



Committee	Strategic Planning Committee
Date	08/07/2024
Subject	Making of new Article 4 directions in Southwold, Wangford, Homersfield, Marlesford and Walberswick Quay
Cabinet Member	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
Report Author(s)	Eloise Limmer Senior Design and Heritage Officer eloise.limmer@eastsoffolk.gov.uk
Head of Service	Ben Woolnough Head of Planning, Building Control and Coastal Management Ben.woolnough@eastsoffolk.gov.uk
Director	Nick Khan Strategic Director Nick.khan@eastsoffolk.gov.uk

Key Decision?	No
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
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Purpose/Summary

To agree the making of new Article 4 directions in the Conservation Areas in Southwold, Wangford and Homersfield covering amended areas, which are to replace the existing Article 4 directions.

To agree the making of a new Article 4 direction in the Marlesford Conservation Area where no such direction currently exists.

To agree the making of a new Article 4 direction in the Walberswick Quay area of the Walberswick Conservation Area to ensure that this area is still protected following the removal of the Southwold Harbour and Walberswick Quay Conservation Area and the changes to the Southwold Article 4 direction.

The proposed new Article 4 directions will not come into effect until such time as they are confirmed by a future meeting of this Committee (following public consultation), in the meantime, where relevant, the existing Article 4 directions will remain in place.

Recommendation(s)

That Strategic Planning Committee:

1. Agrees the making of new Article 4 directions in the Southwold, Homersfield, Wangford Conservation Areas and the Walberswick Quay area of the Walberswick Conservation Area, covering amended areas shown on the maps attached and including those properties and land included in the schedule attached at Appendices A-D
2. Agrees the making of a new Article 4 direction in Marlesford, where there is currently no such direction in place, covering the area shown on the map attached including those properties and land included in the schedule attached at Appendix E.
3. Agrees that the statutory public consultation period is to start on July 15th 2024 and conclude on August 26th 2024 to collect public representations including from members of the public affected by the proposed changes.
4. Agrees that, following the statutory public consultation period, the new Article 4 directions will be presented to the Strategic Planning Committee at its meeting on October 7th 2024 to consider their confirmation on October 14th 2024.
5. Agrees that the Head of Planning, Building Control and Coastal Management, in consultation with the Cabinet member with responsibility for Planning and Coastal Management, is authorised to make any presentational or typographical amendments to the Article 4 directions and accompanying maps, prior to the public consultation period.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact	Preserving the district's beauty and heritage by aiding the preservation and enhancement of the Southwold, Wangford, Homersfield, Marlesford and Walberswick Conservation Areas.
Sustainable Housing	Promoting community pride in homes and neighbourhoods by preserving the historic character of these settlements.

Tackling Inequalities	Not applicable.
Thriving Economy	Supporting responsible tourism and visitor economy by preserving the District's heritage.
Our Foundations / governance of the organisation	Engaging with residents on changes to planning regulations that would affect them.

Justification for recommendations

1. Background

- 1.1. The Design and Heritage Team are undertaking a review of the Article 4 directions on Conservation Areas in the District. The existing Article 4 directions were put in place in 2008 by the former Waveney District Council and are blanket in nature, covering all properties within the Conservation Areas, regardless of their status, use or merit. There are currently no Article 4 directions in place on any Conservation Areas in the former Suffolk Coastal District Council area.
- 1.2. Article 4 directions are made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (“GPDO”).
- 1.3. Under the existing Article 4 directions, any
 - alterations to elevations or roofs in a relevant location (fronting a highway, open space or waterway),
 - construction of a porch,
 - provision of enclosure within the grounds fronting a relevant location,
 - hard surfacing within the grounds fronting a relevant location,
 - installation of a satellite antenna,
 - alteration of a chimney,
 - alteration or demolition of a fence or boundary wall fronting a relevant location,
 - painting of an elevation in a relevant location,requires planning permission. This allows the Local Planning Authority to assess these proposals to minimise the loss of appropriate features or historic character, and/or control the installation of new features.
- 1.4. Following a successful pilot project in the North Lowestoft Conservation Area and the South Lowestoft and Kirkley Conservation Area the Design and Heritage Team is continuing with a three-year project to review all the existing Article 4 directions as well as considering the introduction of new Article 4 directions in the former Suffolk Coastal area.
- 1.5. 2023/24 is the first year of that project. The existing Article 4 directions in Southwold, Wangford and Homersfield Conservation Areas and the Walberswick Quay part of Walberswick Conservation Area were reviewed. A new Article 4 direction in the Marlesford Conservation Area is also proposed, where no such direction currently exists.
- 1.6. The Design and Heritage Team are reviewing the existing Article 4 directions so that they can be updated in terms of the most recent amendments (2015) to the General Permitted Development Order, and Government policy provided within the latest National Planning Policy Framework (“NPPF”) (Dec. 2023). Para 53 of the NPPF states that “The use of Article 4 directions to remove national permitted development rights should (...) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”

