

# **ALDBURY ARTICLE 4 DIRECTIONS REVIEW MAKING OF AN ARTICLE 4 DIRECTION TO CANCEL EXISTING ARTICLE 4 DIRECTIONS**

(Case Officer: Philip Stanley)

## **1.0 Summary**

1.1 There are currently two Article 4 Directions in the Aldbury area, removing agricultural permitted development rights. However, both of the Article 4 Directions are nearly 50 years old and, therefore, it has become urgently necessary to review them and to make sure that they are still relevant.

1.2 Unfortunately, there are no retained records that detail the decision-making process and therefore the Council cannot be sure of the exact reason(s) why these Article 4 Directions were made. Nevertheless, the Council must consider whether there remains any justification to retain these Article 4 Directions.

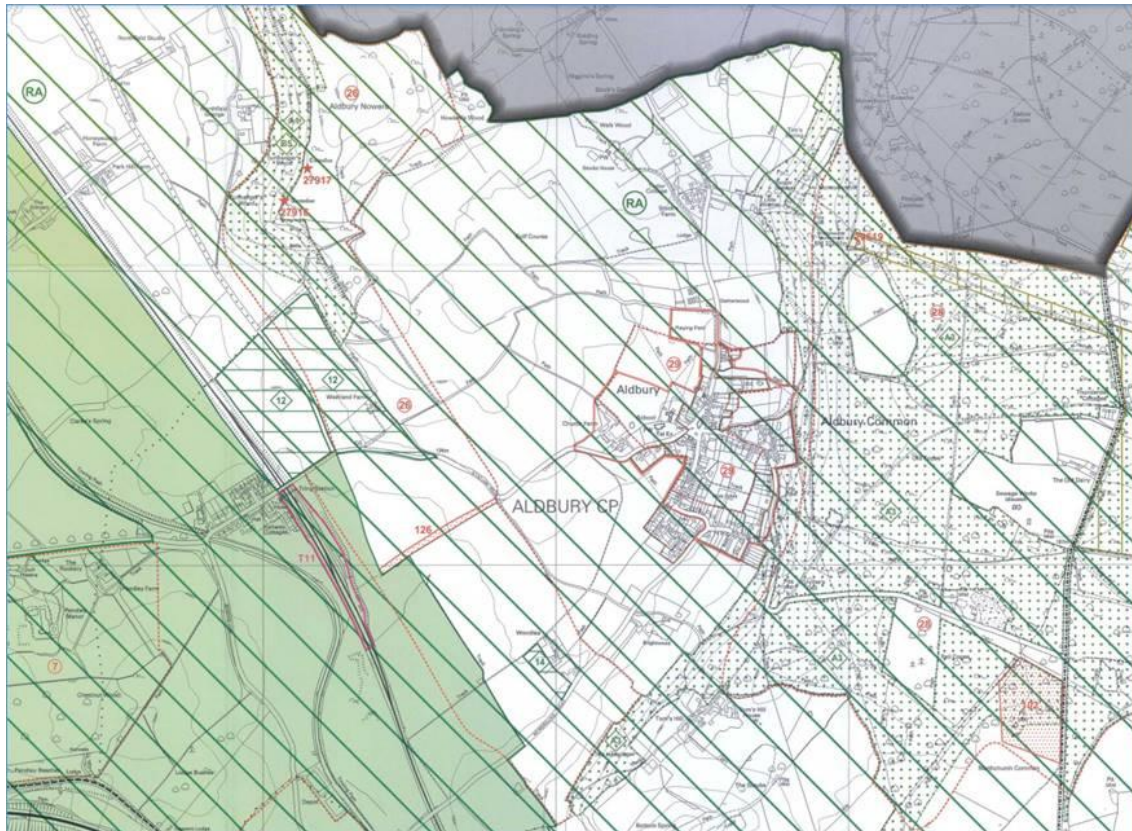
1.3 Conversely, the Council may consider that the justification(s) for retaining these Directions equally applies to adjoining land, not covered by the present Directions.

1.4 The review of the Article 4 Directions has now been completed and it is recommended that the Council make two Article 4 Directions cancelling both existing Article 4 Directions.

