
Meeting: Development Management Committee
Date: 14th September 2011
Subject: Confirmation of Article 4 Direction for Wrest Park Estate, Silsoe
Report of: Director of Sustainable Communities
Summary: To confirm an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 and as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2010 removing permitted development rights under Schedule 2, Class B of Part 3 for the units within the Wrest Park Estate, Silsoe (identified on the attached plan). The confirmation of this Direction would remove the permitted change (without requiring planning permission) from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) in cases where it involves less than 235 square metres of floor space.

Contact Officer: Lisa Newlands, Principal Planning Officer (Tel: 0300 300 4185)
Public/Exempt: Public
Wards Affected: Silsoe and Shillington
Ward Member: Councillor I MacKilligan
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The Article 4 Direction while removing the permitted development of the change of use from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) where the floor space is under 235 square metres. It would not rule out change per se but would require a planning application to be submitted, which would allow the proposal to be considered fully by the Local Planning Authority.

Financial:

There is a right to compensation should an application be submitted on the area covered by the Article 4 Direction and then refused by the Local Planning Authority, or at appeal, or conditions imposed on the grant of planning permission within the first 12 months of the Direction coming into force. Any person with an interest in the land, or in any mineral in the land, may seek compensation for abortive expenditure, or other loss or damage directly attributable to the withdrawal of the permitted development rights. This compensation would be payable in relation to each individual building/ application and therefore may result in a number of payments. Compensation would relate to administrative costs which can be quantified, and the effect on land value. This would be assessed in terms of the cost of the land/ building at Use Class B1/B8 value against the cost of the land/ building at Use Class B1 value. In 1988 a compensation case related to the subdivision of land, it was established that there were 15 plots and the compensation award was approximately £9,000 per plot. Therefore a total compensation claim in that instance was £135,000.

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Direction would remove the permitted development right to change the use of no more than 235 square metres of floor space in a building from Class B1 (Business) to Class B8 (Storage and Distribution).

Community Safety:

None

Sustainability:

None

RECOMMENDATION(S):

That the Committee confirm the Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, and as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 for land and buildings known as Wrest Park Estate, Silsoe (as identified on the attached plan).

Background

1. Wrest Park Estate lies within the extensive grounds of Wrest Park, Silsoe. It lies to the east of Wrest House, a Grade I listed building. It also lies within the Silsoe Conservation Area.
2. A report was put before the committee in March of this year seeking the committee's agreement to begin the process of making an Article 4 Direction to remove the permitted development right to change the use of no more than 235 square metres of floor space in a building from Class B1 (Business) to Class B8 (Storage and Distribution). At the committee, Members agreed to the making of the Direction.

3. This potential permitted change of use is of concern because of the number of buildings within the site that could make use of this permitted change. The cumulative effect of such an uncontrolled B8 use within this area may cause harm to the amenities of the local residents, and a detrimental impact on the character and appearance of the surrounding area and conservation area as a whole. It is therefore considered that an Article 4 Direction would remove this permitted change of use and bring it under planning control.

Making of the Article 4 Direction

4. The procedure for making an Article 4 Direction is set out in The Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 .
5. The Article 4 Direction was made on the 1st August 2011. On the same day notification of the Direction was sent to all the owners/ occupiers of the buildings within the area defined in the Direction and to the owners of the land. In addition to this, in accordance with the procedure, an advertisement was placed in the local newspaper and three site notices were displayed at the site. Two of which were in the area affected by the Direction and one was placed at the entrance to the Wrest Park Estate. Furthermore a copy of the Direction and the notices were sent to the Secretary of State
6. The notices included a description of the development and the site to which it relates, and a statement of the effect of the direction; it also identified where a copy of the direction could be viewed and the 21 day period within which representations may be made to the Local Planning Authority regarding the direction.
7. The procedure sets out that on deciding whether to confirm the direction, the Local Planning Authority must take into account any representations received during the 21 day representation period.

Representations received

8. Only one representation has been received in relation to the direction. This was from the owner of the site. The representation raises the following issues:
 - Concern that the procedure set out in the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 has not been followed;
 - The Council has not been specific in stating what the compelling reasons are and what real and specific threat the Article 4 Direction will address;
 - Not seen sight of any reliable or confirmed evidence;
 - The Council has previously welcomed the opportunity that the Wrest Park Estate offers in respect of the creation of opportunities for small businesses within the area and the economic benefits associated with the such opportunities – the Article 4 direction has the potential of forcing local business out of the area, with the associated loss of employment and business rates.
 - The blanket restriction will discourage people from locating on the estate;
 - In light of the government guidance, agenda and the need for the planning system to facilitate a swift return to economic growth, it is unfathomable why the Council would seek to impose such a direction, without valid and justifiable evidence.

Reason for the Article 4 Direction

9. The reason for the Article 4 Direction is due primarily to concerns raised by the local residents and the Parish Council in terms of the potential permitted development of the change of use from Use Class B1 to Use Class B8 where the floor space is under 235 square metres.
8. This concern is due to the nature of Class B8 (storage and distribution) uses and the cumulative impact if all the buildings involved were to make use of the permitted development may have on the residential amenities of the surrounding properties and the character and appearance of the surrounding area and the Conservation Area. The vehicles used in relation to this kind of activity are by nature relatively large and local residents consider the highway network and junction into Wrest Park is not sufficient to cope with this type of activity, as the sole point of access into the site through the village. This is supported by our Highways section who have raised concerns over the existing traffic generation and the ability for large vehicles to enter and leave the site.
9. It is therefore considered that the Article 4 Direction to remove this permitted development, would bring the permitted change of use from B1 to B8 where the floor space concerned is below 235 square metres under planning control, anything above this level would require planning permission under the normal procedures. This would enable the Council to give proper consideration to any proposal relating to B8 use within the site in terms of the impact on the residential amenities, the character and appearance of the surrounding area and conservation area and the highway network and existing junction.
10. Whilst it is acknowledged that the Article 4 Direction would appear on any local authority searches; it is not discouraging local business, it is seeking to bring an area of development under planning control so that it can be properly considered and where appropriate conditions imposed to mitigate any potential impacts on the surrounding area and the residential amenities of surrounding properties.
11. The Government and Council priorities in terms of economic development are also acknowledged, however, given the location of the Wrest Park Estate within the Conservation Area, in close proximity to an important listed building, with a sole access in the middle of a small village it is considered that there are overriding concerns that warrant an Article 4 direction of this nature.

Conclusion

17. Wrest Park Estate is made up of a number of buildings, which would all have the permitted development right to change the use of no more than 235 square metres of floor space in the building to Class B8 (Storage and Distribution). It is the cumulative impact of this that may have a detrimental impact on the character and appearance of the surrounding area, the Grade I listed building, the amenities of the neighbouring properties and the Silsoe Conservation Area. It is therefore considered that the Article 4 direction is required to remove the permitted development right to enable the Local Planning Authority to fully consider any proposal of this nature. Confirmation of the Direction is therefore recommended.

Appendices:

- Appendix A – Article 4 Direction & map
- Appendix B - Representations