

Dorchester Article 4 Direction Informal Guidance

The document is for general guidance only and is not intended to constitute formal legal advice

In June 2020, Dorset Council confirmed the Dorchester Article 4 Direction that covers a number of streets throughout the Dorchester Conservation Area. The Article 4 Direction is to prevent loss of features that which contribute to the character of the Dorchester Conservation Area.

In many circumstances, in order to carry out work or development on land or to a property, planning permission is required from the local planning authority. However, for some work or development, it is not necessary to apply for planning permission as it is deemed to be granted under planning rights called Permitted Development rights.

The Article 4 Direction seeks to protect areas within the Dorchester Conservation Area by limiting the scope of a few of the Permitted Development rights that might otherwise be available. The Direction only relates to activities that involve the demolition, erection, construction, maintenance, improvement or alteration to any gate, fence, railing, wall or other means of enclosure. Additionally, it only involves a gate, fence, railing, wall or other means of enclosure that is adjacent to a public highway, including public footpaths, or adjacent to an open space such as a public car park and Salisbury Field.

In a number of situations, it will not be necessary to apply for planning permission because Permitted Development rights or other exemptions will still apply. The Questions & Answers below seeks to provide informal, general guidance on some situations that may arise. If you are in any doubt as to whether it is necessary to seek planning permission from the planning authority for work that you intend to do, the first step is to contact Planning Support on 01305 838336, choosing Option 1.

Questions & Answers

Q1. Will I need to apply for planning permission to demolish, erect, construct, improve or alter a gate, railing, wall or fence?

A1. If your gate, railing, wall or fence is adjacent to a highway, including any public footway or open space then it is likely that you will need to obtain planning permission. For example, planning permission will probably be required in relation to removing a gate or railings, raising the height of a wall or fence, erecting a new fence and fence posts and demolishing part or all of a wall.

Q2. Why are gates included?

A2. Gates are included because they contribute to the character and appearance of a street or open space. Where suitable, permission for a replacement gate which safeguards the character and appearance of the area can be sought through a planning application. Similarly, if a new gate in a new gateway is proposed, an application allows the opportunity to assess the effect of it on its surroundings.

Q3. Will I need to apply for planning permission to undertake maintenance to a gate, railing, wall or fence?

A3. If the proposed maintenance materially affects the external appearance of a gate, railing, wall, fence or other means of enclosure that is adjacent to a highway, including any public footway, or open space then planning permission will now usually be required. Not all maintenance work will require planning permission to be formally granted. For example, the repair of a gate that maintains its original design and appearance, repainting a fence or gate in a traditional colour, reinstating a windblown, worn or damaged fence as it was before in terms of height and appearance, and repointing a boundary wall in a sympathetic manner may well still not require formal planning permission.

Q4. Is there a fee?

A4. In 2018, national legislation required a fee to be charged for a planning application under an Article 4 Direction. Depending on the use of the property, the fee will be either be £206 for a Householder planning application or £462 for a Non-Householder planning application.

Q5. Will I be charged a fee if I contact the Council for early advice?

A5. No fee will normally be charged for early informal advice but you will be required to provide sufficient information on the work you have in mind. If you require a formal decision of the Council as to whether a proposal requires planning permission than a fee will usually be payable.

Q6. If I have already received planning permission for works does the Article 4 Direction have an impact on the works permitted by that permission?

A6. It is unlikely that there will be any impact whilst that planning permission remains extant (still in existence). If the planning permission expires without being implemented and a fresh planning permission is required then if applicable, the Article 4 Direction may be taken into account.

Q7. If I am waiting for the outcome of a planning application that was submitted before the Article 4 Direction, will the coming into force of the new Article 4 Direction have any impact on this?

A7. It is unlikely that there will be any impact, but if in doubt check with your agent who can liaise with the planning officer considering the application.

Q8. Is this Article 4 Direction only about off-street parking?

A8. There is growing concern for the heritage value of the area, and the loss of boundaries to facilitate off-street parking under Permitted Development rights is a factor. Other factors include replacement or altered boundaries that also impact on the character and appearance of not only the immediate property but its neighbourhood - boundaries to properties where off-street parking is not often possible due to lack of space. The heritage value provides considerable public amenity not only now but for future generations.

Please note that more information on the Article 4 Direction is available on the Dorset Council website <https://www.dorsetcouncil.gov.uk/home.aspx> – type into Search “Find a consultation” and scroll down and open “Dorchester Article 4 Direction”. Alternatively, the web address is <https://www.dorsetcouncil.gov.uk/your-council/consultations/find-a-consultation.aspx>