- 1.7. In order to meet these requirements, condition surveys of the Conservation Areas were undertaken to serve as the robust evidence base for the review of the Article 4 directions, as required by the NPPF. The condition surveys focused on properties that have been identified in the Conservation Area Appraisals as positive unlisted buildings in the Conservation Areas. The Conservation Area Appraisals identify these buildings that are not protected by statutory listing but are considered to make a positive contribution to the character or appearance of the Conservation Area.
- 1.8. It was not considered necessary to survey:
- Listed buildings; because these properties already have restricted permitted development rights.
 - Buildings that are not listed or positive unlisted; because these properties are not considered to have notable architectural or historic features that merit the protection of Article 4 directions.
- 1.9. Properties were surveyed with reference to the features that an Article 4 direction can control change to. The relevant properties were assessed using the following criteria:
- ‘Appropriate’ (i.e. historic or modern with traditional details and materials) windows and doors
 - Altered or unaltered roof
 - Painted or unpainted façade
 - Intact front boundary
 - Hardstanding in front garden
 - Presence of chimneys
 - Presence of non-historic porches
- 1.10. Properties were largely surveyed in groups, for example terraces, as these groups have similar characteristics whose intactness contributes to their collective value. This is also to avoid individual properties within a group having varying levels of protection.
- 1.11. The results of the surveys were presented in map form, using a colour coding system, to show areas where loss of historic features/installation of inappropriate features has occurred. (Mapping PDFs in Appendix F)
- 1.12. The proposals were presented to Local Plan Working Group on May 29th 2024.

2. Introduction

- 2.1. Based on the robust evidence of the condition surveys, in addition to consultations with the Development Management Team and the Enforcement Team, the Design and Heritage Team has prepared new Article 4 directions.
- 2.2. This report will provide a summary of the following:
- The reasoning and justification for the amendment of the geographical areas covered by the existing Article 4 directions in Southwold, Wangford and Homersfield;
 - The reasoning and justification for the amendment to the existing Article 4 direction covering the Walberswick Quay area of the Walberswick Conservation Area;
 - The reasoning and justification for the introduction of a new Article 4 direction in Marlesford;
 - The reasoning for the amendments to the content of the Article 4 directions;

- Consequences of the proposals;
- National and local planning policies; and
- The statutory requirements for the creation of new Article 4 directions.

3. Proposal

3.1. That the Strategic Planning Committee makes new Article 4 directions in Southwold, Wangford, Homersfield, Walberswick Quay and Marlesford. This will trigger a period of public consultation. However, the new Article 4 directions will not come into effect until confirmed by Strategic Planning Committee at their next meeting.

Amendments to the existing Article 4 directions in Wangford and Homersfield

3.2. Overall, the condition of the properties in the Wangford and Homersfield Conservation Areas was found to be very good with high retention of historic features. This demonstrates the effectiveness of the existing Article 4 directions. However, in line with the guidance that the directions should cover the smallest geographic area possible, reductions to the extent of the area covered by the Article 4 directions are still proposed for the following reasons:

- Listed buildings have restricted permitted development rights, and therefore the additional Article 4 direction on these properties is unnecessary.
- Buildings that are not identified as 'positive unlisted buildings' are not considered to have notable historic features that merit the protection of Article 4 directions.
- Article 4 directions only apply to dwellinghouses and, therefore, they have no effect over areas of landscape or non-domestic buildings.

Amendments to the existing Article 4 directions in Southwold

3.3. Southwold is a town densely packed with historic buildings. This is demonstrated by the fact that the majority of the buildings within the Conservation Area are either listed or identified as positive unlisted buildings in the Conservation Area Appraisal. The Conservation Area boundary is, for the most part, tightly drawn around the built-up area of the town other than the area to the south which incorporates the beach and the harbour.

3.4. The proposal for Southwold does not therefore propose a reduction in the Article 4 direction area. The centre of the town contains the High Street which is dominated by retail properties where the Article 4 direction is not relevant. However, for the sake of a simple, clear boundary it is not proposed to remove these buildings from the Article 4 direction area. This allows the boundary to be clear and legible on the ground, bounding the built-up area of the town.

