

**LLANDAFF CONSERVATION AREA & CARDIFF ROAD
CONSERVATION AREA: CONFIRMATION OF ARTICLE 4(2)
DIRECTIONS**

**STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO
WILD)**

AGENDA ITEM: 18

Reason for this Report

1. To seek Cabinet approval to confirm the Llandaff Conservation Area Article 4(2) Direction and the Cardiff Road Article 4(2) Direction to remove permitted development rights afforded to single dwelling houses for the whole or partial demolition of a gate, fence, walls or other means of enclosure within the curtilage of a dwelling house fronting a relevant location (which means a highway, waterway or open space) within the Llandaff Conservation Area and the Cardiff Road Conservation Area respectively.

Background

2. Following the Cabinet decision on 12th July 2018, Article 4(2) Directions were made on 8th August 2018 to remove permitted development rights for the partial demolition of any means of enclosure within both of the Llandaff and Cardiff Road Conservation Areas (Class B of Part 31 of Schedule 2 of the GPDO).
3. In accordance with the relevant legislation, the Article 4(2) Directions have to be confirmed by the Council within six months of the date of making of the Directions.

Issues

4. Notice of making of both of the Article 4(2) Directions were served on the owners and occupiers of all affected dwelling houses and a press notice published in the local press on 11th August 2018. A statutory time period of twenty one days from the 11th August 2018 was allowed for representations to be made..

5. While the notification process resulted in several responses relating to other conservation area matters, no representations relating directly to the Directions were received within the 21 day consultation period.

Reason for Recommendations

6. Approval of the recommendation to confirm Article 4(2) Directions to remove these permitted development rights will assist in the management of change in order to preserve the character of both of these conservation areas.

Financial Implications

7. No direct financial implications are expected to arise from this report. The management of any resulting future applications will be met from within existing resources.

Legal Implications

8. In addition to designating an area as a Conservation Area under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, the Council has the additional power to serve an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (“the Order”).
9. Welsh Government Circulars provides guidance on the use of Article 4(2) Directions and the procedure for making and confirming them. The legal requirement for notification of confirmation of the Directions is the same as required for notification of making of the Directions; by further public notice in the local press as well as individual notices to affected owners/occupiers.
10. A Direction under the Article 4(2) restricts the scope of the permitted development rights in relation to a Conservation Area. By withdrawing the deemed permission under the Order, its effect is that an application for express planning permission has to be made for those development proposals excluded under the Direction. If the permission is refused or granted subject to those other than in the Order, the landowner is entitled under the Order to claim compensation for abortive expenditure and any loss or damage caused by the loss of rights.
11. It should be further noted that the Council has six months from the date of making of the Directions to confirm them otherwise they will expire. In this instance the Directions must be confirmed by 8th February 2019. The Order confers no power upon the Council to confirm the Directions with variations. They must, therefore, be confirmed in the same terms on which they were initially drawn and consulted upon.

RECOMMENDATIONS

Cabinet is recommended to confirm the additional Llandaff Conservation Area Article 4(2) Direction and the additional Cardiff Road Article 4(2) Direction for the

Llandaff and Cardiff Road Conservation Areas respectively to remove permitted development rights afforded to single dwelling houses under Class B of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) for the demolition of the whole or part of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house fronting a relevant location.

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director Planning, Transport & Environment
	9 November 2018

The following appendices are attached:

- Appendix 1 – Article 4 Direction - Llandaff
- Appendix 2 – Article 4 Direction – Cardiff Road
- Appendix 3 – Western Mail notice – 11th August 2018

The following background papers have been taken into account:

- Background Paper 1 – [Cardiff Road Conservation Area Appraisal \(2006\)](#)
- Background Paper 2 – [Llandaff Conservation Area Appraisal \(2006\)](#)