Wealden
District Council
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WEALDEN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

The Wealden District Council (Land within the Conservation Area of Rotherfield) Direction No. 1, 2006

Direction made under Article 4(2)

WHEREAS the Council of the District of Wealden being the appropriate local planning authority within the meaning of article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the descriptions set out in the Schedule below should not be carried out on land within the Conservation Area of Rotherfield which is within the boundary of the thick black line on the attached plan unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990

AND WHEREAS the Council consider that development of the said descriptions would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area

NOW THEREFORE the said Council in pursuance of the powers conferred by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 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

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THIS DIRECTION is made under article 4(2) of the said Order and in accordance with article 6(7), shall remain in force until 19th November 2006 (being six months from the date of this Direction) and shall then expire unless it has been approved by the said Council before that date

THIS DIRECTION may be cited as "The Wealden District Council (Land within the Conservation Area of Rotherfield) Direction No. 1, 2006"

SCHEDULE

1. The enlargement, improvement or other alteration to a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location, being development comprised within Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

2. Any other alteration to the roof of a dwellinghouse, where the alteration would be to a roof slope which fronts a relevant location, being development comprised within Class C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

3. The erection or construction of a porch outside any external door of a dwellinghouse, where the external door in question fronts a relevant location, being development comprised within Class D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

4. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure, where the building or enclosure, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location, being development comprised within Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

5. The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such, where the hard surface would front a relevant location, being development comprised within Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

6. The installation, alteration or replacement of a satellite antenna [a microwave antenna] on a dwellinghouse or within the curtilage of a dwellinghouse, where the part of the building or other structure on which the antenna is to be installed, altered or replaced fronts a relevant location, being development comprised within Class H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

7. The erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse, being development comprised within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part.

8. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location, being development comprised within Class A of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

9. The painting of the exterior of any part, which fronts a relevant location, of (i) a dwellinghouse; or (ii) any building or enclosure within the curtilage of a dwellinghouse, being development comprised within Class C of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

10. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location, being development comprised within Class B of Part 31 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995 and not being development comprised within any other Part or Class.

"Relevant Location" referred to above means a highway, waterway or open space.

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GIVEN UNDER THE COMMON SEAL of Wealden District Council

DATED this nineteenth day of May two thousand and six

THE COMMON SEAL OF
WEALDEN DISTRICT COUNCIL
was affixed to this Direction
in the presence of:-

Authorised Signatory

21,603

WEALDEN DISTRICT COUNCIL
hereby confirms the foregoing Direction

Date: 10th November 2006

Authorised Signatory

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STATEMENT OF REASONS FOR MAKING THE ARTICLE 4/2 DIRECTION: DWELLINGHOUSES WITHIN THE CONSERVATION AREA AT ROTHERFIELD

1. The dwellinghouses which are the subject of this Direction are situated within the Conservation Area at Rotherfield.
2. The original Appraisal and official Designation of the Rotherfield Conservation Area took place in 1976. The Conservation Area was re-appraised in 1996/97 and a comprehensive set of photographs of buildings within the area was taken. A Management Plan was completed in the same year and incorporated the results of a survey carried out as part of the local consultation process. The survey revealed that 87% of respondents (40% response rate overall with nearly 75% from within the Conservation Area itself) were in favour of additional planning controls.
3. The Conservation Area Committee of Rotherfield Parish Council considered that there was growing local concern that the character and appearance of the Conservation Area was being cumulatively eroded by small but critical changes to houses, many of which had been carried out under 'permitted development rights'. As a priority issue, in 2001 full approval was sought and obtained by the Conservation Area Committee from Rotherfield Parish Council to carry the matter forward.
4. Officers of the District Council agreed that the matter should be investigated, and a draft plan of action was drawn up. This included the need for a full photographic and buildings survey to indicate the condition of all buildings within the Conservation Area.
5. A photographic and buildings survey was carried out by local volunteer surveyors from October 2004 to January 2005, providing a thorough and very high standard of evidence on which to base conclusions.
6. A comparison of the photographs taken in 1996 with those taken in 2004/2005 revealed that of the 38 per cent of buildings within the Conservation Area which enjoyed permitted development rights, 60 per cent had been altered during the period in question. The photographs showed that many of the alterations were inappropriate for the character and appearance of the Conservation Area. Furthermore, these buildings remained vulnerable to further inappropriate change, as indeed did the other 40 per cent which had so far not been altered.
7. The District Council believes that further inappropriate changes to dwellinghouses within the Rotherfield Conservation Area would be detrimental to its character and appearance. This also appears to be the view of the local community as expressed in the survey results and through the medium of the local Conservation Area Committee.
8. In view of the concerns of the local community and the District Council it is considered that the making of an Article 4/2 Direction is both necessary and appropriate.