3.5. The Southwold Conservation Area was extended in January 2024. The extension areas are not currently covered by an Article 4 direction. The proposal is to include the dwellinghouses in these areas within the new Article 4 direction. The exception is the early council housing to the north-west of the Conservation Area. These buildings were included in the Conservation Area as they tell an important story of the historic development of the town. However, they do not retain any features that would be protected by the Article 4 directions and therefore are not proposed for inclusion.

3.6. The row of houses that face the beach along Ferry Road to the south of the town are also not proposed for inclusion. They are an eclectic mix of architectural styles. However, they do not retain features that would benefit from protection with an Article 4 direction. The landscape of the beach and along the harbour would not be impacted by an Article 4 direction, nor would the fishing huts along the harbour and, therefore, these areas are not proposed for inclusion. The row of dwellings to the north-west of the harbour is proposed for inclusion as they are historic and make an important contribution to the character of this area, with both their front and rear elevations facing 'relevant locations'.

Amendments to the existing Article 4 directions in Walberswick Quay

3.7. Walberswick Quay is now part of the Walberswick Conservation Area following changes made in January 2024. It was formerly part of a now defunct Conservation Area called Southwold Harbour and Walberswick Quay. The Southwold Harbour area was added to the Southwold Conservation Area and the Walberswick Quay area was added to the Walberswick Conservation Area.

3.8. When the existing Article 4 directions were confirmed in 2008, Walberswick Quay and Southwold Harbour Conservation Area still existed and a blanket direction was made over that area which remains in place today despite the changes to the Conservation Areas. The Southwold Harbour area has been assessed as part of the Southwold Article 4 direction review and therefore the direction on this area will be replaced with the new Southwold Article 4 direction.

3.9. The wider Walberswick Conservation Area does not currently have an Article 4 direction in place. It will be assessed for an Article 4 direction in year two of this project. Therefore, a decision had to be made whether to create a new Article 4 direction just on the Walberswick Quay area or to let the protection lapse until the wider Conservation Area is reviewed in year two. It has been decided that the character of Walberswick Quay is vulnerable to change and therefore the protection that an Article 4 direction provides should not be allowed to lapse, even for a short period of time.

3.10. The nature of the Walberswick Quay area is different from the other areas that have been reviewed. The dwellinghouses sit in the centre of the area surrounded by open space, and therefore face 'relevant locations' on all sides. It is also difficult to determine the extent of the property boundaries of these dwellings which makes it hard to draw a definitive boundary line. For these reasons it has been decided to keep an Article 4 direction in place across the whole area in this case.

New Article 4 direction in Marlesford

3.11. There is no existing Article 4 direction in Marlesford, therefore this is the first Conservation Area where a completely new Article 4 direction is proposed. The Design and Heritage Team have received multiple requests from Marlesford Parish Council over the last few years to assess the Conservation Area for an Article 4 direction. It is considered important that there should be strong public support for the introduction of any new Article 4 directions, and the significant interest of the Parish Council is an important indicator of this in Marlesford. The response from the wider village in the public consultation will be important in understanding the public support for this proposed new Article 4 direction.

3.12. The Marlesford Conservation Area Appraisal (2014) states that:

The particular character of Marlesford, with its strong prevailing historic appearance, renders it particularly sensitive to the cumulative loss or alteration of key features that contribute to the character and appearance of the conservation area. Such features include windows, doors, front boundaries, chimneys, and roof coverings. Whereas some conservation areas can benefit from the enhancement of their mixed character, others will be slowly degraded over time through the exercise of permitted development rights. It is proposed, therefore, that a survey be undertaken to identify the extent of existing harmful change and that an Article 4(2) Direction be considered for making in the conservation area.

Amendments to the content of the Article 4 directions

3.13. The text of the Article 4 direction will be amended to reflect the changes to the General Permitted Development Order (GPDO) since 2008.

- The Article 4 directions are now made under Article 4(1), rather than Article 4(2) of the GPDO (2015).
- Some changes have been made to the Parts and Classes of the GPDO (2015). The new directions have been amended to reflect these.
- The restriction on the installation of satellite dishes in certain controlled locations is proposed for removal, as this is becoming outdated technology.
- The restriction on painting the exterior of buildings in certain locations is removed. The GPDO does not distinguish between the painting of previously unpainted surfaces and the general painting of the exterior of a building. Therefore, it is considered that the removal of the Permitted Development right to paint the exterior of a building would be too onerous and could result in a large number of applications where there would be no change to the character or appearance of the building as well as likely compliance issues.
- Consideration was given to restricting renewable energy under Part 14 of the GPDO (concerning the installation of solar equipment, heat pumps and biomass heating systems) and electrical outlets and upstands for recharging vehicles under Part 2 Class D and E. Following consultation with the Local Plan Working Group it was decided that these should not be restricted.

