



Llywodraeth Cymru
Welsh Government

Yr Adran Ynni, Cynllunio a Materion Gwledig
Department for Energy, Planning and Rural Affairs

Ms Claire Hamm
Team Leader, Conservation and Design
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Ein Cyf/Our ref: qA1346712
Eich Cyf/Your ref: Preswylfa CA
Dyddiad/Date: 28 August 2018

Dear Ms Hamm,

**ARTICLE 4(1) DIRECTION REQUIRING THE CONFIRMATION OF THE WELSH
MINISTERS.
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995.
PRESWYLFA COURT CONSERVATION AREA**

I refer to your request for the above Article 4 Direction to be confirmed by the Welsh Ministers.

I am authorised by the Cabinet Secretary for Energy, Planning and Rural Affairs to determine your request.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 (“the WFG Act”) places a duty on the Welsh Ministers, as a public body, to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle and aimed at achieving well-being goals, as defined in section 4 of the WFG Act. In order to act in that manner, I have taken into account the ways of working, set out in section 5 of the WFG Act and the associated statutory guidance (SPSF1: Core Guidance, Shared Purpose: Shared Future).

Policy considerations

Detailed guidance on the criteria for making an Article 4 Directions is given in Appendix D to Welsh Office Circular 29/95. The general policy principle is, permitted development rights should be withdrawn “only in exceptional circumstance” and withdrawal will rarely be justified unless there is a “real and specific threat”, i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should, therefore, be brought within full planning control in the public interest.



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MEWN POBL | IN PEOPLE**

Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

Ffôn • Tel 0300 025 3883
Nicholas.iles@gov.wales
Gwefan • website: www.gov.wales

Background to Article 4 Direction

The Article 4 Direction was the subject of a report to the County Council's Development Control Committee on 15 March 2018. The purpose of the report was to propose the designation of Preswylfa Court as a conservation area and also to propose additional controls within the conservation area by serving Article 4(1) and 4(2) Directions. The basis for the Article 4(1) Direction is addressed in the report as follows:

“Current Position

Whilst there is no statutory duty on a local authority to consult prior to conservation area designation with those affected by the proposed designation, two consultation events/exhibitions were held, on 22 August (2-9pm) and 6 September 2017(5-9pm) at Nolton Church Hall, and all properties owners and occupiers were notified of the proposal. In total twenty-nine people attended, and nineteen questionnaires were returned. The overriding majority of residents who attended the exhibition and completed the questionnaires supported the proposal to designate the conservation area and agreed that additional controls were needed (see Appendix 2 for a summary of responses). Residents were particularly concerned with preserving the character of the original listed buildings and also the central open green space around which the houses are located. They were also keen to receive some design guidance for them to refer to in the future.

Conservation area designation in itself will control some alterations including alterations to the roof and chimneys, some demolition and the application of external wall finishes/cladding. It also affords protection to trees in the area. However in order to control other alterations and incremental changes to the character of the conservation area once designated, it is proposed to serve Article 4 Directions on owners of unlisted buildings. The making of Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995, involves the removal of permitted development rights and therefore would require property owners or occupiers to apply for planning permission to undertake works that would otherwise be permitted development.

Under planning legislation flats do not enjoy permitted development rights under Part 1 of Schedule 2 of the General Permitted Development Order and therefore carrying out of the majority of external works are held to have a material effect on their appearance and accordingly already requires planning permission. The painting of the exterior of any building or work is however permitted by Class C of the above Order. Painting can significantly affect architectural character, in terms of the relationship between buildings and the degree of emphasis given to architectural dressings on a single building façade. In order to bring this matter under planning control it is considered necessary to make a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the non-domestic buildings in this part of the conservation area. The scope of this

proposed Article 4(1) Direction and the properties that will be affected are referred to in Appendix 3 of this report.”

Site Visit

As part of the consideration of the request to confirm the Article 4 (1) Direction, officers from the Planning Directorate, Welsh Government carried out a site visit on 26 April 2018. The report of the site visit states:

“The colour scheme of the buildings within the street scene is considered to contribute to the positive relationship between the listed and unlisted buildings. If the painting of the exterior of the flats was not controlled by the local planning authority, it is possible alterations could be made to the buildings which would have an adverse impact on the character and appearance of the Conservation Area.

Conclusion

I agree with the Council’s intention to remove the permitted development rights of non-residential properties located within the Preswylfa Court Conservation Area in order to prevent an adverse impact on the character and appearance of the Conservation Area through painting the exterior of the flats. I therefore recommend confirmation of the Article 4(1) Direction.”

Formal Decision

I have considered the evidence submitted, including the reasons submitted by your Council for making the Direction. I also note the conclusion reached by the Welsh Government officers who undertook the site visit and have taken into account the detailed guidance in Circular 29/95. Based on these considerations, I am satisfied the Direction is justified and there are compelling reasons in the public interest for removing the specified permitted development rights. Therefore, the Direction should be confirmed.

In reaching this decision, I have considered the well-being duty under section 3 of the WFG Act. In considering the relevant Welsh Government well-being objectives, this decision will ‘Promote and enhance the culture and heritage of Wales’ and, therefore, I consider the decision accords with the sustainable development principle and is aimed at achieving the well-being objectives.

Accordingly, and in exercise of the powers delegated to me, I hereby confirm the Article 4 Direction in relation to the Preswylfa Court Conservation Area, Bridgend, as identified in the plan attached to the Direction.

I return herewith one copy of the above Direction endorsed appropriately.

Your Council's attention is drawn to the provisions of Article 5(11) to (15) of the General Permitted Development Order, which relate to the service of, or publication of, notice of the Direction.

Yours sincerely



T Davies
Head of Planning Decisions
Planning Directorate

Arwyddwyd o dan awdurdod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru.

Signed under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs; one of the Welsh Ministers.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.