

Article 4 Information

The National Planning Policy Guidance below.

Article 4 Directions must only be used in exceptional circumstances and I don't think Oaklands Avenue would meet the test.

CW&C would also be liable to pay compensation if they then went on to refuse an application that would usually be permitted development.

It is worth noting that only small front extensions (porches) would be permitted development and larger extensions at the front would need to go through the planning process. Fences over 1m adjacent to a highway would also require planning permission. In both of these cases, the open character of the area would be taken into consideration.

If there is a specific concern on the open plan estates in Tattenhall, it may be worth adding something into the Neighbourhood Plan at the next review.

What is an article 4 direction?

An article 4 direction is a direction under [article 4 of the General Permitted Development Order](#) which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

Paragraph: 036 Reference ID: 13-036-20140306

Revision date: 06 03 2014

What can an article 4 direction do?

Provided that there is justification for both its purpose and extent, an article 4 direction can:

- cover an area of any geographic size, from a specific site to a local authority-wide area
- remove specified permitted development rights related to operational development or change of use
- remove permitted development rights with temporary or permanent effect

Paragraph: 037 Reference ID: 13-037-20140306

Revision date: 06 03 2014

When is it appropriate to use article 4 directions?

The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- a wide area (eg those covering the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)

- agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development
- leisure plots and uses
- the installation of microgeneration equipment

Paragraph: 038 Reference ID: 13-038-20190722

Revision date: 22 07 2019 See [previous version](#)

Can all permitted development rights be withdrawn by an article 4 direction?

Some permitted development rights cannot be removed via article 4 directions. These are set out in [article 4\(1\) to \(3\) of the General Permitted Development Order](#). These exemptions are to ensure permitted development rights related to national concerns, safety, or maintenance work for existing facilities cannot be withdrawn.

Paragraph: 039 Reference ID: 13-039-20140306

Revision date: 06 03 2014

Does an article 4 direction mean that development is not allowed?

An article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail.

Paragraph: 040 Reference ID: 13-040-20140306

Revision date: 06 03 2014

Is a planning application fee payable where development that would otherwise have been permitted development requires a planning application?

Yes, a planning application fee may be payable. Details of planning fees are set out in the [2012 Fees Regulations](#), as amended.

Paragraph: 041 Reference ID: 13-041-20180222

Revision date: 22 02 2018 See [previous version](#)

Is compensation payable where permitted development rights have been withdrawn?

If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

Paragraph: 042 Reference ID: 13-042-20140306

Revision date: 06 03 2014

Where is there more information on compensation?

Compensation provisions are set out in [sections 107 and 108 of the Town and Country Planning Act 1990](#) and the [Town and Country Planning \(Compensation\) \(England\) Regulations 2015](#) (as amended).

Paragraph: 043 Reference ID: 13-043-20140306

Revision date: 06 03 2014