## **2.0 Extent of Existing Article 4 Directions**

2.1 At present, as the snippet from the Local Plan (1991 -2011) Proposals Map shows, there are two Article 4 Directions (marked by horizontal green lines and circled in red):

- 1) No.12: This is the area of land to the north of Station Road and to the east of Northfield Road (see Appendix 1: 1973 Aldbury). This Direction removes permitted development rights for new agricultural buildings and engineering operations for agricultural purposes.
- 2) No.14: This is the area of land to the north-west of Newground Road (see Appendix 2: 1974 Aldbury). This Direction removes permitted development rights for new agricultural buildings and engineering operations for agricultural purposes.



2.2 The documentation connected with these two Article 4 Directions is limited. However, there are clear Plans indicated the red outline for the 1973 Direction (dated July 1973), as well as a confirmation date of 30 August 1973.

2.3 Similarly, there are clear Plans indicated the red outline for the 1974 Direction (dated March 1974), as well as a confirmation date of 14 June 1974.

2.4 I am unable to find any record of any previous reviews of these Article 4 Directions.

### 3.0 Planning History of the land since Article 4 Direction

3.1 Westlands Farm has the following planning history:

- **4/01335/92/FUL:** Change of use of part of barn to form staff dwelling – **Withdrawn** 19th January 1993.
- **4/00203/93/LDC:** Lawful development certificate-use of agricultural building for stables as an isolation unit for horses - **Granted** 14th October 1993.
- **4/01486/93/FUL:** Change of use of part of barn to form staff dwelling - **Granted** 20th January 1994.
- **4/00317/94/FUL:** Change of use of part of barn to form staff dwelling (revised scheme) - **Granted** 6th June 1994.

- **4/01112/02/FUL:** Single storey extension to staff dwelling – **Granted** 5th September 2002.
- **20/00116/AGD:** Construction of Steel Framed Agricultural Barn – **Withdrawn** 14th February 2020.
- **19/02874/FHA:** Removal and repositioning of access drive - **Withdrawn** 6th March 2020.
- **4/02868/18/NMA:** Non-material amendment to planning permission 4/01439/15/FUL (demolition of all existing buildings and construction of new dwelling with basement (amended scheme)) – **Granted** 20th May 2020.
- **20/01244/AGD:** Construction of Steel Framed Agricultural Barn - **Withdrawn** 15th June 2020.
- **20/03305/AGD:** Construction of Agricultural Building - **Refused** 3rd December 2020.
- **4/01034/18/DRC:** Details of materials, landscape works, driveway/fire hydrant/public right of way, management plan, written scheme of investigation, contamination, drainage, demolition scheme and additional protected species surveys as required by conditions 2, 3, 5, 6, 8 – **Not yet determined.**
- **20/03993/FUL:** General Purpose Agricultural Storage Building & Hay Store, Means of Enclosure (deer proof fence) and Agricultural Track to barn – **Granted** 5<sup>th</sup> May 2021.

3.2 A search has been undertaken for agricultural development on Northfield Road, Station Road (Aldbury), and Newground Road. From this search, it would appear that there have been no applications for agricultural development within the Article 4 parcels of land, other than that stated above.

3.3 There is no record of any agricultural related development in the planning register for Northfield Road.

3.4 In respect of Station Road (Aldbury), in addition to Westlands Farm, only Church Farm has been subject to the agricultural applications, such as extensions to agricultural buildings and demolition of barns. Church Farm is located close to the centre of Aldbury and as such is not affected by the Article 4 Directions, or immediately adjacent to it.

3.5 In respect of Newground Road there was one application granted in 1985 for an agricultural buildings (outline) at 'Land off Newground Road'. In addition, Newground Farm has been subject to several barn and barn conversion applications. Newground Farm is not affected by the Article 4 Directions, or immediately adjacent to it.

3.6 Overall, it is not considered that these applications represent anything more than the changing needs of a farm over time.

## **4.0 Consultation undertaken as part of the Article 4 Direction Review**

4.1 Aldbury Parish Council were invited to comment on the review of these Article 4 Directions. In particular, the following questions were raised:

- 1) Should Article 4 Direction (1973 Aldbury) be retained or cancelled? What would be the justification(s) for retaining / cancelling it?
- 2) Should Article 4 Direction (1974 Aldbury) be retained or cancelled? What would be the justification(s) for retaining / cancelling it?
- 3) In the event that one or both of the existing Article 4 Directions are retained, are there any other areas in proximity to the existing Article 4 Directions which would logically be included as part of the overall area covered by the Direction(s)?

