

Decision Maker: **Development Control Committee**

Date: **12th September 2013**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **SALE OF LAND IN PLOTS OFF KEMNAL ROAD,
CHISLEHURST – PROPOSED ARTICLE 4 DIRECTION**

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Chief Officer: Marc Hume, Director of Regeneration & Transformation

Ward: Chislehurst

1. Reason for report

- 1.1 Land off Kemnal Road Chislehurst is being or has been offered on the internet for sale in the form of small plots. The area of land is in the Green Belt, a Conservation Area, a Site of Nature Conservation Importance and is of rural appearance. Subdivision of the land could lead to the erection of fences, sheds and accesses or the introduction of temporary uses that could be detrimental to the appearance of the Countryside and the objectives of the above policy designations.

2. **RECOMMENDATION(S)**

- 2.1 Members are asked to endorse the making of an Article 4 Direction in the terms described in the report and refer the matter to the Portfolio Holder for Renewal and Recreation to authorise the making of the Direction.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: A small increase in planning applications, for which no fee is payable, is expected.
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £2.618 m
 5. Source of funding: Existing Revenue Budget 2013/2014
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Staff

1. Number of staff (current and additional): 64 ftes (excluding Building Control, Land Charges)
 2. If from existing staff resources, number of staff hours: 30
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable: Further Details – Portfolio Decision
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): about 50 householders nearby, also the general public visiting the locality
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillor request.
2. Summary of Ward Councillors comments: Seek an Article 4 (1) Direction.

3. COMMENTARY

- 3.1 Land is being offered for sale (outside the UK) in small plots on the internet. Estate roads are shown linking to Kemnal Road, Chislehurst. The land is in a Conservation Area and a Site of Importance for Nature Conservation and designated Green Belt where residential development is usually inappropriate development. Other policies of the Development Plan seek to protect the countryside from general residential development. The land is shown at Appendix One.
- 3.2 The subdivision of land can lead to the erection of fences, sheds and accesses that lead to the erosion of the amenity of the area, harm the appearance of the countryside and are contrary to Green Belt objectives. It can also lead to the introduction of temporary uses which cumulatively could harm visual amenity and affect the character of the area.
- 3.3 A Direction under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would enable the removal specific forms of development.
- 3.4 The specified forms of permitted development for which it would be appropriate to require an application to avoid the effects set out in 3.2 above, in the Kemnal Road area are:
- (i) the erection or construction of gate, fence, wall or other means of enclosure (Class A of Part 2);
 - (ii) the formation, laying out and construction of a means of access... (Class B of Part 2)
 - (iii) provision of temporary buildings etc. (Class A of Part 4); and
 - (iv) the use of land for any purposes for not more than 28 days (Class B of Part 4).
- 3.5 Advice on the making of Article 4 Directions is given in a modified version of Circular 9/95 that was issued in 2012. It is open to the Council to make a non-immediate direction in this instance so as to limit the risk of compensation. The advice of Circular 9/95 is that, if 12 months prior notice of the withdrawal of permitted development rights is given, there is no ability to claim compensation.

4. POLICY IMPLICATIONS

- 4.1 The strategic objectives of the UDP, adopted in July 2006, include: *“To protect, promote, enhance and actively manage the natural environment, landscape and biodiversity of the Borough. Also: To protect the Green Belt ... from inappropriate development...”* The making of an Article 4 direction for the Kemnal Road area is consistent with those objectives.

5. FINANCIAL IMPLICATIONS

- 5.1 No planning fee is chargeable for applications generated by the Direction. However, this is not expected to generate many additional applications.
- 5.2 By issuing a 12 month non-immediate Direction under Article 4, it is unlikely that any compensation claims will be payable.

6. LEGAL IMPLICATIONS

- 6.1 Article 4 (1) of the GPDO 1995 (amended) allows local Planning Authorities to withdraw certain Permitted Development Rights.

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995. DCLG June 2012