

PLANNING AND HIGHWAYS COMMITTEE
20 October 2011

ARTICLE 4 DIRECTION

LAND AT ASCOT PLACE, FOREST ROAD, ASCOT

Head of Development Management

1 INTRODUCTION

- 1.1 Whilst the Chief Officer Planning and Transport has delegated authority to make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 in this instance it is considered that the high level of local interest warrants this being taken as an Executive decision. Whilst not a matter falling under the responsibilities of this Committee it is considered appropriate for a report to be brought to the attention of members on an information basis.
- 1.2 This report sets out the background to this matter in respect of requests to remove permitted development rights in respect of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure on agricultural land at Ascot Place.

2 SUPPORTING INFORMATION

Location

- 2.1 The Ascot Place Estate lies in the Green Belt and extends to some 156 hectares comprising of the main house Ascot Place (a Grade 2 listed building), its pleasure garden and beyond that pasture and tree belts. The perimeter of the estate extends to some 6 kilometres and much fronts onto public highways though parts do run along the rear gardens of residential properties, mostly located on Lovell Road.

Background

- 2.2 In 1999 the landowner sought a Certificate of Lawful Development to erect walls and fences up to 2 metres in height along parts of the estate boundary behind trees and vegetation fronting Pigeonhouse Lane and Forest Road. Other walls and fences to link with these were contained within the agricultural land. A Certificate of Lawful Development (LDC reference no. 625422) was submitted and the Council agreed the proposed enclosure was permitted development. Sections of timber fence exist along some of the perimeter of the estate but not on the alignment indicated in the LDC, these fences do not exceed 2 metres and are against the backdrop of the tree belts. In 2008 the land owner submitted a further Certificate of Lawful Development application involving the extension of the enclosure to enclose land largely comprising open pastures to the east and west of the estate. An LDC was issued by the Council under reference number 08/01003/CLPUD but following legal challenge by local residents that Certificate was quashed.

2.3 The Council are now having to reconsider the 2008 application and in doing so have received representations from local residents, legal representatives of local residents and Winkfield Parish Council raising the following:

- The proposed wall would be injurious to the setting of the listed buildings and registered historic park.
- Openness is the prime attribute to the Green Belt and the wall will block out that openness.
- Has an adverse impact on the visual amenity of open, gently rolling countryside.
- The amenities of adjacent residential properties would be adversely affected.
- The Council should issue an Article 4 direction.
- The proposed walls are not for enclosure but are for security so are not within the definition of Schedule 2, Part 2, Class A, Town and Country Planning (General Permitted Development) Order 1995.
- The proposed wall would have an adverse affect on the setting of listed buildings, including North Lodge, South Entrance Gates and Keepers Cottage.

Considerations

2.4 The representations received include a request that the Council consider making an Article 4 Direction to require the land owner to seek planning permission if they wish to enclose the estate with a wall or fence up to 2 metres in height. Whilst those making representations raise a variety of issues there are two principle questions relating to interests of acknowledged importance which need to be addressed namely:

1. Green Belt
2. Listed Buildings and historic garden.

2.5 It is not the purpose of this report to pre-determine any application which could ensue from the making of the direction but to consider whether the development has the potential to cause harm to these interests of acknowledged importance. It is your officer's opinion that a perimeter enclosure as indicated in both the 1999 and 2008 Certificate of Lawful Development applications could have the potential to erode the openness of the Green Belt. At the time of preparation of this report the Council's listed building officer had yet to provide an assessment in respect of the potential impact on the setting of listed buildings or the historic garden of Ascot Place. Notwithstanding the considerations in respect of listed buildings and the historic garden your officers will recommend the issuing of a direction on the basis of the potential for impact on the Green Belt. This would ensure the Local Planning Authority retain control over any proposals for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, and seek to ensure through the planning application process that any impacts on the openness of this area of countryside are fully assessed, preserving the areas rural appearance and Green Belt function of the land.

Making of an Article 4 Direction

- 2.6 The making of Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995 involves the removal of permitted development rights and in effect may require property owners or occupiers to apply for planning permission to undertake works that would otherwise be permitted development, in this instance structures that would enclose the land. Any Article 4 Directions made by the Council will be effective for six months and will expire after this period if they are not confirmed by the Secretary of State.