4.2 Their response is as follows:

*“The Parish Council was unable to think of any reason to continue with the article 4 Directions in Aldbury made in 1973 and 1974”.*

4.3 The owners of Westlands Farm, which includes the land contained within the 1973 Direction, have confirmed their objection to the current Direction and question its continued relevance.

## **5.0 Planning Policy**

5.1 The National Planning Policy Framework (July 2021) (para.53) states that Article 4 Directions should be:

- *“limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area”.*
- *“based on robust evidence, and apply to the smallest geographical area possible”.*

5.2 The National Planning Policy Statement (NPPS) goes further and states that, *“there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to [inter alia] 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”.*

5.3 In addition, the NPPS states that, *“it is important for local planning authorities to monitor any article 4 directions regularly to make certain that the original reasons the direction was made remain valid. Where an article 4 direction is no longer necessary it can be cancelled”.*

5.4 The current Local Plan (Dacorum Borough Core Strategy – 2013) makes one reference to Article 4 Directions. This is in the context of the further protection of the Borough’s heritage assets (para.17.8) and is therefore not relevant to these considerations.

## 6.0 Visual Analysis

6.1 A site visit was undertaken on 17 July 2021. This involved walking along the footpaths and roads around and near to the land covered by the Article 4 Directions, as well as the land between them.

6.2 A series of maps (Map A – Map H) show the location and direction of these photographs, and this is attached as Appendix 3 to this report.

6.3 Map A covers land within the Article 4 Direction to the north-west of Westlands Farm between Footpath Aldbury 049 and Northfield Road. This stretch of the footpath is bordered by close-bordered fencing alongside the grounds of the house and then trees / hedging as the footpath continues to the north-west, making views of the Article 4 land very limited. There is a gap in this tree/hedgeline near the north-western end of this stretch (see Photos A7 and A8), but these are very much passing views. This stretch then meets footpath Aldbury 051, which goes south-east to meet Northfield Road and which is bordered on both sides by mature trees.

6.4 Map B covers the area of Aldbury Nowers and the footpaths that criss-cross the land immediately to the north-west of the Article 4 land. The view down from Aldbury Nowers only shows views of the trees by the footpath and not the Article 4 land (see Photos B1 and B2). Whilst there are some clear views of other land in the locality views are also restricted of the Article 4 land by the mature trees bordering footpath Aldbury 051.

6.5 Map C shows the Article 4 land from Northfield Road and also Station Road. Both roads are busy roads and are not pedestrian friendly areas, particularly Northfield Road, which has no pavements and is quite dangerous for pedestrians due to the speed of vehicles along this road. Along Northfield Road the land on either side is bordered by hedges and therefore views are limited to when one passes a field gate (such as Photos C2-C4). There is a clear view of the Article 4 land from the railway line bridge, but this is seen in the context of much wider views.

6.6 Map D covers the permissive path immediately parallel to the south of Station Road, connecting Tring Station to footpath Aldbury 063. The Article 4 land to the north of Station Road is largely screened by hedging along this main road. There are clear views of the land to the south of Station Road, Tring Station and the large barn (see Photos D9-D11), though it must be reiterated that this stretch is not a public footpath. Long-distance views are also afforded from this area.

6.7 Map E follows footpath Aldbury 063 as it goes downhill to the south-west. The footpath, where it turns 90 degrees and goes in a south-east direction becomes footpath Aldbury 062, where it reaches a dilapidated barn. The landscape here is of wide-open arable fields, with hedges and trees only bordering small stretches of these footpaths. This enables much wider views of the surrounding landscaping, including the trees hillsides that surround Aldbury.

6.8 Map F continues to follow footpath Aldbury 062, passed the dilapidated barn, until it reaches Newground Road. The area consists of open arable farmland with very wide views of surrounding hillsides.

6.9 Map G follows Newground Road as it travels to the north-west. It reaches at its eastern end the entrance into footpath Aldbury 067 which goes north-westwards towards Station Road. There are some residential properties on the north-western side of Newground Road, which together with adjacent meadows has created a series of much smaller plots of land. Beyond this, the land on the north-western side of Newground Road opens up again into large arable fields.

6.10 Map H follows footpath Aldbury 067 to the north until it reaches Station Road. There is a mature hedge on the right-hand side but westward views are dominated by the large arable views, allowing views much further into the distance.

## **7.0 Conclusions**

7.1 The land currently encompassed within the 1973 Article 4 Direction is part of a very attractive rural and Chilterns AONB landscape. However, due to hedges / trees lining the fields contained within the Direction, views are either very limited, in passing (such as through a field gate), or clearly in the context of wider and more distant views.

