

What are Article 4 Directions?

You may normally carry out certain minor works without the need for a planning application to the Local Authority. These are called *permitted development*, and the rights relating to them are defined in the Town and Country Planning (General Permitted Development) Order 1995. Under Article 4 of the Order, a Local Authority may make directions to remove such rights if it feels that such development would be harmful to the character of an area. Where an Article 4 direction is in force, you must get planning permission to undertake the works that it covers.

The need for Article 4 directions in Conservation Areas

Planning consent had always been needed for any work in conservation areas involving "demolition". Demolition had been interpreted nationally as including minor works such as removing traditional windows and replacing them with upvc. Local authorities were therefore able to use this need for consent to prevent such harmful development in conservation areas.

However in 1997 the House of Lords, in the Shimizu case, limited the legal definition of demolition to quite major works of destruction, so removing local authority control over lesser developments.

In late 1997 Hart District Council therefore decided to apply Article 4 directions to most of its conservation areas. This restored the need to obtain planning permission for certain alterations to dwellings.

There are 33 such conservation areas in Hart, all being "of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

Our objective was to make sure we do not lose traditional building features and boundary treatments that contribute so much to the character and historical interest of our conservation areas.

It also had the advantage of enabling the introduction of similar requirements for porches, boundary treatments, and some exterior painting.

It is generally works in public view that need planning permission.

What Conservation Areas are covered?

These directions, imposed in 1998, cover the **conservation areas of Bramshill, Church Farm (Eversley), Church House Farm (Hartley Wintney), Cricket Hill (Yateley), Crondall, Crookham Village, Darby Green, Dipley, Dogmersfield, Elvetham, Elvetham Farm, Eversley Cross, Eversley Street, Greywell, Hartford Bridge, Hartley Wintney, Hawley Park and Green, Hazeley Bottom, Heckfield, Long Sutton, Mattingley Green, Mattingley West End, North Fleet, North Warnborough, Rotherwick, South Warnborough, Up Green (Eversley), Well, West Green, Yateley Green.**

West Street, Odiham and the **Broad Oak and Crookham Village** sections of the **Basingstoke Canal conservation area** were also added a couple of years later.

Works covered by the Directions

For all of the above Conservation Areas (except North Fleet) the works covered is as follows:

(a) The enlargement, improvement or other alteration of the frontage of a dwelling or building within the curtilage of a dwelling, including works affecting a frontage roof slope.

- (b) The erection, construction, alteration or demolition of a porch on the frontage of a dwelling.
- (c) The erection, alteration or removal of a gate, fence, wall or other means of enclosure to the frontage of a dwelling.
- (d) The exterior painting of any part of the frontage of a dwelling or building within the curtilage of a dwelling.
- (e) The erection, alteration or removal of a chimney on a dwelling or on a building within the curtilage of a dwelling.

North Fleet has an Article 4 direction covering just the front boundaries as in (c) above.

In addition **Odiham Town Centre** has an Article 4 direction dating back to 1970 that includes all the works listed above but is more extensive in that the restrictions apply to the whole of the dwelling, not just their frontages. It also covers agricultural and industrial *permitted development* provisions.

To clarify some of these terms and requirements

- *Frontage refers to the elevations or roof slope of the dwelling or building that face a highway, a footpath, a bridleway, a waterway or a public open space. In respect of side extensions these need permission where they would be forward of the rear wall of the dwelling.*
- *Exterior painting only requires consent where it involves either a painting scheme which is dramatically different from the existing or involves areas of the building not previously painted.*
- *The curtilage is the contained area around the dwelling.*

What Properties Are Covered?

For all the conservation areas (other than Odiham Town Centre) Article 4 directions only cover unlisted dwelling houses.

Works to listed buildings usually require Listed Building Consent.

Commercial buildings do not have permitted development rights and so any works to them will generally require planning permission.

The Effects of the Directions

You now need planning permission for the works described above. Consent will **not** normally be given to replace traditional features with modern ones, or to use substitute materials such as aluminium or plastic. Where modern materials have replaced traditional ones in the past, it is expected that the correct original materials and details will be **restored** when circumstances allow or when further replacement is needed.

Repairs

You do *not* need planning permission for repairs to non-listed buildings *provided* these are carried out in a *traditional* manner to the *precise* details of the original elements involved and using the same materials. You can also replace worn out minor elements without permission, provided these replacements are *exact replicas*.

Article 4 directions in the Countryside

There are also 3 areas of open countryside in Hart that have had Article 4 directions in force since 1985.

Dogmersfield Park has restrictions on agricultural and forestry buildings and works and temporary buildings and uses.

Land at Warren Hill Farm (Hulfords Lane, Hartley Wintney) has restrictions on agricultural

and forestry buildings and works and on gates, fences and walls.

Land south of Heath Lane (Crandall) has restrictions on all of the above, plus tents and caravans.

Future Article 4 Directions

We may from time to time introduce additional directions and may cover the whole of some properties instead of just their prominent frontages. This would be done, following regular review, if we felt the character of certain conservation areas needed further protection.

Planning Fees

There are no fees for any planning application required solely by an Article 4 direction.

Further Advice

Planning Services will be happy to confirm whether your property is in an area covered by Article 4 directions and we recommend that you check what directions may apply.

We can also advise you on whether permission is needed for alterations or other works but if you require written confirmation then we recommend that you apply for a Certificate of Lawfulness.

The Conservation Officer can advise you on how to repair listed and unlisted traditional buildings in order to protect the original features and character of the building.

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PLANNING SERVICES

Article 4 Directions

Planning applications can be viewed
on-line.

Go to www.hart.gov.uk

Additional Protection for Conservation Areas.