3 STRATEGIC RISK MANAGEMENT ISSUES

3.1 Financial Implications

- 3.2 If a Direction is made under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995, no fee is payable for a planning application made in respect of what would have been permitted development had there been no Article 4 Direction. However, should consent be refused or granted subject to conditions, the landowner can use the compensation provisions of S108 of the Town and Country Planning Act 1990. As landowners need to show that abortive expenditure or other loss or damage has been incurred, claims do not often arise.

Background Papers

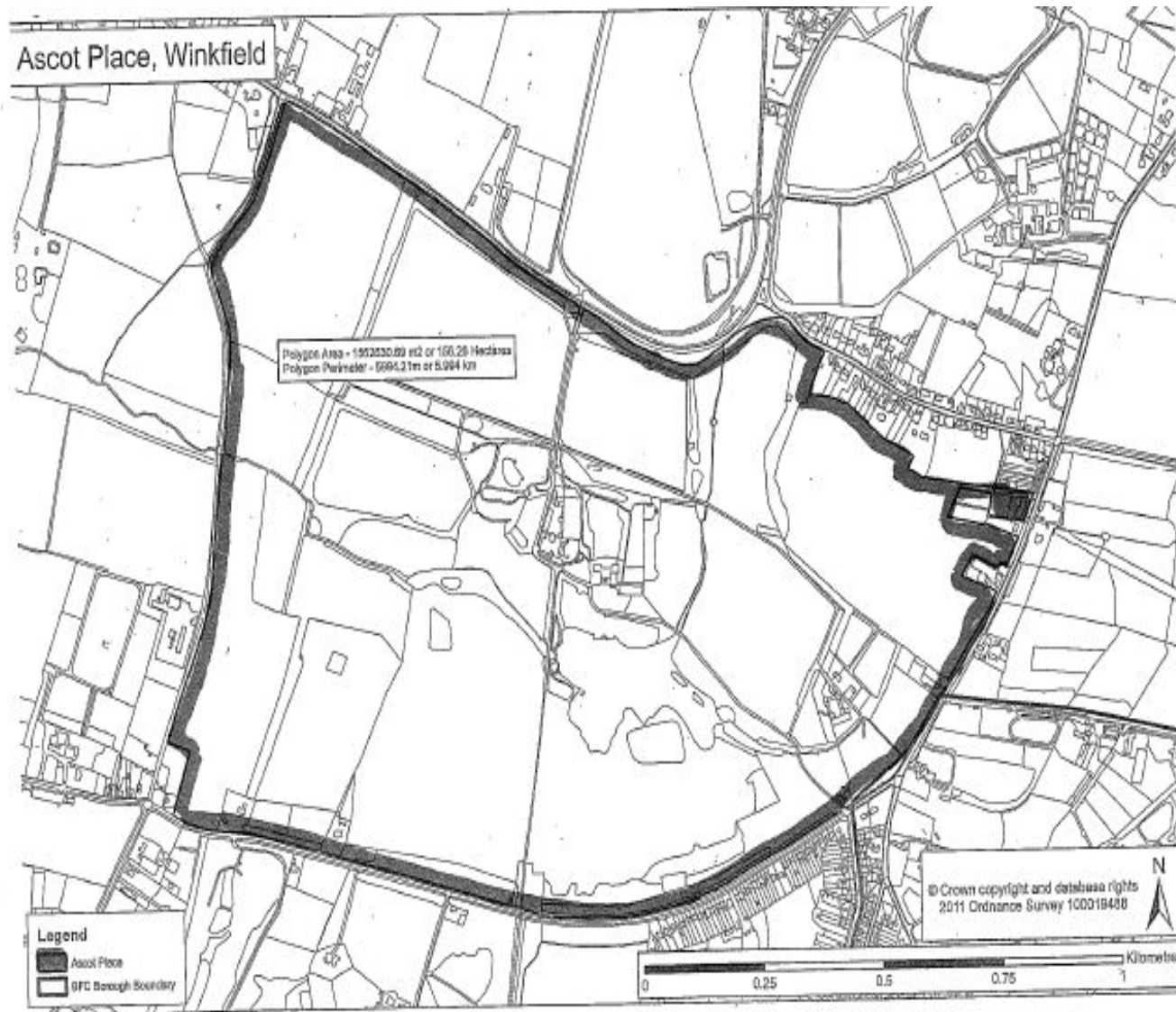
[Application file reference number 08/01003/CLPUD]

Contact for further information

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Doc. Ref

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Land to be covered by proposed Article 4 Direction at Ascot Place, Winkfield.

Do not scale : not to scale