7.2 The land currently encompassed within the 1974 Article 4 Direction is a very small parcel of land. In the context of agricultural operations, it is too small to be put to any viable agricultural use and is currently simply a meadow.

7.3 There is no evidence as to why these parcels of land were singled out in the 1970s for further protection. However, it seems certain that whatever threats to the visual qualities of these parcels at that time have passed.

7.4 There is now no reason why these particular parcels of land are more exceptional than the others which surround it or which are situated in the same locality. These parcels of land are not more prominent and do not have more 'character' than other parcels of land in the area. Therefore, there can be no reason to 'single out' these parcels of land. Aldbury Parish Council equally can see no reason to continue with the Article 4 Directions in the two current locations.

7.5 It is also not considered that the Article 4 Direction should be expanded to include more land in the area. It must be remembered that these Directions removed agricultural permitted development rights. Much agricultural development, in particular new buildings and the formation or alteration of a private way, can already be controlled by virtue of Part 6 of the General Permitted Development Order 2015 (as amended). This has been demonstrated by the control the LPA had in ensuring a sensitive location and

appearance to the new agricultural building at Westlands Farm, through applications for prior approval.

7.6 The land covered by the 1974 Direction is too small to benefit from Class A permitted development rights.

## **8.0 Recommendation**

8.1 It is recommended that, based on the guidance contained within para.53 of the NPPF, both the 1973 and the 1974 Article 4 Directions be cancelled through the making of a further Direction to that effect.

## APPENDIX A: 1973 ARTICLE 4 DIRECTION (ALDBURY)

CONFIRMED ORDER

17th July, 1973

Administrative County of Hertford  
Rural District of Berkhamsted

Town and Country Planning Act 1971  
Town and Country Planning General Development Order, 1973

WHEREAS the County Council of the Administrative County of Hertford (hereinafter called "the County Council") are the Local Planning Authority for the Administrative County of Hertford by virtue of the Town and Country Planning Act, 1971.

AND WHEREAS the County Council have delegated to the Berkhamsted Rural District Council (hereinafter called "the District Council") in respect of the local government area of the District Council certain of their functions under the said Town and Country Planning Act, 1971, and under Orders and Regulations made thereunder.

AND WHEREAS the District Council are satisfied that certain development of the classes specified in the First Schedule to the Town and Country Planning General Development Order, 1973, should not be carried out in certain parts of the Berkhamsted Rural District within the Administrative County of Hertford unless permission is granted on an application in that behalf.

NOW THEREFORE the District Council acting under delegated powers for the County Council in pursuance of the powers conferred upon the County Council by Article 4 of the Town and Country Planning General Development Order, 1973, and all other powers enabling the County Council in that behalf DIRECT that permission granted by Article 3 of that Order shall not apply to any development specified in the First Schedule hereto in the areas specified in the Second Schedule hereto.





THIS ORDER may be cited as 'The Berkhamsted Rural District  
(Town and Country Planning) (Direction restricting permitted development)  
(Parish of Aldbury) Order No. 1 - 1973'.

FIRST SCHEDULE

The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings, being development comprised within paragraph one of Class VI referred to in the First Schedule to the said Order and not being development comprised within any other Class.

