



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING & LICENSING COMMITTEE – 8th NOVEMBER 2023
Subject	Confirmation of an Article 4 Direction at Land Parcel West Of St. Lawrence’s Church, Church Street, Weston Subedge.
Wards affected	Campden Vale
Accountable member	Cllr. Juliet Layton - Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	David Morren - Interim Development Manager Email: david.morren@cotswold.gov.uk
Report author	Daniel Lewis – Enforcement Consultant Email: daniel.lewis@cotswold.gov.uk
Summary/Purpose	For the Committee to confirm the proposed Article 4 Direction.
Annexes	Annex 1 – Notice of the Making of an Immediate Direction Annex 2 – Immediate Direction Made Under Article 4(1)
Recommendation(s)	That Planning and Licensing Committee resolves to confirm the Article 4 Direction.
Corporate priorities	Make our local plan green to the core
Key Decision	NO
Exempt	NO
Consultees/ Consultation	



1. EXECUTIVE SUMMARY

1.1 An Article 4 direction has been issued and it is now before committee to confirm it. Confirmation of the Article 4 direction is the recommended course of action.

2. BACKGROUND

2.1 The concern relates to the sale and potential subdivision of agricultural land, causing clutter of fencing and potential unauthorised uses, which may cause harm to the Scheduled Ancient Monument (SAM) and its setting.

2.2 The parcel of land in question is located within the rural village of Weston Subedge. Although located south of the Weston Subedge Conservation Area, it is within the Cotswold AONB and has a Scheduled Ancient Monument (Moated Site SAM No 385) sited within it. There are also 4 Public Rights of Way footpaths cutting across the land; Footpaths 14, 16, 17 and 18.

2.3 A decision was taken by the Interim Development Manager, as the Senior Officer, to issue an Article 4 direction on this land, as it was considered expedient to do so.

3. MAIN POINTS

3.1 The Council considers that the lawful use of the land to be agricultural. As such, provided the land is used for the purposes of agriculture, there would be no material change of use of the land and no breach of planning control. Planning Case Law has previously concluded that, plants and vegetables can be grown for consumption and that their production would fall within the definition of an agricultural use. As such, the planting of fruit trees and creation of beds would not be considered to be a material change of use of the land.

3.2 Concerns have also been raised over the possible use of the land for camping. The Council can advise that Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the use of any land for any purpose for not more than 28 days in total in any calendar year. As such, provided the camping use does not occur for more than 28 days in a year then no breach of planning control would be occurring. Please note the permitted development rights detailed under Part 4 do not extend to the use of the land as a caravan site; this relates to the land being used for camping only. Further details can be found - <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/crossheading/class-b-temporary-use-of-land>.



3.3 With respect to fences, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure up to 2m, or 1m if adjacent to a highway, without the need for planning permission. As such, the erection of fencing and the subdividing of the land, provided it stays as an agricultural use, is not considered to be a breach of planning control. Should fencing be erected within the Scheduled Ancient Monument then Scheduled Monument Consent may be required, however, this is dealt with by Historic England rather than the Local Planning Authority and so the Council has no control over this element.

3.4 There are currently no open enforcement cases relating to changes of use at Land Parcel West of St Lawrence's Church, Church Street, Weston Sub Edge, however, there is an ongoing investigation in relation to the caravan currently stationed on the land under reference 22/00159/OTHER.

3.5 The Council is aware that the owner of the land has previously tried to sell off parcels of land, with the intention to subdivide the land into circa 14 plots around the site of the SAM. It should be noted that the site is in an edge of village location, outside of any Development Boundary or Principal Settlement, and its location is such that it would be unlikely that residential development would be supported due to the constraints of the site.

4. ALTERNATIVE OPTIONS

4.1 The article 4 direction is not confirmed & the landowner(s) retain permitted development rights granted by National legislation which could cause potential harm to the Scheduled Ancient Monument and its surroundings.

5. FINANCIAL IMPLICATIONS

5.1 It should be noted that officers do not have the expertise to be able to calculate what the risk would be to the Council. It is the informal view of officers that the capital value difference would not be significant, as the current land-owner could continue to sell the land in parcels. They could even, after the confirmation of an Article 4, separate the parcels using temporary electric fencing or horse tape or hedging (with associated tree protection etc.), and as such any "loss" would be considered minimal.

6. LEGAL IMPLICATIONS

6.1 No legal implications beyond those identified elsewhere in the report.



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7. RISK ASSESSMENT

7.1 The risk in confirming this Article 4 direction is that a number of planning applications could be submitted, which will need to be processed and considered by case officers and consultees or works could be undertaken without first obtaining planning permission, which would then require enforcement officer resource.

7.2 The risk in not confirming this Article 4 direction is works are undertaken that do not require planning permission from the Local Planning Authority which could harm the Scheduled Ancient Monument.

8. EQUALITIES IMPACT

8.1 It is not considered that the recommendation of this report has an impact.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 It is considered that the confirmation of this Article 4 direction will likely have a positive impact on wildlife and habitats using this land by controlling human impact in terms of undertaking development works.

(END)