

Appendix 2: Cabinet report considered on 19 March 2024

Committee: Cabinet

Date:

Title: Removal of Article 4, Land at Friars Lane (off Chelmsford Road), HATFIELD HEATH

19 March 2024

Report author: Nigel Brown, Head of Development Management & Enforcement

Key decision: No

Summary

1. Land at Friars Lane, Hatfield Heath, is subject to an Article 4 Direction dated 12 January 2012
2. Local Planning Authorities are legally bound to review Article 4 Directions within their district on a regular basis. The owners of the land have approached the Council have requested that the need for the Article 4 be reviewed.
3. On the review of this Article 4 it is considered that it is no longer required.

Recommendations

- 4. That the Article 4 Direction be removed from the land defined as Friars Lane (off Chelmsford Road), Hatfield Heath.**

Financial Implications

5. The recommendation would require the advertising of the removal of the Article 4 which would cost in the region of £600 - 700. This can be met from existing budgets for Development Management

Background Papers

6. The following papers were referred to by the author in the preparation of this report:
 - Article 4 Direction for Friars Lane (off Chelmsford Road), Hatfield Heath

Impact

7.

Communication/Consultation	Through formal advertising following decision
Community Safety	Not affected.
Equalities	Not affected.

Appendix 2

Finance	Advertising costs can be met from existing budgets. The document will be disseminated through the website.
Health and Safety	Not affected.
Human Rights/Legal Implications	Not affected.
Sustainability	Not affected
Ward-specific impacts	Within Hatfield Heath Ward
Workforce/Workplace	Existing staff resources.

Situation

8. This report relates to an existing Article 4 Direction made on a specific piece of land at Friars Lane (off Chelmsford Road), Hatfield Heath.
9. A direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, is a tool to restrict specific permitted development. An Article 4 can made in a blanket way across defined policy areas such as Conservation Areas, or as in the case of this Article 4 with respect of a specific issue related to a site.
10. The Article 4 Direction was considered, and made, on this piece of land in response to a potential threat of an unauthorised development occurring on the site. Although the unauthorised development would have required planning permission, some activities through permitted development could have resulted in some harmful preparatory development by stealth.
11. The Article 4 was made on 12 January 2012 and restricts specific parts of the Town and Country Planning (General Permitted Development) Order 1995; that would normally be permitted development these are in summary:
 - Part 2 (Classes A & B) Gates, Fences, Walls and other enclosures and construction of new accesses.
 - Part 4 (Class B) Temporary Uses 28 day uses (and more restricted 14 day uses)
 - Part 5 (Class A) Use as a caravan Site
 - Part 6 (Class B) Agricultural permitted development on land less 5 hectares
 - Part 7 (Class A) Forestry permitted development.
12. Article 4 Directions are required to be reviewed on a regular basis; this Article 4 has not been reviewed in the twelve years it has been in place. Government advice is clear that Article 4 should not be retained on sites unnecessarily. It is unknown whether the threat of the unauthorised use was a real or perceived one in 2012; that said it is now considered that the threat no longer exists.
13. The options for the Council are:
 - Remove the Article 4 Direction

Appendix 2

- Vary the Article 4 Direction
- Confirm the retention of the Article 4 Direction

14. As the reasoning for the Article 4 is no longer considered relevant it is not considered prudent or justified to retain the Article 4 Direction on this land. Therefore, it is requested that the Article 4 is removed and the required legislative process of notification and advertising takes place.

12. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.