SECOND SCHEDULE

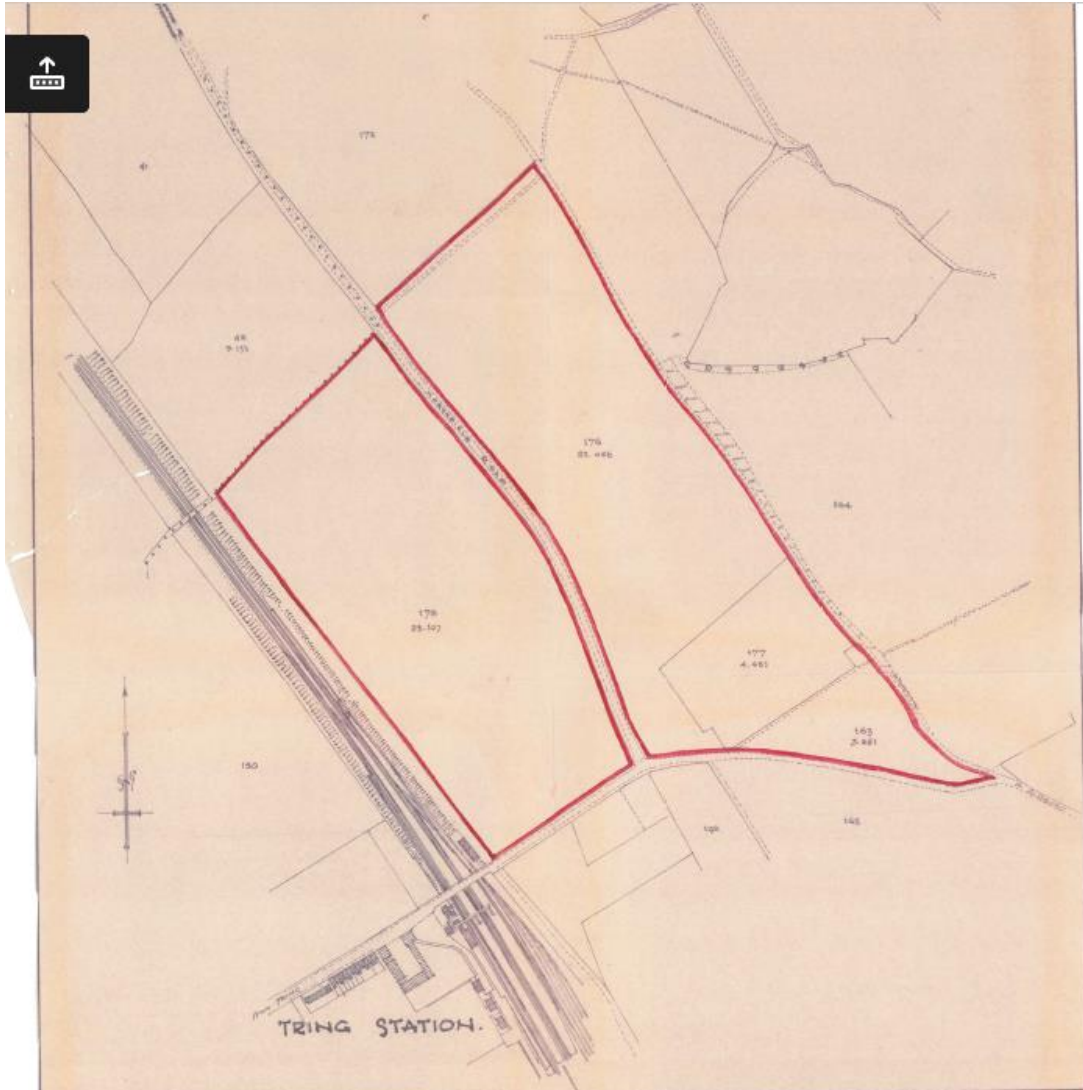
The area situate in the Parish of Aldbury within the Rural District of Berkhamsted shown edged red on the plan attached to this Order.

GIVEN under the Seal of the Berkhamsted Rural District Council  
this 17th day of July, One thousand nine hundred and seventy three.

The Common Seal of the Berkhamsted Rural District Council was hereunto affixed in the presence of:

Chairman:

*A. Brit Chandh*



**BERKHAMSTED  
RURAL DISTRICT COUNCIL**

PARISH of ALDBURY.

THIS IS THE PLAN REFERRED TO IN THE  
BERKHAMSTED RURAL DISTRICT COUNCIL (TOWN AND  
COUNTRY PLANNING) (DIRECTION RESTRICTING  
PERMITTED DEVELOPMENT) (PARISH of ALDBURY)  
ORDER No 1, 1973

*[Signature]*  
CHAIRMAN

*[Signature]*  
CLERK TO THE COUNCIL

REPRODUCED FROM THE ORDINANCE  
SURVEY MAP WITH THE SANCTION  
OF THE COMMISSIONER OF H.M.  
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SCALE 1/2500

E. LAIDMAN,  
ENGINEER,  
BERKHAMSTED RURAL DISTRICT COUNCIL

19-7-1973

C. S. L. D.

**APPENDIX B: 1974 ARTICLE 4 DIRECTION (ALDBURY)**

1518  
Article 4 Direction  
Newquona Aldbury  
7th March, 1974  
32/97/16/2

Administrative County of Hertford  
Rural District of Berkhamsted

Town and Country Planning Act 1971  
Town and Country Planning General Development Order, 1973

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AND WHEREAS the District Council are satisfied that *it is expedient that* certain development of the classes specified in the First Schedule to the Town and Country Planning General Development Order, 1973, should not be carried out in certain parts of the Berkhamsted Rural District within the Administrative County of Hertford *specified in the second schedule hereto* unless permission is granted on an application in that behalf *under the Town and Country Planning General Development Order 1973.*

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SECOND SCHEDULE

The area situate in the Parish of Aldbury within the Rural District of Berkhamsted shown edged red on the plan attached to this Order.

