

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

**TOWN AND COUNTRY PLANNING ACT 1990.  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 1995 (GPDO) – ARTICLE 4.  
ARTICLE 4 DIRECTION - CONFIRMATION PROCEDURE - CONSIDERATION OF  
REPRESENTATIONS**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To bring to the attention of members representations by two residents of Winterton concerning the above Direction.
- 1.2 In the light of the representation to determine whether to confirm Direction or not.

**2. BACKGROUND INFORMATION**

- 2.1 The Winterton Conservation Area Appraisal has a plan that tries to stop the look and feel of the area getting worse. It does this by controlling works called minor works. These works are categorised as permitted development. The council agreed this plan in 2004.
- 2.2 Members were informed of another survey of condition in August 2010. This found that the look and feel of the area in question was still deteriorating. Members agreed a programme for making Article 4 Directions. These control the progress of minor works. The Winterton direction is one of these (minute 1271(19) applies).
- 2.3 The Direction was advertised. The GPDO (General Permitted Development Order) states that we must listen to what people say about it. Three people subsequently wrote to us. However, only two now need consideration. (See Appendix 1).
- 2.4 One is concerned about painting buildings and erecting gates. The other, thinks the Direction attempts to control all maintenance works; lacks any guidelines; is ambiguous, and; gives no credit to people for works they have done in the past.
- 2.5 **Painting** - the direction would require planning permission for the painting of any part of a dwelling fronting a "relevant location".

- 2.6 The direction only covers elevations fronting relevant locations (a road or other public place). Owners can still paint most of their dwelling without planning permission.
- 2.7 Evidence suggests that painting buildings has harmed the look and feel of conservation areas. It only takes someone to paint the walls of one building in a row to have a big impact. Stone cladding is already controlled for this reason.
- 2.8 Repainting a dwelling in the same colour will not require planning permission. The council can also decide when to ask for an application. We would generally only do so when it was proposed to paint walling for the first time. Also to change the colour of other parts of a dwelling so that it would not be “in-keeping”.
- 2.9 The council does not therefore require applications in all cases. However, the provisions in the Direction would allow the council to consider if minor works will be acceptable. If not, a suitable compromise is sought.
- 2.10 **Fences and Gates** - at present, owners can erect a new fence less than one meter high adjacent the highway (two meters high elsewhere). They can use any material. Therefore, as with painting, fencing and walling can have a significant and adverse impact upon the look and feel.
- 2.11 **Maintenance Work** – the Direction does not and cannot control maintenance work. This is not classed as development. So, as the effect of the direction is limited mainly to front elevations and does not cover maintenance, most minor and maintenance work at a property will not require planning permission.
- 2.12 **Guidance** – officers intend to produce appropriate guidance on these matters in the future.
- 2.13 **Ambiguities** – officers suggest that the term “relevant location” is ambiguous. This term is however, clearly defined in the direction.
- 2.14 **Trust and Credit** - the direction cannot take into account individual endeavour in terms of quality of past works. It is not aimed at specific individuals. It is not concerned with issues of trust. Available evidence is that the effect of numerous individual decisions concerning minor works has harmed the look and feel of the area.

### 3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1** - decline to confirm the Direction (agree with the view that there is no need for controls over minor works).

- 3.2 **Option 2** – confirm the Direction with modifications (removal of the provisions of the Direction as referred to by the correspondents).
- 3.3 **Option 3** – confirm the Direction as made.

