

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 10th October 2006

Portfolio: Planning and Economic Development

Subject: Cancellation of Article 4 Direction on O.E. 6977, Waltham Road, Bumbles Green, Nazeing

Officer contact for further information: John Preston (01992 – 564111)

Committee Secretary: Simon Hill

Recommendations/Decisions Required:

- (1) That the progress made in respect of the cancellation of certain Article 4 directions be noted; and**
- (2) To note the position in respect of one particular Article 4 Direction (O.E. 6977, Waltham Road, Bumbles Green, Nazeing).**

Report:

1. An Article 4 Direction can be served in limited circumstances, so as to restrict the normal operation of permitted development rights (that is, development that may be undertaken without the need to apply for planning permission).
2. To justify an Article 4 Direction there must normally have been a particular adverse impact expected from the exercise of those normal permitted development rights, perhaps because the landscape was particularly vulnerable, or the amenity impacts of certain land uses would have been unacceptable.
3. Following the Development Committee meeting on 18 July 1996 it was decided that the Article 4 Directions on the following properties could be cancelled:

"Hoecroft", Land North of Hoe Lane, Nazeing	28.02.52
"The Elms", Coopers Hill, Marden Ash	05.12.56
"Little Cutlands", St. Leonards Road, Nazeing	31.05.57
"Dahl", Stondon Road, Nine Ashes, High Ongar	22.10.57
"Harlow Park Nursery", Potter Street, North Weald	05.03.58
"Theydon Mount Nursery", Theydon Mount	05.08.58
Rear of "Countisbury" (Mossford Green Nursery and Lillicroft Nursery), Abridge Road, Theydon Bois	07.05.65
23 Woodland Way, Theydon Bois	26.07.65
23-77 (odds) Woburn Avenue, Theydon Bois	23.08.65
Whitlocks Cottages (site of), Bournebridge Lane, Stapleford Abbots	29.06.66
O.E. 6977, Waltham Road, Bumbles Green, Nazeing	26.11.81

4. These Article 4 Directions can be cancelled because the circumstances in which they were originally made were no longer considered to be relevant to the land or buildings in

question. In some cases, the criteria governing permitted development were changed, which had the effect of bringing under control certain development that may have only previously been controlled by such a Direction. The effect of these cancellations has been to return the normal permitted development rights to the properties in question.

5. The following Article 4 Directions have been retained because of their continued relevance:

"Little Stiles", Back Lane, Nazeing	08.12.78
Newteswell Drive, Parvilles, Pasfield, Takely Close, (Parklands Estate, Waltham Abbey)	22.03.85
Lea Valley Nursery, Crooked Mile, Waltham Abbey	02.02.89
Staples Road Conservation Area, Loughton	04.04.96
York Hill Conservation Area, Loughton	26.10.99

6. The process involved in cancelling an Article 4 Direction is lengthy and has involved serving notice on the landowners and occupiers of the land or property in question. However, this work has now been completed for all but one of the Directions on the original list – a site in Waltham Road, Bumbles Green, Nazeing.
7. After lengthy investigation, it transpired that this Article 4 Direction was never actually confirmed. It does not appear on the Local Land Charges register and there are no sealed copies in the files. Since this Direction was never confirmed, it no longer exists and revocation (cancellation) is not required.
8. A saving of around £550 will be made since that has been the approximate cost of revoking an order, where a newspaper advertisement has been required.

Options for action:

To note progress that has been made in respect of the cancellation of certain Article 4 Directions, including the Direction that was never confirmed.

Statement in support of recommended action:

Recommendations are for noting only.

Consultation undertaken:

Resource implications:

Budget provision: N/A
Personnel: Staff in Planning Services and Legal Services
Land: N/A

Community Plan/BVPP reference: N/A
Relevant statutory powers: N/A

Background papers: Articles 4, 5 and 8 of the General Permitted Development Order 1995 (as amended), and Report Reference C/003/2004-05.
Environmental/Human Rights Act/Crime and Disorder Act Implications: Nil
Key Decision reference: (if required) N/A