GIVEN under the Seal of the Berkhamsted Rural District Council  
this 7th day of March, One thousand nine hundred and seventy four.

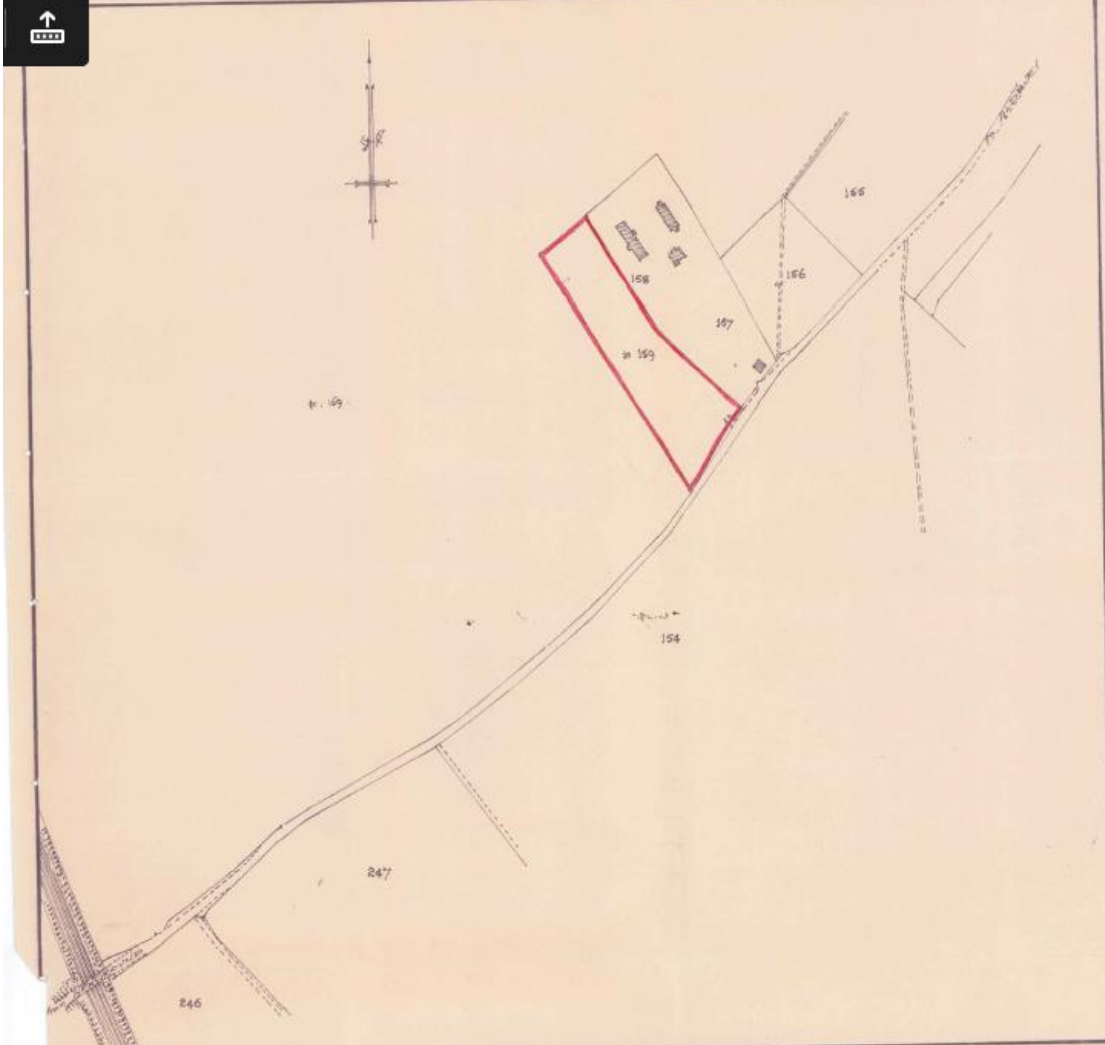
The Common Seal of the Berkhamsted Rural  
District Council was hereunto affixed in  
the presence of:

Chairman:

*A. Cyril Shandler*

Clerk:

*[Signature]*



REFERENCES TO THE COLOURS  
SHOWN ARE WITH THE LOCATION  
OF THE COLOURS AS PER  
REGISTRY OFFICE. GREEN  
COLOURS INDICATE.

