

Article 4 Direction – Consultation Report

1.0 Introduction

- 1.1 In November 2020, Welwyn Hatfield Borough Council's Cabinet gave approval to consult on an Article 4 Direction covering the whole of Hatfield. This would remove Permitted Development rights which enable up to two additional storeys of flats to be built onto existing blocks of flats without the need for planning permission.
- 1.2 Removing this relatively new Permitted Development right was considered important as the impact of taller buildings in Hatfield has been an issue in recent years in respect of the setting and character of heritage assets in the town, in particular the Grade I listed Hatfield House and Park. Following an objection from Historic England to the original planning application for the 1 Town Centre site in Hatfield (Planning Application reference 6/2017/0606/MAJ), a considerable amount of work was done to understand the issue and potential impacts, and to provide a baseline for potential developers who may encounter this issue. This work informed the revised application for the 1 Town Centre site (application reference 6/2019/2430/MAJ) which was approved by Development Management Committee in April 2020.
- 1.3 For an Article 4 Direction to be set up, the order must be "made" with a start date set at that time. Though this is a legal process, the order does not take effect until it has been confirmed, and the regulations state that it should be subject to consultation and that any decision to confirm should take into account any representations received.

2.0 Process Followed

- 2.1 This Article 4 Direction was made on 07 July 2021, and public consultation started that day. Consultation letters were sent to owners of existing buildings of four storeys and above, using details from the Land Registry, along with a number of estate agents and letting agents in the town with a request that the information be forwarded onto any affected property owners who they were in contact with.
- 2.2 In addition, consultation letters were sent out to statutory consultees, as identified in the Council's Statement of Community Involvement. This included parish councils, relevant national government bodies such as Historic England, neighbouring authorities and Hertfordshire County Council. Other such letters were sent to landowners and planning agents.
- 2.3 In addition to the consultation letters, the consultation was advertised by the placing of a public notices in the Welwyn Hatfield Times. Finally, site notices – in line with the process used for publicising planning applications – were posted around buildings of four storeys and above throughout the town.

2.4 The consultation ran for six weeks, in line with the Council’s Statement of Community Involvement, from 07 July to 23 August 2021. During that time, respondents could complete an online questionnaire, email comments to a specified address or respond by post. For consistency and to enable collation and analysis, all such responses were then entered online.

3.0 Responses

3.1 During the consultation period, a total of thirteen responses were received; seven from residents and six from organisations, though of those six two were merely acknowledgements from statutory consultees who had no wish to comment.

3.2 The online questionnaire asked respondents whether or not they agreed with the proposed Article 4 and why, whether there were any changes they would like to see, and whether they had any other comments. Those responses which came by email or by letter have had relevant comments transferred into this questionnaire to allow for easier analysis.

3.3 A summary of the views expressed and comments made, along with the Council’s response to them, is set out in a table at the end of this document, but a short summary is presented below.

	Yes	No	No Response
Question 1: Do you support the proposed Article 4 Direction?	10	1 *	2
Question 2: If you support the proposed Article 4 Direction, please say why and which element(s) you agree with	11		
Question 3: If you don’t support the proposed Article 4 Direction, please say why and which element(s) you disagree with			
Question 4: Are there any changes you would like to see to the proposed Article 4 Direction?	2		
Question 5: Do you have any other comments?	4		

3.4 The full set of responses can be found online. A summary of the responses received and the Council’s response to the points made is below. Please note that a response can make more than one point to be responded to.

Response / Comment	Respondent Type	Support?	WHBC Response
Supportive of proposed Article 4	Various	Y	Support noted
Opposed to extra flats whilst lack of infrastructure - especially schools and health - not addressed. /	Resident	N *	Infrastructure provision is best addressed through the Local Plan process, followed by a planning application. Permitted Development, such as that this Article 4 would restrict, does not require contributions towards infrastructure.
Infrastructure is strained and more is required for the amount of housing proposed.	Resident	Y	See comment regarding infrastructure above.
Developers should not be able to build high just because they can.	Resident	Y	Comment noted. This proposal would remove the permitted development right to build upwards in Hatfield. Any such proposals in the future would be determined through the planning application process.
High towers shouldn't be built on the Shredded Wheat site in Welwyn Garden City / contrary to Garden City ethos / Garden City should be protected	Residents	Y	The current proposals for Welwyn Garden City are the subject of a number of planning applications which will be determined in the normal way.
This proposal should also apply to Welwyn Garden City or the whole borough / there are heritage assets all over the borough	Residents	Y	The National Planning Policy Framework requires that Article 4 Directions are underpinned by a strong evidence base. The Council believes that issues arising from previous planning applications and previous work give that evidence base for Hatfield. The current proposals for taller buildings in Welwyn Garden City are being pursued through a series of planning applications – if the Article 4 is confirmed any proposals to extend existing blocks upwards

			in Hatfield will need to seek planning permission in this way.
Hatfield's aesthetics are ruined by tower blocks	Resident	Y	This proposal would ensure that any proposals to extend existing blocks upwards and the subsequent impacts of this would need to be properly assessed through a planning application.
Stop building housing on the green belt and overpopulating towns	Resident	Y	The location of future growth is best determined through the Local Plan process. This proposal will just remove the right to extend blocks in Hatfield upwards.
We need more social housing with gardens	Resident	Y	Permitted Development, such that this Article 4 Direction would remove does not require any contributions towards infrastructure such as social housing.
There is over development / too high a density of development in the town	Resident	Y	The location and amount of future growth is best determined through the Local Plan process, where a number and range of possible development locations can be properly considered.
Hatfield needs an improved town centre	Resident	Y	Comment noted. The Council has undertaken extensive improvement works to Hatfield Town Centre in recent years and this is ongoing.
Hatfield House is of international importance. We would support any measures to conserve and enhance the asset and its setting	Statutory Consultee (Gardens Trust)	Y	Comment noted.
Unfettered upward development presents a risk to heritage assets, and the significance of Hatfield House should be protected	Landowner / developer	Y	Comment noted.
Appropriate development and	Landowner / developer	Y	Comment noted.

regeneration require robust policy			
This proposal will control unsuitable development	Parish Council	Y	Comment noted.
Supports proposal but requests additional Article 4 Direction restricting minor developments in individual Conservation Areas.	Parish Council	Y	Article 4 Directions are useful, but under national policy must be used appropriately and be evidence based. In addition, they require quite a lot of work to put in place. Officers will consider whether there is a particular issue with such minor developments and whether a series of Article 4 Directions would be appropriate to address this.

*though the response said that they did not agree with the proposed Article 4, subsequent comments which raised concerns about the impact of additional flats and a lack of infrastructure suggested that they were in fact in agreement with the proposal.