

10 May 2018

Thrings Solicitors
amadden@thrings.com

Development Services Central
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Tel: 0300 456 0114

Email: developmentmanagement@wiltshire.gov.uk
www.wiltshire.gov.uk

Dear Sir/Madam

Article 4 Direction – Land at Crookwood Farm, Potterne, SN10 5QS (your ref: AM/lcl/G4576-1)

I refer to your letter dated 8 May 2018 regarding the above matter.

The points in your letter are noted. However, the Council is satisfied that the Article 4 Direction 'making' process has been followed correctly. It follows that the Council will not be withdrawing the Article 4 Direction.

I briefly respond to your specific points as follows:

1. The Article 4 Direction specifies that it is made under Paragraph 4(1), as is required by Paragraph 4(1). There is no requirement for the Article 4 Direction to specify sub paragraph references within Paragraph 4(1).

Schedule 3 of the Town and Country Planning (General Permitted Development) Order sets out the procedures for Article 4 Directions. Paragraph 1(1) (applicable to both non-immediate and immediate Directions) states the following:

.... notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority [by local advertisement, etc.] ..."

The Article 4 Direction was made on 10 April 2018. Site notices were displayed on 11 April 2018; Notices were served on landowners/occupiers on 11 April 2018; press advertisement was on 19 April 2018; WC website advertisement was c. 12 April 2018 – this is "as soon as practicable", and so in accordance with the Order.

In any event, Planning Practice Guidance requires that, "*In all cases the local planning authorities must have already **begun the consultation processes towards the making [of] a non-immediate article 4 direction***" (own emphasis). This is not applicable to this matter as the Article 4 Direction is **an immediate one**.

2. There is no requirement in Article 4 or Schedule 3 of the Town and Country Planning (General Permitted Development) Order for an Article 4 Direction or any related notices to specify the harm that the Direction is addressing.

Also, it is the case that the circumstances in which an immediate direction can restrict development are limited. Immediate directions can be made in relation to development permitted by Parts 1 to 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area - see PPG.

Clearly, the development the subject of the Article 4 direction falls under Part 4 class B of the Town and Country Planning (General Permitted Development) Order; and the Council's reason for making the Article 4 Direction, including an assessment of the environmental considerations, is set out in the report and minutes for the relevant meeting of its Eastern Area Planning Committee; these can be viewed on the Council's website.

3. Your statements in paragraphs 3.2 to 4.1 appear to be mainly your opinions on the merits of allowing motocross events to take place on the land. It is not clear from these statements whether or not you have seen the report and minutes referred to above; these address your statements.

None of your conclusions in your final paragraph are agreed. It follows that the Article 4 Direction will not be withdrawn as you request.

Your client is, of course, entitled to make a planning application for the use of the land for the purposes now excluded by the Article 4 Direction. Such an application would be considered on its merits and with due regard to all representations received.

Yours sincerely

A S Guest

Andrew Guest
Major Applications & Performance Manager
Direct Line: 01722 434379
Email: andrew.guest@wiltshire.gov.uk