and Country Planning (General Permitted Development) Order 1995*. The Article 4 Directions have been updated to account for this change in legislation.

4. Outcomes to be Achieved

- 4.1. Comprehensive and up-to-date coverage of character appraisals and management proposals for the conservation areas within the area for which Chichester District Council is the local planning authority, in accordance with the approved programme.

5. Proposal

- 5.1. Following the adoption of the conservation area appraisal and management proposals for Chichester Conservation Area in June 2016, it has been necessary to amend the Article 4 Directions in accordance with the *Town and Country Planning (General Permitted Development) (England) Order 2015*. These are set out in the Appendix to this report.
- 5.2. If approved, the Article 4 Directions will be implemented in accordance with statutory procedures including advertisement in the local press and London Gazette.
- 5.3. It is therefore recommended that the Council proceeds to implement immediate and non-immediate Article 4 Directions, as set out in the appendix to this report, on the whole of the Chichester Conservation Area, as amended, and that decisions on whether to confirm the immediate Direction and implement the non-immediate Direction be taken in light of any further representations received during the formal consultation period.

6. Alternatives Considered

- 6.1. The alternative would be to not implement the Article 4 Directions or to implement them despite references to out of date legislation. Not implementing Article 4 Directions could lead to gradual erosion of the character of the conservation area through small scale alterations to unlisted buildings within these areas.

7. Resource and Legal Implications

- 7.1. Article 4 of the *Town and Country Planning (General Permitted Development) Order 2015*, provides the Council (or the Secretary of State for Communities and Local Government) with the power to make a Direction in a specified area which can remove some or all of permitted development rights which would otherwise be available.
- 7.2. The review of the Article 4 Directions has been undertaken in-house with existing staff resources. There will be costs in relation to issuing notices in relation to the Article 4 Directions which will be met from existing service budget resources.

8. Consultation

- 8.1. The proposal to update the Article 4 (1) Directions in line with 2015 legislation has involved a change in wording, but not resulted in any significant changes to require further consultation. Details of the consultation carried out were set out in the report to the Cabinet in September 2016.

9. Community Impact and Corporate Risks

- 9.1. The community impact and corporate risks were set out in the Cabinet report in September 2016. The potential risk of legal challenge due to the references to out of date legislation has been negated by bringing this report to Cabinet for decision.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X
Climate Change		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
Other		X

11. Appendices

- 11.1. Appendix – Details of proposed Article 4 directions