

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
27 November 2012

**Subject:** ARTICLE 4 DIRECTIONS – SOLAR PANELS

**Thirsk, Sowerby & Stokesley Wards  
Portfolio Holder for Housing & Planning: Councillor M Robson**

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**1.0 PURPOSE AND BACKGROUND:**

Purpose:

- 1.1 A report to Cabinet on 12 September 2012 recommended the making of four Article 4(1) Directions to remove permitted development rights for the provision of solar panels. The new Directions are in addition to the existing Article 4 Directions within Thirsk & Sowerby, East Thirsk, Sowerby and Stokesley and do not alter the boundaries.

Background:

- 1.2 The 'made' Article 4(1) Directions were posted or delivered by hand on 21 September 2012; the same date the notice appeared within the Darlington and Stockton Times, site notices were displayed and notification sent to the Secretary of State.
- 1.3 A period of 28 days was given for the public to make representations, closing on 12 October 2012. Three representations were received, two from Thirsk & Sowerby and one from Stokesley (see Annex A for table of responses). These do not raise any concerns which warrant not proceeding with confirming the Directions.
- 1.4 The purpose of this report is for Members to consider the representations made and to confirm the Directions, enabling them to come into force on 27 November 2012.
- 1.5 Thirsk Town Council and Sowerby and Stokesley Parish Councils have previously been consulted on the implementation of new Article 4(1) Direction and all are supportive.
- 1.6 The Secretary of State was consulted on the making of the Article 4(1) Directions and has responded with no comments to make. On confirmation of the Directions the Secretary of State must be notified.

**2.0 DECISIONS SOUGHT:**

- 2.1 For Members to consider the representations and confirm the four Article 4(1) Directions which will withdraw permitted development rights for the provision of solar equipment on domestic roofslopes within the existing defined boundaries of Thirsk & Sowerby, East Thirsk, Sowerby Front Street and Stokesley.

**3.0 RISK ASSESSMENT:**

- 3.1 Overall the risk of agreeing with the recommendations outweighs the risks of not agreeing them and is considered acceptable. There are no significant risks arising from these recommendations

#### **4.0 SUSTAINABILITY IMPLICATIONS:**

4.1 An Article 4(1) Direction does not mean that solar panels will not be permitted but that sustainability factors will be balanced against the conservation of the historic environment and suitable alternative options sought wherever possible.

#### **5.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

5.1 The process of implementing an Article 4(1) Direction involves the printing of letters and leaflets and distribution to affected households. There will also be the cost of advertisements in the local press to meet the regulations. This cost will be met through existing budgets.

5.2 There are also minor costs of considering additional planning applications, which currently attract no fee.

#### **6.0 LEGAL IMPLICATIONS:**

6.1 The correct legal procedure, as set out within the GPDO for the implementation of Article 4(1) Directions and Council procedures must be followed.

#### **7.0 RECOMMENDATIONS:**

7.1 It is recommended that:

- (1) the four Article 4(1) Directions – Thirsk & Sowerby, East Thirsk, Sowerby and Stokesley be confirmed to remove permitted development rights for the provision of solar PV or solar thermal equipment on domestic properties;
- (2) the occupiers and owners of dwellinghouses in the area covered by the Direction be notified in accordance with the regulations;
- (3) a full photographic survey to be undertaken in order to gain an accurate record at time of notice for enforcement purposes.

MICK JEWITT

**Background papers:** The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011.  
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## Annex A

### Responses to making of Article 4(1) Directions in Thirsk & Sowerby and Stokesley

Name	Response	Council's Response
<p>Mr J Salisbury-Baker, Thirsk &amp; Sowerby</p>	<p>I wish to object to the extension of the Article 4(1) Direction on the grounds that it breaches the primary aim of CERT to make a contribution to the UK's legally binding target under the Kyoto protocol (to cut greenhouse gas emissions by 12.5% below 1990 levels by 2008-2012) and the Climate Change Act 2008 requirement (to cut emissions of green house gas emissions by 80% below 1990 levels by 2050). In support of this, additionally, the UK is committed to The 2009 Renewable Energy Directive. A blanket ban on the installation of solar panels on "every domestic slope" is both naive and unnecessary. Applications for installations should be considered on an individual impact basis rather than a nimbystic approach.</p>	<p>The implementation of this Article 4(1) Direction does not impose a blanket ban on the provision of solar panels. The purpose of the Direction is to protect the historic character of the area and streetscene from poorly sited panels. The requirement for Planning Permission will allow us to find the most suitable position for solar panels to be installed without damaging the character of the historic environment. Conservation of the historic environment is a key principle of national planning policy along with climate change, and applications for the provision of solar panels will be considered against such policies.</p>
<p>Diane Millar, Thirsk &amp; Sowerby</p>	<p>On the second page it specifies roads affected. My address – Croft View – does not appear to be included although addresses around it are. i.e. Kirkgate, Aker's Yard, Picks Lane, Coach House Close. Possibly we are included in Aker's yard at the back of Croft View or there may be another reason why we are excluded. I am just trying to understand the implications of your letter to my property.</p>	<p>The addresses were repeated from the making of the original Article 4 Direction in 2003. This omission has been amended to specifically include Croft View. The area is already clearly defined on the map and the respondent as been notified.</p>
<p>Blaise Vyner, Stokesley</p>	<p>The arrival of your note on solar panels in Stokesley Conservation Area prompts me to suggest that, if you are in Stokesley, you might consider the proliferation of signs – fixed and otherwise – which have appeared in recent months (not to mention the odd new windows!!).</p>	<p>Not relevant to this consultation but, additional information requested and will be passed to the Enforcement team for follow up action.</p>

