

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: M170
To: Strategy Committee	Date of meeting: 14 March 2013

CONFIRMATION OF Highbury Barn Article 4(1) Direction

1. Purpose of Report

- 1.1 To advise Members of the results of the recent public consultation on an Article 4(1) Direction issued for the former Highbury Barn Public House, 46 Canhams Road, Great Cornard and to seek approval for its confirmation.

2. Recommendations

- 2.1 That the Article 4(1) Direction relating to the former Highbury Barn Public House, 46 Canhams Road, Great Cornard be confirmed with immediate effect.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 None arising directly from the content of this report.

4. Risk Management

Risk Description	Likelihood	Impact	Mitigation Measures
If Article 4(1) Direction is not confirmed within six months of issue (i.e. by 7 May 2013), it will expire and leave the building vulnerable to demolition	High	Significant	Confirm Direction as recommended

5. Consultations

- 5.1 Extensive consultation has been undertaken as detailed below.

6. Equality and Diversity Impact

- 6.1 There are no Equality and Diversity implications arising directly from this report.

7. Shared Service / Partnership Implications

- 7.1 None arising directly from the content of this report.

8. Key Information

- 8.1 Punch Taverns, the owners of the Highbury Barn Public House at 46 Canhams Road, Great Cornard, made a Prior Notice application to this Council (B/12/00711/DEM) to demolish the building in June 2012. Further details of how the site was to be left following the proposed demolition were requested in July and received in August.
- 8.2 The normal planning consultations were then undertaken, resulting in considerable local protest against the proposed demolition, including a letter from Great Cornard Parish Council, numerous other letters and emails and a 320 signature petition received in September.
- 8.3 Also in September 2012, English Heritage rejected the building for national listing on the basis that although parts of it may date back to the 18th Century, it had been substantially altered and extended. The building is perhaps more suitable for Local Listing, however the possible inclusion of the building in such a list should ideally be considered before an application comes forward for a demolition such as this.
- 8.4 In view of the strong local support for saving the building, it was therefore decided to protect it by means of an Article 4(1) Direction, which effectively removed the owner's permitted development rights to demolish it. The Direction was made on 7 November 2012 and following a minimum three week period of consultation needs to be confirmed within six months, i.e. by 7 May 2013.
- 8.5 An official Notice inviting representations was placed in the East Anglian Daily Times on 13 November 2012, and two site notices were displayed at that time. Copies of the Direction and Notice were sent along with a plan of the site to both Suffolk County Council and the Secretary of State. In addition letters enclosing copies of the Direction were sent to the owners, their agents and the current occupiers of the building.
- 8.6 To date, well beyond the three week consultation period, no responses have been received from any side of the debate, so it has to be presumed that the implementation of the Article 4(1) Direction is supported.
- 8.7 The Article 4(1) Direction is now therefore presented for confirmation.

9. Appendices

Title	Location
A. Highbury Barn Article 4(1) Direction	Attached

10. Background Documents

- 10.1 Planning Notification file B/12/00711/DEM

Authorship:
Patrick Taylor
Conservation Architect

(01473) 825852
patrick.taylor@babbergh.gov.uk

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995, AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES

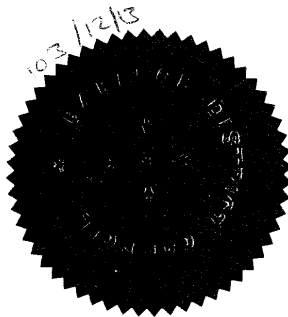
WHEREAS Babergh District Council being the appropriate local planning authority within the meaning of article 4(4) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

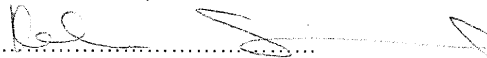
THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 6(7), shall remain in force until ~~7th May~~ ^{10th May} 2013 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with paragraphs (9) and (10) of article 5 before the end of the six month period.

SCHEDULE

Any building operation consisting of the demolition of a building being development comprised within Class A of Part 31 of Schedule 2 to the said Order and not being development comprised within any other Class.



Made under the Common Seal of Babergh District Council this ~~7th~~ ^{10th} day of ~~November~~ ^{May} 2012
The Common Seal of the Council was affixed to this Direction in the presence of:-


.....
Authorised Officer

Confirmed under the Common Seal of Babergh District Council this day of 2013
The Common Seal of the Council was affixed to this Direction in the presence of:-

.....
Authorised Officer