

19th January 2016

Planning and Development Control Committee

Urgent Business- Article 4 Directions for Barrack Wood

Report of: Gordon Glenday, Head of Planning and Environmental Health

Wards Affected: Warley

This report is: Public

1. Executive Summary

- 1.1 Legal Services, in preparing the Article 4 for Barrack Wood as agreed at April Planning Committee has identified that the format of the Article 4 Direction in the earlier report needs to be updated to account for changes in the legislation. This report seeks authority to serve a new Article 4 Direction.

2. Recommendation(s)

- 2.1 **That an Article 4 Direction be authorised and served for Barrack Wood (see Map attached in Appendix A).**
- 2.2 **That authority be delegated to Head of Planning and Environmental Health, after consultation with the Chair and Ward Members, to issue and serve Article 4 Directions in relation to other woodlands in the Borough where deemed appropriate.**

3. Introduction and Background

- 3.1 In April 2015, the Planning and Development Committee agreed unanimously to serve an Article 4 Direction on Barrack Wood. Since this decision was made, it has become apparent that the Article 4 Direction approved by the Committee in April did not meet the current legislative requirements and so it is not valid. Members are therefore recommended to endorse the serving of an updated Article 4 Direction for Barrack Wood to reflect current legislation and the clear intention of the Planning Committee's April 2015 decision.

4. Issue, Options and Analysis of Options

- 4.1 Please see Appendix A.

5. Reasons for Recommendation

- 5.1 Please see Appendix A.

6. References to Corporate Plan

- 6.1 The Council's Corporate Plan, "A Vision for Brentwood" highlights the importance of protecting and enhancing Brentwood's attractive environment. This Article 4 Direction would help the Council manage permitted development within Barrack Wood and so help protect the environment for the wider community.

7. Implications

Financial Implications

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- 7.1 There is no fee payable for planning applications where the only reason for the application is the withdrawal of PD rights by a Article 4 Direction.
- 7.2 The Local Planning Authority can be liable to pay compensation to those whose permitted development rights have been withdrawn but only if it subsequently: refuses planning consent for development which would otherwise be permitted development; or grants planning permission subject to more limiting conditions than contained in the order
- 7.3 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

Legal Implications

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- 7.4 While Article 4 Directions are confirmed by local planning authorities, the Secretary of State must be notified and has wide powers to modify or cancel most Article 4 Directions. The County Council must also be notified.
- 7.5 The withdrawal of development rights does not necessarily mean that planning permission will be refused. It means only that applications have to be submitted so that so that the local planning authority can consider the proposals in detail and can then only determine the applications after consultation.
- 7.6 Legal Services are providing on going advice and assistance in the drafting and service of the Article 4 Direction.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.7 Please see Appendix A.

8 Background Papers (include their location and identify whether any are exempt or protected by copyright)

8.1 Same as earlier report April 2015, including the 14th April 2015 Planning and Development Committee report entitled Article 4 Direction for Barrack Wood.

9 Appendices to this report

Appendix A – Report to Planning and Development Committee on
April 2015

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