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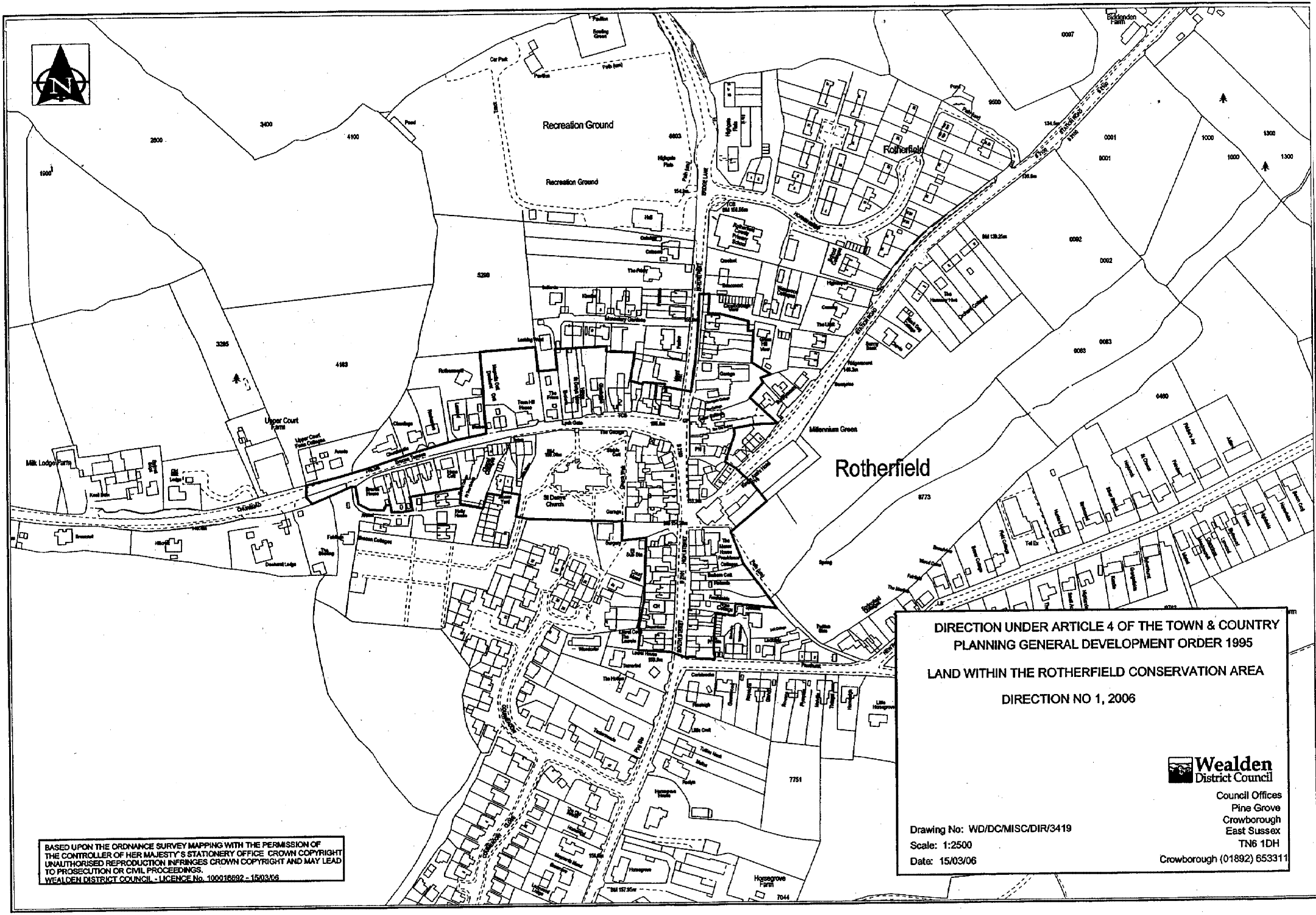

