

RYE CONSERVATION SOCIETY

10 East Street
Rye
East Sussex TN31 7JY

The Legal Services Manager,
Rother District Council,
Town Hall,
Bexhill,
East Sussex TN39 3JX

Tel: 01797 225030

For the attention of Mr D Edwards

Dear Mr Edwards,
Rye Conservation Area - Article 4 Direction 2007

Thank you for your letter of 16th February, which was considered at our first available committee meeting yesterday.

We note that the Council is using a new procedure which would enable it to confirm the Direction after considering any representations, and without reference to the Secretary of State. Your letter also states that the existing Direction will continue in force, whether or not this current Direction is confirmed, until such time as it is replaced by a consolidating Direction with the consent of the Secretary of State.

We respond to your letter with the following representations, which we trust you will circulate to all Councillors, to inform their consideration whether to confirm the new Direction.

We note that it will apply to the enlarged Rye Conservation Area. In essence, it repeats the existing Schedule of exceptions from permitted development. As before, it only covers dwelling houses and not commercial properties, with the important exception that it will now only apply to properties and only cover those properties which 'front any highway, waterway or open space in the Conservation Area'.

It is a great disappointment to the Society that little attention has been given to our various representations made last year in response to the Conservation Area Appraisal:

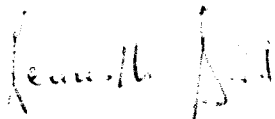
- It does not address the management of the streetscape, a key principle of Conservation Area Management. There is no attempt to seek to harmonise (not to homogenise) a whole street vista for example;
- It does not stipulate like-for like replacement in traditional materials;
- It fails to mention gutters and drain-pipes as important elements in an elevation.
- It does not address the erection of aerials and satellite dishes on commercial properties;
- It does not set out clearly defined yardsticks for the measurement of noise and light pollution or indeed odour emissions in the Conservation Area;
- It permits any non-contextual development enjoying deemed consent behind dwelling-houses, e.g. in rear gardens which can be seen from the Church Tower.
- It does nothing to tighten controls upon street and shopfront advertising;
- It makes no reference to solar panels or roof-mounted wind generators;

- It fails to cover a property in multi-occupancy that falls outside the definition of a dwelling-house.

We consider that most if not all the above issues can be brought within the ambit of the T & CP (General Permitted Development) Order 1995 for the reasonable greater protection of our heritage town.

We request that the Council approve the preparation and submission to the Secretary of State of a new consolidated Article 4 Direction.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Bird', written in a cursive style.

Kenneth Bird
Hon. Secretary

cc Rother District Conservation Officer
Rye Town Council

PT24 ITEM 158

Your ref:
Our ref: DE/LC/
Please ask for: Mr. D. Edwards
Direct dial no: 01424 787840
Date: 23 March 2007



.....Working towards Excellence

Resources Directorate
Joy Cooper DipSW DMS
Director

Town Hall
Bexhill-on-Sea
TN39 3JX

Mr K Bird
Rye Conservation Society
10 East Street
RYE
East Sussex TN31 7JY

Dear Mr Bird

RYE CONSERVATION AREA – ARTICLE 4 DIRECTION 2007

Thank you for your letter received 23 March. I am grateful to the Rye Conservation Society for the consideration given to the Direction.

There are a number of points I would wish to make in response:

1. An Article 4 Direction merely removes permitted development rights so that a planning application becomes necessary. It is not the function of the Direction to specify how the resulting planning application should be determined; that would be the function of local planning policy documents and national advice such as PPG15.
2. The Direction has no impact on development which requires planning permission anyway e.g. operations to commercial buildings which do not benefit from the permitted development rights available to "dwellinghouses".
3. The terms upon which an Article 4 Direction can be confirmed by the Council itself include that it only applies to properties fronting highways etc. The old Directions are not subject to such a limitation and that is one of the principal reasons why, notwithstanding the limitation of their area, they are not being revoked at this time. Accordingly, most of the rear gardens which can be seen from the Church tower would still be subject to controls.
4. Most advertising does not involve development requiring planning permission. It is instead subject to different controls under the Town and Country Planning (Control of Advertisements) Regulations 1992. There is an equivalent power under Regulation 7 to direct that certain categories of advertisement may not be displayed in an area without express consent, but this is only exercisable by the Secretary of State upon a proposal made by the local planning authority. It is also possible for the Council, under Regulation 18, to designate an area as one of "special control" for advertisements and this reduces the size etc of advertisements which may be displayed without express consent. These are completely different issues and I have no instructions in relation to them whatsoever. In any event, as I am sure you are aware, under Regulation 8 it is possible for any specific advertisement to be

cont'd/...

made the subject of a "discontinuance notice" if the local planning authority is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality. It would be open to you to draw our attention to any advertisements displayed with deemed consent which you consider to fall within that category.

