

North York Moors National Park Authority Planning Committee

19 November 2015

Helmsley Conservation Area Extension

<p>1. Purpose of the Report</p>
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| <p>1.1 To seek Members' agreement to confirm an Article 4 Direction made covering Elmslac Road, Helmsley.</p> |
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2. **Background**

- 2.1 As part of the preparation of the Helmsley Plan (adopted 23 July 2015) the boundary of the Helmsley Conservation Area was reviewed and modified. Several small reductions were made to rationalise the boundary following site redevelopments, and three extensions were made to include Elmslac Road, an attractive 1950s-era architect-designed housing estate; the terrace of new houses in Canons' Garth Lane constructed to the rear of the Feversham Arms Hotel; and Helmsley Walled Garden. These extensions were approved by Committee on 12 December 2013. That Committee also authorised the making of an Article 4 Direction to ensure that the new areas benefitted from the same level of planning controls as the existing Conservation Area.
- 2.2 Article 4 Directions may be used by Local Planning Authorities to withdraw permitted development rights to make external alterations and additions to dwelling houses where it is considered that these may have a harmful impact on the architectural and historic character and appearance of a Conservation Area.
- 2.3 An Article 4 Direction was made on 9 June 2015 withdrawing permitted development rights to make alterations to elevations of dwelling houses facing a highway, waterway or important open space, for the same types of works that are restricted by the existing Article 4 Direction for Helmsley. These consist of alterations to roofs and chimney stacks; the construction of extensions and porches; the alteration of boundary walls, fences or gates; the painting or rendering of masonry that is currently exposed; the alteration of the design or materials of windows, doors or guttering; the installation of micro-generation equipment. There is no charge for applications made as a consequence of an Article 4 Direction, and works of a like for like nature do not require permission.
- 2.4 Each dwelling affected received a covering letter confirming the extensions to the Conservation Area, copies of the Direction and a pamphlet explaining its implications and inviting comments and concerns during the 28-day consultation period. Other consultees included Helmsley Town Council, Historic England and Leeds and Yorkshire Housing Association.

3. **Consultation**

- 3.1 No responses to the consultation were received.

4 **Main Issues**

- 4.1 In determining whether to confirm an Article 4 Direction local planning authorities must take into account representations received during the consultation. As no responses were received the Authority must consider whether the proposed additional planning controls are justified and proportionate.
- 4.2 Officers consider that the additional controls over the particular forms of development identified are justified because the buildings in the newly-included areas of the Conservation Area have been identified as making a positive contribution to the architectural and historic character and appearance of the wider Conservation Area. The forms of development identified under the Article 4 Direction have the potential to erode and also to enhance the positive qualities of the area, for example in relation to window styles and materials. The Authority is only able to exert control over these forms of development with the additional planning powers proposed under the Article 4 Direction because Conservation Area designation alone brings with it few additional planning controls. The presence of an Article 4 Direction also facilitates the use of Conservation Area Enhancement Grant to support and incentivise owners to restore traditional materials and architectural features that have been subject to unsympathetic replacement in the past, such as windows, doors and roofing materials, because it allows the grant investment to be protected by the enhanced planning controls.
- 4.3 The Direction has been amended to clarify that it applies only to Elmslac Road, in accordance with Members' resolution of 12 December 2013. It is not considered necessary to confirm the Direction on properties in Canons' Garth Lane or Helmsley Walled Garden because the permitted development rights of the former were removed via a planning condition of the original planning approval, and the latter does not possess permitted development rights because it consists of garden/charity/business premises rather than dwelling houses.
- 4.4 If confirmed the Article 4 Direction will come into force on 17 June 2016, one year after the publication of the Notice of the Direction.

5. **Conclusions**

- 5.1 Officers consider that the Article 4 Direction is justified, proportionate and will contribute to the ability of the Authority to pursue its First Purpose in relation to the conservation of the cultural heritage of the National Park, and its duty under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that local planning authorities formulate proposals for the preservation and enhancement of Conservation Areas.

6 **Contribution to National Park Management Plan**

- 6.1 Policy E5 of the Management Plan seeks the conservation of the archaeological and built heritage. Policy E7 requires new development to seek to conserve and enhance heritage assets and their settings. The confirmation of the Article 4 Direction will help to conserve the historic and townscape character of Helmsley.

7. **Financial Implications**

- 7.1 Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- Refuse 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.

Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. The principal risk of financial loss to an applicant as a consequence of a refusal or limitation of planning permission is considered to relate to the installation of domestic micro-generation equipment because of its potential to produce a financial yield. However, if 12 months prior notice of the withdrawal of permitted development rights is given, there is no ability to claim compensation. Consequently, it is considered that by issuing a non-immediate Direction that will not come into force until 12 months after the effective date, the risk of any compensation being payable is removed.

8. **Legal Implications**

- 8.1 Confirmation of the Article 4 Direction will be carried out in accordance with Appendix D to Department of the Environment Circular 9/95: General Development Order 1995, which requires the Authority to notify the site owner, the local and County councils, the Secretary of State and by local advertisement.

9. **Recommendation**

- 9.1 That Members confirm the Article 4 Direction covering Elmslac Road, Helmsley

Appendix 1

Article 4 Direction for Elmslac Road, Helmsley, proposed for confirmation

NORTH YORK MOORS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015

HELMSLEY CONSERVATION AREA

DIRECTION MADE UNDER ARTICLE 4(1)

WHEREAS the NORTH YORK MOORS NATIONAL PARK AUTHORITY being the appropriate local planning authority within the meaning of article 4(5) of the GPDO, is satisfied that it is expedient that development of the descriptions set out in the Schedule below should not be carried out on the land shown hatched in red on the attached plan (comprising Elmslac Road Estate) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said authority in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below. This Direction shall apply only to elevations fronting a highway, waterway or important open space.

SCHEDULE

1. The enlargement, improvement or other alteration of a dwelling house where any part of the enlargement, improvement or alteration being development comprised within Class A of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class, or as modified by any subsequent changes to the General Permitted Development Order.
2. Any other alteration to the roof of a dwelling house being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class, or as modified by any subsequent changes to the General Permitted Development Order.
3. The erection or construction of a porch outside any external door of a dwelling house being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class, or as modified by any subsequent changes to the General Permitted Development Order.
4. The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure to the curtilage of a dwelling house being development comprised within Class A Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class, or as modified by any subsequent changes to the General Permitted Development Order.
5. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure being development comprised within Class C of Part 11 of Schedule 2 to the said Order and not being development comprised in any other Class, or as modified by any subsequent changes to the General Permitted Development Order.
6. The installation, alteration or replacement of micro generation solar PV or solar thermal equipment on a dwelling house or building situated within the curtilage of a dwelling house being development comprised within Class A of Part 14 of Schedule 2 to the said Order and not being development comprised in any other Class, or as modified by any subsequent changes to the General Permitted Development Order.

It is proposed that this Direction will come into force on the 17 June 2016.

This Direction is **confirmed** under the Common Seal of the North York Moors National Park Authority this Day of The Common Seal of the Authority was affixed to this Direction in the presence of:

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Authorised Signatory