

# GUIDANCE FOR HOUSEHOLDERS – PLEASLEY VALE ARTICLE 4(2) DIRECTION

## **Restrictions Affecting Householder Development**

An Article 4 (2) Direction is a direction made under Article 4 of the Planning (General Permitted Development Order 1995) that removes the right of owners/occupiers to make certain alterations to properties that otherwise would not normally require Planning Permission (Permitted Development). On 4<sup>th</sup> April 2011 an Article 4 Direction was confirmed by Mansfield District Council in relation to properties at 1, 2, 3, 4, 5, 6, and 7 Top Row, 6, 7, 8, and 9 Bottom Row and The Old Post Office, Bottom Row, Pleasley Vale, Mansfield. The Direction applies in order to protect the historic character and appearance of the cottages which are not listed but make a positive contribution to the character and appearance of Pleasley Park and Vale Conservation Area.

The Article 4(2) Direction for Pleasley Vale was first highlighted as an action in the Conservation Area Character Appraisal and Management Plan for Pleasley Park and Vale Conservation Area which was adopted in March 2009. A Direction was issued on 9 November 2010 and residents were notified and consulted for their views before the article 4 Direction was confirmed. Alterations undertaken before the 9 November 2010 and that are classed as permitted development is not subject to planning control.

### **How Are Owners Affected?**

Development that involves the enlargement, improvement or alteration of a dwellinghouse, where any part of that enlargement, improvement or alteration fronts (can be seen from) a public highway, waterway or open space (a relevant location) will require planning permission. The following development will require Planning Permission where it meets the above criteria. Like for like work will not require Planning Permission.

- The construction, alteration, improvement or demolition of extensions and ancillary buildings including conservatories, porches outside external doors, garages and sheds.
- Provision or maintenance of any building or enclosure, swimming or other pool within the curtilage of a dwellinghouse.
- Material alterations to any part of a dwelling house including the application of rendering and cladding to masonry.
- The alteration, installation or replacement of doors and windows
- Painting of the exterior of any part of a dwellinghouse, building or enclosure within its curtilage including a gate, fence, wall or railing; windows and doors and their frames, gutters and down pipes, soffits and verge and barge boards to eaves.

- Additions and alterations to the roofs of dwelling houses including roof tiles, chimneys and chimney pots, gutters, verge and barge boards, soffits, roof lights, solar panels, satellite antennae. (Planning Permission for construction, replacement or removal of dormer windows will always be required).
  - Removing, replacing or altering chimneys and chimney pots
  - Demolition of a building
  - Construction of hard standings within the curtilage of a property.
  - The Installation, alteration or replacement of microwave antenna
  - The construction, maintenance, improvement or alteration of gates, fences, walls, railings or other means of enclosure.
  - Demolition of the whole or any part of any gate, fence, wall, railings or other means of enclosure within the curtilage of a dwellinghouse
  - The installation, alteration or replacement on a dwellinghouse or building within its curtilage of solar PV or solar thermal equipment and stand alone solar equipment
  - Installation, alteration or replacement of a ground source or water source heat pump on or within the curtilage of a dwellinghouse.
  - Installation, alteration or replacement of a flue as part of a biomass heating system or flue forming Part of a combined heat and power system on or within the curtilage of a dwellinghouse.
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### **PROPERTIES TO WHICH THE DIRECTION APPLIES**

1, 2, 3, 4, 5, 6, and 7 Top Row, Pleasley Vale, Mansfield  
6, 7, 8, and 9 Bottom Row, Pleasley Vale, Mansfield  
The Old Post Office, Bottom Row, Pleasley Vale, Mansfield

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### **Note**

Replacement windows and doors that are at least half glazed, must comply with the Building Regulations. This is separate from the requirement to obtain planning permission. If your installer is FENSA registered then you do not need to apply to Building Control for your replacement glazing. If your installer is not FENSA registered, or you are installing the windows yourself, you will need to seek Building Control approval. There are exemptions that apply to historic buildings in respect of Part L of the Building Regulations and the replacement of single glazed sash windows with double-glazed units is not mandatory.

The Article 4 (2) Direction will be recorded as a Local Land Charge against the property and will therefore appear in any solicitor's property search conducted for the purpose of a house purchase.

The Council will continue to explore sources of grant funding for the Conservation Area to help establish grant schemes to assist owners with repairs or reinstatement of historic features. The ability of the Council to operate grant schemes will depend upon the resources available at a particular time.

The majority of basic household repairs will not require permission provided they do not involve alterations. Internal alterations may only need to meet requirements set out by the Building Regulations and advice can be sought from the Council's Building Control section in this regard.

### **What Owners Need To Do?**

Residents are advised to contact the Council's Development Control section before commencing work to discuss proposals and whether or not Planning Permission is required, a HE1 application may be requested to determine whether planning permission is required. Like for like repairs or replacement of the above features in exact copies in design, appearance and materials will not require Planning Permission. Please note that the addition of dormer windows to the front slope of a roof will always require planning permission. Furthermore, in undertaking any works to the roof or roof space, owners and or occupiers should note that bats and nesting birds are protected by law under the Wildlife and Countryside Act 1981.

To make a planning application an owner/occupier will need to complete and submit a planning application form with drawings and a site plan. Application forms may be obtained from the Planning Portal web site. Planning applications should include sufficient clear information and justification to enable the Council to make an informed decision. Please state on the application form that the application is in respect of development restricted by an Article 4(2) Direction.

### **The Purpose and Reasons for Article 4 (2) Directions**

Planning legislation requires that planning permission be sought for all development including works which change the appearance of a building or the land upon which it stands. However, the same legislation exempts some types of development. The exempted development is termed permitted development. The scope of permitted development is defined in the Town and Country Planning General Permitted Development Order 1995 (as amended) and it includes most householder development as described above. To ensure that Conservation Areas of local heritage value are sustained and enhanced the Council will apply Article 4 Directions to older residential properties that the local community agree are important. These may be identified within Conservation Area Character Appraisals which themselves will have been subject to public consultation.

It is not the Council's intention to stop development but rather to ensure that any development that does occur is sympathetic to the historic appearance of older buildings so that their visual quality is maintained to their benefit and that of the historic and architectural character and appearance of a Conservation Area.

Sympathetic repair and improvement can add value to a home. However, in the absence of the control of householder development many older properties undergo changes that incorporate inappropriate building materials and design features that harm their character and appearance and have a detrimental visual impact upon the setting of neighbouring properties and Conservation Areas. This can be pronounced in areas where properties retain their original character. Unsympathetic changes can have a dramatic visual impact on building frontages such as terraced housing. This is of concern in the historic areas of our towns and villages where there is general public consensus with regard to their historic and architectural importance as expressed through the designation of Conservation Areas.

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