5. Many of the permitted development rights referred to in the Direction only apply to a dwellinghouse. A building in multiple occupancy is not a dwellinghouse and therefore such alterations would require a planning application anyway. This would give the Council the necessary control. Please refer to my comments above about Article 4 Directions merely requiring an application, not specifying how it should be determined.
6. In due course, a consolidated direction with the consent of the Secretary of State is obviously the way forward. That would take time and require public consultation, which might spur owners who were contemplating development for which permitted development rights were likely to be withdrawn to proceed in anticipation of the Direction being confirmed. Article 4 Directions are not retrospective and if development is lawful when it is undertaken it remains so. The objective of the present direction was to secure as much control as possible in support of the extension of the Conservation Area contemporaneously with that extension.

I hope that the above comments are of assistance and that the Society will be able to support the Direction.

Yours sincerely



David Edwards
Legal Services Manger

cc

→ Rye Town Council
Mrs D Russell - Planning

PT24 ITEM 158

Rother District Council

Website URL : <http://www.rother.gov.uk/index.cfm?articleid=2734>

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Rye Conservation Area Appraisal

Some small alterations to houses don't need Planning Permission, but in Conservation Areas the Council can make an 'Article 4 Direction', so Planning Permission will be required. It has just done so for Rye. Other Directions already cover other areas.

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 4(2) APPLIES

ROTHER DISTRICT COUNCIL (RYE CONSERVATION AREA) RYE, EAST SUSSEX ARTICLE 4 DIRECTION 2007

NOTICE is hereby given that the above Direction has been made by Rother District Council and came into force on the publication of this Notice on 23 February 2007. The Council will not be serving individual notice because the number of owners and occupiers within the Conservation Area would make individual service impracticable. The Direction is made under Article 4(1) of the said Order in respect of land in a Conservation Area and, in accordance with Article 4(2), does not require the approval of the Secretary of State and in accordance with Article 6(7) shall remain in force until 18th August 2007 (being six months from the date of the Direction) and shall then expire unless confirmed within that period by the Council.

The effect of the Direction is that the permission granted under Article 3 of the above Order shall not apply to certain development fronting a highway, waterway or open space within the Rye Conservation Area designated by the Council in 2006 unless permission is granted by the Local Planning Authority on an application in that behalf. The categories of development are set out in the Schedule.

A copy of the Direction and of the map defining the area of land to which the Direction applies may be seen at the Community Help Point, Bexhill, East Sussex on Mondays to Fridays between 9.00 a.m. and 4.30 p.m.

Representations concerning the Direction may be made to the Council within 21 days from the publication of this Notice and will be taken into account when the Council decides whether to confirm the Direction.

**Signed: D M Stevens, Chief Executive
23 February 2007**

Town Hall,
Bexhill-on-Sea
East Sussex TN39 3JX

Ref: DE/9/16/38

SCHEDULE

Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse.

This includes window or door replacement or removal, the provision of new external openings, and the blocking-up of existing external openings

Class C of Part 1 of Schedule 2, consisting of the alteration of a dwellinghouse roof.

This includes the alteration of roofing materials and the insertion of rooflights

Class D of Part 1 of Schedule 2, consisting of the erection or construction of a porch outside any external door of a dwellinghouse.

**Class E of Part 1 of Schedule 2, consisting of the provision within the
curtilage of a dwellinghouse of any building or enclosure, swimming or
other pool required for a purpose incidental to the enjoyment of the**

dwellinghouse as such, or the maintenance, improvement or other such alteration of such a building or enclosure.

This includes garages, carports, garden sheds, glasshouses, summerhouses, and garden structures such as gazebos, pergolas and arbours

Class F of Part 1 of Schedule 2, consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.

Class H of Part 1 of Schedule 2, consisting of the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Class A of Part 2 of Schedule 2, consisting of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class C of Part 2 of Schedule 2, consisting of the painting of the exterior of any building or work. This is to apply only to the painting of hitherto unpainted surfaces, or to works consisting of a change in paint colour.

N.B. Permitted Development Rights under Class B of Schedule 1, consisting of the enlargement of a dwellinghouse by an addition or alteration to its roof, are already removed by virtue of the area being designated a Conservation Area.

This direction is being made to coincide with the extension of the Conservation Area. In order that it can be made without the prior consent of the Secretary of State it only applies to dwellinghouses and only to the extent that the development fronts a highway, waterway or open space. Earlier directions, applicable to the original Conservation Area only, apply to all buildings and irrespective of whether development fronts a highway etc. These directions remain in force. In due course, the above Direction and the earlier Directions may be replaced by a consolidating Direction, which would require the consent of the Secretary of State.

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