DIRECTION UNDER ARTICLE 4 OF THE TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

LAND WITHIN THE ROTHERFIELD CONSERVATION AREA

DIRECTION NO 1, 2006

Wealden District Council

Council Offices
Pine Grove
Crowborough
East Sussex
TN6 1DH
Crowborough (01892) 653311

Drawing No: WD/DC/MISC/DIR/3419
Scale: 1:2500
Date: 15/03/06

BASED UPON THE ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE CROWN COPYRIGHT UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.
WEALDEN DISTRICT COUNCIL - LICENCE No. 100018692 - 15/03/06

Head of Democratic & Legal Services
Trevor Scott

my reference BJB

ask for Mrs B Boakes – ext.2439

date 19th May 2006

Wealden District Council
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MEMORANDUM

to Head of Conservation & Design
FAO Geoff Kavanagh

WEALDEN D.C.
19 MAY 2006
LOCAL LAND CHARGES

your reference

copies to Senior Local Land Charges Clerk
Plotting

Re: Town And Country Planning (General Permitted Development) Order 1995 Article 4(2) Direction
The Wealden District Council (Land within the Conservation Area of Rotherfield) Direction No. 1, 2006

I write to advise you that the Council has made the above Article 4(2) Direction, a copy of which is attached.

The Direction is in effect until 19th November 2006 and will then expire, unless it is first approved by the Council.

Any representations on the direction are to be made before 20th June 2006, following which consideration will be given to approval of the Direction. You will be kept advised of any approval of the Direction at that stage.

In the meantime, will Land Charges please make the relevant entries on the Local Land Charges Registers.

BBoakes

Head of Democratic & Legal Services

WD/ART/3B/3079

2gp on TQ14L 19/5/06

(D)

Head of Democratic & Legal Services
Trevor Scott

my reference BJB

ask for Mrs B Boakes – Ext. 2439

date 14th November 2006

MEMORANDUM

to Head of Conservation & Design

FAO Geoff Kavanagh

Council Offices, Pine Grove
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W: www.wealden.gov.uk

your reference

copies to [redacted]
Plotting

Re: Town And Country Planning (General Permitted Development) Order 1995 Article 4(2) Direction
The Wealden District Council (Land within the Conservation Area of Rotherfield) Directions No. 1, 2006

I refer to my memo of 19th May in respect of the above.

I now write to advise you that the Council did on 10th November 2006 approve the Article 4 Direction made on 19th May 2006. I enclose herewith a copy of the Direction endorsed with the Council's approval which is now in effect.

As from the date of the First Secretary of State's approval, any person who proposes to carry out development on the land within the categories set out in the Schedule to the Direction is required to obtain planning permission for that development from the Council.

I should be grateful if Land Charges would arrange to make the appropriate entries in respect of the Direction on the Local Land Charges register.

BBoakes

Head of Democratic & Legal Services

Noted on
WD/ART/3B/3079 (D)
15/11/06

WEALDEN D.C.
REC'D 14 NOV 2006
LOCAL LAND CHARGES