

**Report To: Environment and Regeneration  
Committee**

**Date: 5 March 2020**

**Report By: Corporate Director, Environment,  
Regeneration and Resources**

**Report No: E&R/20/03/SJ**

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Planning Policy Team Leader**

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**Subject: Article 4 Directions in Inverclyde Conservation Areas**

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## **1.0 PURPOSE**

- 1.1 To seek Committee approval to undertake public consultation on proposed Article 4 Directions for the eight conservation areas in Inverclyde.

## **2.0 SUMMARY**

- 2.1 Article 4 Directions are made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended and require that planning permission is sought in certain areas for types of development that would ordinarily be classed as permitted development. Article 4 Directions are most commonly used in conservation areas.
- 2.2 The Article 4 Directions currently in place in Inverclyde do not cover all conservation areas and each Article 4 Direction covers different development classes. The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 has also removed the need for the inclusion of many householder permitted development rights in Article 4 Directions.
- 2.3 Revised Article 4 Directions have therefore been prepared for all eight conservation areas in Inverclyde and it is recommended that these are approved for consultation. These Article 4 Directions are standardised across the eight conservation areas. The development classes to be included in the Article 4 Directions are set out in Appendix 1.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Committee approves public consultation on Article 4 Directions for the eight conservation areas in Inverclyde.

**Scott Allan, Corporate Director  
Environment, Regeneration and Resources**

## **4.0 BACKGROUND**

- 4.1 Article 4 Directions are made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended and require that planning permission is sought in certain areas for types of development that would ordinarily be classed as permitted development. Article 4 Directions are most commonly used in conservation areas to protect their special architectural or historic interest, including from the cumulative impact of minor alterations.
- 4.2 There are eight conservation areas in Inverclyde. Five conservation areas (Greenock West End, Cathcart Square/William Street, Inverkip, Kilmacolm South East and Quarrier's Homes) have Article 4 Directions in place, which differ with regard to the classes of development included i.e. some classes of development are excluded from permitted development rights in some conservation areas, but not in others. The three most recently designated conservation areas (Kempock Street/Shore Street, Gourrock, West Bay, Gourrock and The Cross, Kilmacolm) have no Article 4 Directions in place.

## **5.0 PROPOSAL**

- 5.1 The existing Article 4 Directions in place in Inverclyde conservation areas have been reviewed for a number of reasons:
- Not all conservation areas have an Article 4 Direction in place;
  - Where Article 4 Directions are in place in conservation areas different classes of development are covered in each;
  - The 2011 amendment to the Town and Country Planning (General Permitted Development) (Scotland) Order, relating to householder development, has removed the need for some classes of development to be referred to in Article 4 Directions; and
  - Conservation Area Appraisals which have been prepared have highlighted the requirement for Article 4 Directions.
- 5.2 It is therefore proposed to create new Article 4 Directions covering all eight conservation areas. Details of the classes of development to be included are shown in Appendix 1. For clarity, these are the classes of development to which permitted development rights will not apply in conservation areas.
- 5.3 When creating or amending an Article 4 Direction, it is a requirement to inform every property within the area to which it applies. It is proposed to do this through mail notification explaining the purpose and effect of an Article 4 Direction, by placing information on the Council website and an advert in the local press, with a 6 week period for responses. Relevant statutory undertakers will also be notified. After the 6 week period, representations will be reviewed, any necessary alterations made and a report brought back to the Committee requesting approval to submit the Article 4 Directions, along with supporting information, to the Scottish Ministers for approval.

## 6.0 IMPLICATIONS

### Finance

- 6.1 Public consultation, in accordance with statutory requirements will require the expenditure in relation to notification of those affected by the Article 4 Directions e.g. public notice and mailings.

#### Financial implications

##### One-off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
Planning (006130)	Postages Advertising	2019/20	£3500	n/a	n/a

##### Annually recurring costs/(savings)

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

### Legal

- 6.2 There are no legal issues associated with this report.

### Human Resources

- 6.3 There are no personnel issues associated with this report.

### Equalities

- 6.4 Equalities

- (a) Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

**Repopulation**

6.5 There are no repopulation issues associated with this report.

**7.0 CONSULTATIONS**

7.1 The Council's Roads and Technical Services were consulted during the preparation of the new Article 4 Directions as permitted development rights may be removed for some of the work undertaken by these service areas.

**8.0 LIST OF BACKGROUND PAPERS**

8.1 None

APPENDIX 1 – Article 4 Direction Classes

**Classes of development proposed to be removed from permitted development rights in Inverclyde's conservation areas through Article 4 Directions.**

Classes of development are derived from the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended

**Class 3A.** - (1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

**Class 7.** - (1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

**Class 27.** - (1) The carrying out on land within the boundaries of a private road or private way of works required for the maintenance or improvement of the road or way.

**Class 30.** - The erection or construction and the maintenance, improvement or other alteration by a local authority of—

(a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, refuse bins, public shelters and similar structures or works required in connection with the operation of any public service administered by them.

**Class 31.** - The carrying out by a roads authority on land outwith but adjoining the boundary of an existing road of works required for or incidental to the maintenance or improvement of the road.

**Class 33.** - The carrying out, within their own district by a planning authority of—

(a) works for the erection of dwellinghouses, so long as those works conform to a local plan adopted under section 12 of the Act;

(b) any development under the Housing (Scotland) Act 1987 not being development to which the last foregoing sub-paragraph applies so long as the development conforms to a local plan adopted under section 12 of the Act;

(c) any development under any enactment the estimated cost of which does not exceed £250,000 other than—

(i) development of any of the classes specified in Schedule 2 (bad neighbour development);  
or

(ii) development which constitutes a material change in the use of any buildings or other land.