#### 4. ANALYSIS OF OPTIONS

- 4.1 **Option 1** – the Committee in effect would agree that the direction is not needed. This approach assumes that people can be trusted to do the right thing in undertaking minor works.
- 4.2 The available evidence is that the works that the direction controls are harming the look and feel of the area. Some owners however are likely to act appropriately without the need for the direction.
- 4.3 This is not an issue about trust, most people do the best they can for their properties. However, the use of modern materials and techniques will inevitably have an impact that will change historic appearance. The direction will allow the council and through it, the local community, to consider such changes. In this, the council cannot discriminate based on a preference for the activities of some individuals over those of others.
- 4.4 **Option 2** – the same argument applies as in Option 1. If some aspects of the direction were removed, this would infer that control is not needed. It would indicate that provisions concerning painting and walling are unnecessary.
- 4.5 Some buildings in the Winterton conservation area have painted walls. Usually these are rendered and the colour chosen is usually off-white. Most people seem to paint their windows and facias white or, use white PVCu. Doors are generally painted in appropriate colours.
- 4.6 This uniformity in appearance is an important feature of the conservation area. However, this could easily be harmed through the use of either inappropriate colour or, by painting the walls of buildings for no good reason other than a personal preference.
- 4.7 As stated above, currently property owners can currently erect fencing and walling in any material. However, putting up new fencing and walling can have a significant and adverse impact upon the look and feel of conservation areas.
- 4.8 Members will recall for example how contentious minor works such as painting the exterior of buildings can prove. Several examples of this have occurred previously in a number of the council's conservation areas, Brigg included.

- 4.9 **Option 3** – This is the recommended option. Whilst the comments raised by correspondents are understood, they fail to take into account the wider public interest in retaining the look and feel of conservation areas that is critical in defining much of what is special about the built environment of North Lincolnshire. Available evidence indicates that individual decisions about minor works are eroding this important asset. This suggests that the contention that people can be trusted to “make the right decision” is not tenable as an option.
- 4.10 The conservation area appraisal exercise revealed that local people are concerned about such things. They felt that controls like the Article 4 direction were appropriate. Whilst bureaucratic in form, the operation of the direction is such to allow local people, through the planning process, to scrutinise minor works of development. It also allows planning and conservation officers to resolve potentially contentious issues through negotiation.
- 4.11 Officers suggest that the character of conservation areas is easily damaged by such minor works. Therefore on balance and taking into account the representations made, and; the available evidence as to the condition of the conservation area (assessed by English Heritage as being at risk), there is no evidence to support adoption of options 1 or 2. Members are therefore advised to follow option 3.

## 5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### 5.1 **Financial**

5.1.1 Other than advertising costs of £413 there are no other direct financial consequences arising from either not confirming the Direction or confirming it modified in some way.

5.1.2 The Direction is aimed at achieving better management of the existing look and feel of the area. Keeping this is key and elsewhere (Brigg and Crowle for example); this has contributed toward getting money from outside the council. Not to confirm the Direction or give up some controls could threaten the future look and feel of the area and compromise any potential to potentially secure funding from outside sources.

### 5.2 **Staffing**

5.2.1 There are no staffing implications arising from this paper.

### 5.3 **Property**

5.3.1 Adopting the recommended option may affect council owned properties in conservation areas.

## 5.4 IT

5.4.1 Support will be required in developing the access systems for information on buildings of townscape merit.

## 6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Emphasis upon quality in area character amongst buildings of townscape merit will mean that we can protect the look and feel of places. Not to confirm the Direction as made could put this at risk.

## 7. OUTCOMES OF CONSULTATION

7.1 See 2.3 and 2.4 above.

## 8. RECOMMENDATIONS

8.1 That the Committee, having taken into consideration all representations, approves the confirmation of the Article 4 Direction as made.

### **DIRECTOR OF INFRASTRUCTURE SERVICES**

Church Square House  
30-40 High Street  
SCUNTHORPE DN15 6NL.

Author Ian Goldthorpe  
Date: 15 November 2011

### **Background Papers used in the preparation of this report:**

- TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED 2010)
- WINTERTON CONSERVATION AREA APPRAISAL AND SUPPLEMENTARY PLANNING GUIDANCE 22.01.2004.

## APPENDIX 1.

Blankney House,  
2, Low Street,  
Winterton  
DN15 9RS  
30.8.2011

RE: Winterton Conservation proposals for planning permission

Dear Sir/Madam,


I wish to oppose the proposals for planning in this area for a number of reasons:

I live in a listed property and love my house which I have carefully restored since I moved in 2002. I am a conservation purist and have attempted to restore what was a neglected house back to its former Georgian glory. Work required to keep the house maintained is extensive, expensive and on-going. It often requires "minor alterations" and painting. I find it unreasonable and bureaucratic to require planning permission. It will strangle my attempts to preserve the heritage of this house. You say it will cost nothing in applying for permission but in a time of severe cuts in public expenditure how long will it be before we have to pay? Is this a sound use of public money? How many applications do I have to make for any minor work? How long will it take for them to be granted? How supportive will the planning office be? Will I be paid grants to subsidise this new but draconian measure? Will I have a refund from the council tax to offset all this cost and inconvenience in future? Will people want to buy a house in such a heavily controlled conservation zone (are there the demographics of that sort of potential owner in the area?)