National and local planning policies

3.14. The NPPF states in para. 53 that: “The use of Article 4 directions to remove national permitted development rights should: in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”

3.15. Policy WLP8.39 – Conservation Areas of the Waveney Local Plan states that “Proposals for replacement doors, windows and porches in conservation areas where Article 4 directions are in place must be of a suitable design and constructed in appropriate materials. Applications will be assessed with reference to the prominence of the location, the historic and architectural value of the building and the historic and architectural value of the feature to be replaced.”

3.16. The background text of Policy SCLP11.5 Conservation Areas in the Suffolk Coastal Local Plan states that ‘There are no Article 4 directions in former Suffolk Coastal Area’. There

is no policy reference to Article 4 directions in the Suffolk Coastal Local Plan however Policy SCLP11.5 Conservation Areas states “Developments should be of a particularly high standard of design and high quality of materials in order to preserve or enhance the character or appearance of the area” which will help to guide decision making on applications that result from Article 4 directions until such time as a new Local Plan is prepared.

- 3.17. There is clear guidance on works that are appropriate in Conservation Areas within East Suffolk’s Historic Environment Supplementary Planning Document (2021) which will also guide decision making.

Statutory requirements for the creation of Article 4 directions

- 3.18. Should the report recommendations be agreed, the statutory procedure will be as follows:

- On Monday July 15th, a notice containing the Article 4 directions and relevant maps will be served by local advertisement, by two site notices in heavily trafficked public areas, and by letter to all property owners and occupiers in the affected areas.
- The exception is Southwold where letters will not be sent to all owner/occupiers. This is due to the very large number of properties within the Article 4 direction area and the fact that, for most, the proposed changes will be very minor with only the content of the direction changing (see paragraph 3.13 above). The GPDO states that “the local planning authority need not serve notice on an owner or occupier... if they consider that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable’. All owner/occupiers of dwellinghouses that are currently not covered by an Article 4 direction, but that will be brought into the amended Article 4 direction area, will be sent a letter.
- The consultation period will run from July 15th to August 26th and the site notices will remain up for the whole period.
- The letters will inform owners/occupiers that we are opening a public consultation across these dates. This letter will include guidance on what the changes mean for those remaining in the Article 4 direction Area, and those that will be removed (but are still in the Conservation Area).
- The requirement is for a public consultation of 21 days’ duration. Officers consider, however, that an extended consultation period of six weeks conforms better with the Council’s usual practices and takes into account the timing of the consultation within school summer holidays.
- A copy of the Article 4 directions, Notices and maps will be available on the Council’s website for the duration of the consultation period and physical copies will be available to view at a location available to the public (i.e. Southwold Library, East Suffolk House, Riverside). Representations can be made by letter, email or through the consultation webpage.
- Following the public consultation period, representations will be taken into consideration by officers. Any material changes made to the directions as a result of the consultation will require re-consultation.
- The results of the consultation will be presented to Local Plan Working Group in September 2024 (date TBC) for their feedback.

- The new Article 4 directions will then be presented to Strategic Planning Committee on October 7th 2024, where the public representations will be presented, and it will be proposed to confirm the Article 4 directions and agree for them to come into force on October 14th 2024.
- At this time, the existing Article 4 directions will be cancelled (Schedule 3, sub-para. 13 of the GPDO (2015): “A local planning authority may, by making a subsequent direction, cancel any direction made by them under article 4(1)”)
- On the date the Article 4 directions are confirmed photographic surveys will be undertaken of all of the properties covered by the Article 4 directions. This will contribute to the ‘robust evidence’ for the Article 4 direction and allow effective enforcement action to be taken if required.

4. Financial Implications

- 4.1. There are circumstances under which the local planning authority may become liable to pay compensation when imposing a new Article 4 direction, when it does so without giving 12 months’ notice to those members of the public who would be affected by them.
- 4.2. This liability may arise if the local planning authority:
- refuses planning permission for development which would have been permitted development if it were not for an Article 4 direction; or
 - grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 direction being in place.
- 4.3. **However**, officers judge this to present limited risk only, as most of the areas proposed for the new directions are already covered by existing directions; and no further restrictions are proposed in the new directions.
- 4.4. A new Article 4 direction is proposed in Marlesford and the additions to the Southwold Conservation Areas cover areas that were not previously covered by an Article 4 direction. There is therefore a low level of risk that the LPA would be liable for compensation as described above in these locations. However, there is also a low level of risk that if there is too long of a period between making and confirming the Article 4 directions, works will be undertaken that remove important historic features of buildings before the restrictions come into effect. This level of risk is judged to be higher than the risk of having to pay compensation.
- 4.5. On this basis, therefore, officers judge that there is no necessity to wait 12 months before confirmation of the proposed Article 4 directions.

