

1. Is there a standard process for Parish Councils to request the LPA to assess an application for an Article 4 Direction in their Parish? If so where can this be found?

There is no standard process a Parish Council needs to follow in order to request that the LPA assesses whether the serving of an Article 4 Direction is justified. Parish Councils are advised that should they consider such consideration necessary, they make contact with the Planning Department via planning.applications@tmbc.gov.uk , setting out clearly what permitted development rights should be removed and why they think such action is justified in the circumstances, having regard to national guidance in this respect - <https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights>

2. Who can make a request for an Article 4 Direction?

Anyone can make a request for consideration for as to whether an Article 4 Direction might be made but this should always be within the context of clear supporting evidence in order for the LPA to give full consideration to such a request. Such requests should always be based on clear and sound planning reasons.

3. Does this request need to be made or supported by a Borough Councillor?

There is no requirement for such a request to be supported by a Borough Councillor in order for a request to be considered but in the event that such requests are subject to such support, it would be helpful to be advised of that at the time the request is made.

4. Does the request have to be heard by an area planning committee, or does a request have to be made by a Borough Councillor for this to be heard by and decided by the LPA Planning committee?

The Council's Constitution does not require these to be reported to an area planning committee, the authority to issue such directions being delegated to the Director of Central Services.

In some circumstances it is necessary to determine whether to make a Direction at short notice – where we receive information of a likely development taking place imminently that would be prejudicial to the proper planning of an area. The process is therefore delegated to officers in order to ensure that any Direction deemed necessary can be made without delay.

5. To whom should the request for a Direction made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) be made?

As set out above, requests are most appropriately made to the planning.applications@tmbc.gov.uk email address which will ensure officers receive them and give them due consideration.

6. On what basis can a LPA refuse to consider an application for an Article 4 Direction?

If a request is made to consider whether an Article 4 Direction should be served, provided it is supported by any relevant justification, the LPA will *consider* whether such a Direction is justified. It will then make a judgement based on all available evidence as to whether such a Direction should be made.

7. Is the following information sufficient for an application to be considered:

- a. Description of the request for Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”).**
- b. Need and identified threats.**
- c. Justification for the Article 4(1) Direction**
 - **Description of the area to which the Direction relates:**
 - **Historical significance:**
 - **Landscape character:**
- d. The Defined Area of the proposed Article 4(1) Direction.**
- e. The effect of the Direction.**

The identified information above is sufficient to enable the LPA to consider whether a Direction is justified. Should any further information be required, the LPA will liaise with the person/organisation who made the request.

[The above information is given in response to specific questions raised. More generally, the LPA would make clear that *consideration* of requests by a Parish Council or any other individual or organisation will be given but this does not necessarily mean that a decision will be made to serve such a Direction. Permitted developments rights are a grant of planning permission by Parliament and removal of such rights must be clearly justified in light of adopted and prevailing policy alongside other relevant material considerations. Clear evidence of planning harm derived from the implementation of those rights must be found before such rights will be removed. Similarly, removal of such rights does not mean that the development subject to the Direction can never take place but rather its impacts must be considered within the context of a formal application to the Borough Council. That application will then be determined in accordance with the provisions of the Constitution; the fact that permitted development rights have been removed is not, in and of itself, any justification or trigger for the application being reported to the relevant Area Planning Committee. Any call in requests made by Ward Councillors would still need to be justified by clear planning grounds, within the requisite time period and with the agreement of the Director in liaison with the Chair. Any requests made solely on the presence of an Article 4 Direction will not be considered to be justified planning grounds]