In summary, I am very concerned about these new changes and ask you to stop them now. Sadly, you are alienating the very people who have a passion for conservation and heritage in the Winterton area. It appears to be a cheap way of making private individuals pay the cost of years of conservation neglect and appears to be trying to close the gate way too late after the horse has bolted.

I would be very happy if you and or your team would visit Blankney House and myself to come and try to get a feel of what I have done for the conservation of this area and the pressures we live under as I would welcome the ability to explain my case.

Yours Faithfully,



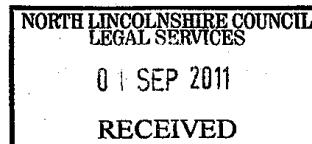
Richard Giffin (Owner of Blankney House, Winterton)

Contact details:

Email: [richard.giffin@yahoo.co.uk](mailto:richard.giffin@yahoo.co.uk)

Home: 01724 735 284.

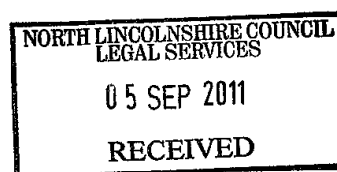
Mobile: 07773703486



## APPENDIX 1 (Cont.)

1st September, 2011

W.S Bell,  
Assistant Director,  
Legal and Democratic  
Pittwood House  
Ashby Road  
Scunthorpe  
DN16 1AB



Dear Mr. Bell,

### **Conservation Consultation Notice – Winterton**

I am writing in response to the notice placed in Winterton regarding the conservation area.

My first comment to you is that I have lived in Winterton for 16 years and within the conservation area for 11 years and although I have had dealings with the Conservation Officers regarding my house, I have never seen or had any communication about the Winterton conservation area. The lack of visible presence of the conservation function within Winterton has been surprising.

Therefore it has come as a surprise to have, without any prior warning, communication or publicity, a proposal for changing the planning regulations regarding the conservation area, with a reasonably short notice to reply, especially given that it is the summer holidays, when people are away; with the statement that if there are no objections the new planning regulations will come into force from October 2011.

On reflection, you may not consider this to have been the best way of consulting with the residents in the conservation area. Perhaps it would have been better to gather views and opinions and taking them into consideration before issuing such precise proposal. A longer consultation period may also have been desirable, given the significance of the proposal. I'd be interested in your thoughts on this as you lead the Legal and Democratic function of the Council.

## APPENDIX 1 (Cont.)

As a result I do object to the proposal and the way that it has been proposed.

The proposal would appear to be bureaucratic in nature with applications being made to the council for all maintenance and alteration to properties, in a time when the general tenor of national and local government is to decentralise, cut red tape and cost.

It does not appear even to suggest some guidelines for any work to be carried out on a property, which would not require the time consuming consultation with the conservation officers.

There are ambiguities in the description of what is allowed, for example whether an alteration is made in a "relevant location." These ambiguities again require clarification or some guidelines.

The proposal appears to give little trust, credit or discretion to householders such as myself, who continue to do our best to maintain our properties in an appropriate manner, at a high personal cost, in a time when we are in depths of an economic recession and it is difficult to afford.

Having lived with the conservation area for 11 years, I have been aware of some of the changes that have taken place to residential and commercial properties. I am intrigued as to why it is that now the Conservation department is taking a particular interest in Winterton. Please would you be able to tell me.

As I have objected to the proposal I understand it will not come into force in October 2011. Please would you let me know what will happen next in the consultation process?

Yours sincerely,

A solid black rectangular box redacting the signature of Tim Johns.

Tim Johns