5. Legal Implications

- 5.1. All legal requirements have been met as described in this report

6. Risk Implications

Regulatory risk

- 6.1. There is no formal right of appeal against the making of an Article 4 direction. There could be an application for judicial review if it were thought that the Council had not

considered the merits of the Article 4 direction properly. This is considered to be a very low risk given the clear evidence base on which the directions are based.

Reputational risk

- 6.2. The Local Planning Authority has a duty to pay special attention to the preservation and enhancement of the character and appearance of Conservation Areas, as per section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. If the Article 4 directions are confirmed, they would support this statutory duty.
- 6.3. Confirming the Article 4 directions would also support the delivery of consistent planning and planning enforcement decisions, which would decrease the risk of reputational damage in the future.

7. Options

Either:

- 7.1. The Strategic Planning Committee agrees to make the new Article 4 directions. This would have the effect of starting a period of public consultation on proposed changes to the Article 4 directions in Southwold, Wangford, Homersfield and Walberswick Quay and on the proposed introduction of an Article 4 direction in Marlesford. The changes to the Article 4 directions would not come into effect unless confirmed by this Committee at a later date, taking into account the results of the public consultation.

Or:

- 7.2. The Strategic Planning Committee decides not to make the new Article 4 directions. The existing Article 4 directions would remain in place in Southwold, Wangford, Homersfield and Walberswick Quay. No Article 4 direction would be in place in Marlesford. It should be noted that the existing Article 4 directions are not up to date in terms of relevant legislation and Government guidance provided within the latest version of the National Planning Policy Framework.

8. Recommendations

- 8.1. That Strategic Planning Committee:
1. Agrees the making of new Article 4 directions in the Southwold, Homersfield, Wangford Conservation Areas and the Walberswick Quay area of the Walberswick Conservation Area, covering amended areas shown on the maps attached and including those properties and land included in the schedule attached at Appendices A-D
 2. Agrees the making of a new Article 4 direction in Marlesford, where there is currently no such direction in place, covering the area shown on the map attached including those properties and land included in the schedule attached at Appendix E.
 3. Agrees that the statutory public consultation period is to start on July 15th 2024 and conclude on August 26th 2024 to collect public representations including from members of the public affected by the proposed changes.
 4. Agrees that, following the statutory public consultation period, the new Article 4 directions will be presented to the Strategic Planning Committee at its meeting on October 7th 2024 to consider their confirmation on October 14th 2024.
 5. Agrees that the Head of Planning, Building Control and Coastal Management, in consultation with the Cabinet member with responsibility for Planning and Coastal Management, is authorised to make any presentational or typographical amendments to the Article 4 directions and accompanying maps, prior to the public consultation period.

9. Reasons for Recommendations

- 9.1. Since the existing Article 4 directions came into force in 2008, the national legislation and planning regulations that they were confirmed under have been amended, and national planning policy indicates that any Article 4 directions should be “based on robust evidence and apply to the smallest geographical area possible” (NPPF para. 53).
- 9.2. The proposed new Article 4 directions are based on recently secured and robust evidence of the condition of the Conservation Areas. The proposals have been developed in consultation with the Development Management and Enforcement teams, whose work is most impacted by the Article 4 directions.
- 9.3. It is the view of officers that the new Article 4 directions and the geographical areas covered by them are reasonable and justified. The areas that will be covered by the Article 4 directions retain architectural and historic features that contribute to the character and appearance of the Conservation Areas. Continuing the restriction of permitted development rights in a more targeted way will be policy compliant at national and local level. This will support the preservation and enhancement of the Conservation Areas as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4. The proposals were considered by the Local Plan Working Group at its meeting on May 29th 2024.

10. Conclusions/Next Steps

- 10.1. The making of these new Article 4 directions, including the amended areas that are covered by the Article 4 directions, need to be agreed. If agreed, a period of public consultation will be undertaken before a further decision is made by this Committee on whether to confirm the Article 4 directions. The proposed new Article 4 directions will not come into effect until such time as they are confirmed by a future meeting of this Committee, in the meantime the existing Article 4 directions will remain in place.
- 10.2. Should the Strategic Planning Committee agree the recommendations of this report, a notice containing the Article 4 direction and relevant map will be served by local advertisement, by two site notices, and by letter to all property owners and occupiers in the affected areas (*excluding Southwold as outlined in paragraph 3.18 of this report) on Monday July 15th, starting a public consultation period that will run from July 15th to August 26th 2024.