**PARISH OF ALDBURY.**

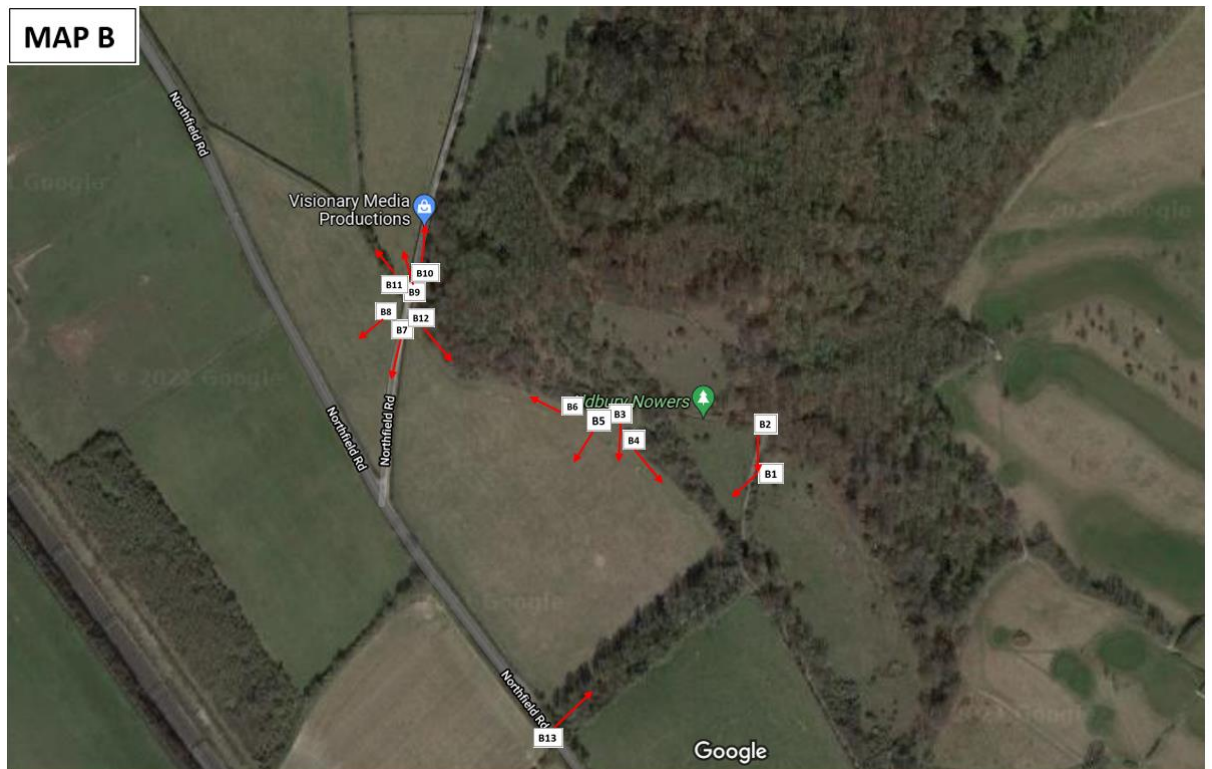
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COUNTRY PLANNING) (DIRECTION RESTRICTING  
PERMITTED DEVELOPMENT) (PARISH OF ALDBURY)  
ORDER, 1974.

*A. J. Chandler*  
CHAIRMAN.

*D. ...*  
CLERK TO THE COUNCIL.

PT. 102'S SHEETS NO. XXV.12 & XXV.15 (1925 EDITION)  
SCALE - 1/2500.  
C. LAIDMAN  
SURVEYOR.  
BERKHAMSTED RURAL DISTRICT COUNCIL.  
CH 1974. C.S.L.D.

**APPENDIX C: MAPS SHOWING VISUAL ANALYSIS LOCATIONS**



MAP C



MAP D



# MAP E

Attractions

Museums

Transit

Pharmacies

ATMs



# MAP F





**MAP G**



**MAP H**

