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# Consultation document

Last Modified September 20, 2022



## Local List Article 4 Direction

## Consultation statement

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## Purpose of the document

This consultation statement has been prepared to explain what an Article 4 Direction is; what the Council is seeking to achieve with this Article 4 Direction; and why the Council considers it necessary. The statement will also explain how interested parties can get involved in the process.

## What is an Article 4 Direction

Not all forms of development require planning permission from the Council.

Some types of development benefit from what are commonly called “permitted development rights”. These are set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

However, where a Local Planning Authority (the Council) considers it necessary, it can make a direction under Article 4 of this legislation (an Article 4 direction) to over-ride the national allowances to reflect or respond to local circumstances.

## What does this Article 4 Direction relate to?

This Article 4 direction will apply to buildings of local architectural and/or historic significance (locally listed) outside Conservation Areas. Although the status of locally listed buildings is a material consideration when planning applications are being determined, buildings outside Conservation Areas are vulnerable to demolition because they currently fall outside the scope of planning legislation.

In addition, the painting of previously unpainted brick and stonework changes the character and appearance of historic buildings. For example, pubs have been the subject of damaging exterior paintwork changes during rebranding exercises. The proposed Article 4 direction will remove the permitted development rights which allow total demolition, and painting of exterior walls, of vulnerable locally listed buildings. This means that planning permission will be required for these changes in future, so that they can be managed appropriately.

## Why is this Article 4 Direction considered necessary?

All that is required to demolish a building outside a Conservation Area is a prior notification to the Council. A prior notification gives 28 days' notice of demolition to allow scrutiny of site clearance proposals only. When the Local List was first established it was decided that an immediate 'reactive' Article 4 direction would be served if a prior notification for demolition of a locally listed building was received.

Since then it has become clear that this may bring a risk of claims for compensation when work towards the re-use of the site may already be in hand. However, the alternative of 'do nothing' would mean the uncontrollable loss of locally listed buildings. The former Empire Cinema on Hawes Side Lane is one of the more recent losses. A non-immediate Article 4 direction which gives owners 12 months' notice of the intention to remove the permitted development right to demolish, or apply paint to external walls of locally listed buildings, will bring these developments within the planning system and remove the problem of potential compensation claims for work already undertaken.

Locally listed buildings are at the heart of communities and cherished parts of the streetscene. This Article 4 direction would ensure that consideration is given to a building's potential for re-use or incorporation into any new development. Demolition would only be permitted where its replacement is of such high quality design that the loss of character resulting from the demolition would be adequately mitigated, or the public benefit of such demolition materially outweighed the harm caused by it.

## Why does this Article 4 Direction cover the whole borough?

Planning permission is required to demolish unlisted buildings in Conservation Areas. There are now seven Conservation Areas in Blackpool, and this Article 4 direction will not apply in those areas. However, there are nearly 200 locally listed buildings which fall outside Conservation Areas, and therefore the Article 4 Direction will cover the whole of the Borough.

## What happens now?

The Council must consult on its intention to introduce an Article 4 direction for eight weeks. After this period, it will consider any comments that have been made and a report will be presented to the Council's Executive or the relevant Cabinet Member. If it is agreed that it is appropriate to confirm the Article 4 direction, a decision will be made and published confirming the Article 4 Direction has been confirmed. The Direction will then come into force on 9 February 2023.

## Why will there be a one year delay?

The legislation dictates that a Local Planning Authority (in this case the Council) can be held liable to pay compensation if the imposition of an Article 4 Direction has a financial impact on a property owner. However, if the Council gives one year's notice of the imposition of an Article 4 Direction, it cannot be held liable for compensation. The one year delay also prevents those in the process of making changes to locally listed buildings from being caught up in any immediate change to the permitted development rights.

## How do I comment on this proposed Article 4 Direction?

This consultation period will run for eight weeks from 9 February 2022 to 5.00 pm on 6 April 2022.

If you would like to make a comment on the Council's proposal to introduce this Article 4 Direction please do so in writing either by email or letter to:

[builtheritage@blackpool.gov.uk](mailto:builtheritage@blackpool.gov.uk)

Head of Planning and Conservation  
3<sup>rd</sup> floor  
Number One Bickerstaffe Square  
Talbot Road  
Blackpool  
FY1 3AH

Please make it clear in your correspondence that your comments relate to the proposed Local List Article 4 Direction.

**Blackpool Council**

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