

## **Town and Country Planning (General Permitted Development) Order 1995**

### **Direction made under Article 4(2) Tutbury Conservation Area**

Whereas the East Staffordshire Borough Council, being the appropriate local planning authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the descriptions set out in Schedule 1 below should not be carried out on the land described in Schedule 2 below and shown edged red on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

Now therefore the said Council in pursuance of the power conferred on them by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order as set out in Schedule 1 below shall not apply on the said land described in Schedule 2 below and shown edged red on the attached plan.

#### **Schedule 1**

Development consisting of the erection, alteration or removal of a chimney on a dwellinghouse, or on a building within the curtilage of a dwellinghouse (being development comprised in Part 1 of Schedule 2 of the Order);

Any of the following permitted development rights:

The enlargement, improvement or other alteration of a dwellinghouse, (being development comprised within Class A of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class), and where any part of the development would front a "relevant location"\*;

Any alteration to the roof of a dwellinghouse, (being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class), and where the alteration would be to a roof slope which would front a "relevant location"\*;

The erection or construction of a porch outside any external door of a dwellinghouse, (being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class), and where the external door in question would front a "relevant location"\*;

The provision, within the curtilage of a dwellinghouse of a building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure, (being development comprised

within Class E of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class), and where the building or enclosure, swimming or other pool to be provided would front a "relevant location"\* , or where the part of the building or enclosure maintained, improved or altered would front a "relevant location"\*;

The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such (being development comprised within Class F of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class) and where the hard surface would front a "relevant location"\*;

The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage (being development comprised within Class H of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class) and where the part of the building or other structure on which the satellite antenna is to be installed, altered or replaced would front a "relevant location"\*;

The erection construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure (being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class) and where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a "relevant location"\*;

The painting of the exterior of any part of a dwellinghouse or any building or enclosure within the curtilage of a dwellinghouse (being development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class) and where the development would front a "relevant location"\*.

\* "relevant location" in this Schedule means a highway, waterway or open space.

## **Schedule 2**

Bridge Street. 22,23, The Castle Inn

Castle Street. The Vicarage, 24,28,28a, 29,30,31,32

Church Street. 5,6,7,8,9,10,39,40,41,42,43,44

Cornmill Lane. 1,2,3,4,5,6,6a,8,10,11,12,14,14a

Duke Street. 3

Fishpond Lane. 1,2,3,4,5 Croft Terrace

High Street 21,25,26,27,28,29,30,31,32

Monk Street 19,21,30,31,32,33,35,36,38,39,39a,39b,51,52,54,60,62

A copy of a plan indicating the properties affected by the Direction may be inspected during office hours at the Borough Councils Planning Offices, Midland Grain Warehouse, Derby Street, Burton upon Trent. Any comments on the Direction should be made in writing to the Planning Control Section at the above address by 7<sup>th</sup> May.

**DEVELOPMENT SERVICES**

**Town and Country Planning (General Permitted Development) Order 1995**

**Notice of Direction made and confirmed under Article 4(2)  
Tutbury Conservation Area**

Notice is hereby given that East Staffordshire Borough Council has made and confirmed a Direction under Article 4(2) of the General Permitted Development Order within Tutbury Conservation Area to withdraw certain permitted development rights from the properties identified in Schedule 1 below.

The Borough Council considers the Direction to be necessary to preserve the special architectural and historic character of the village. Planning permission is now required for certain changes to properties identified in Schedule 1 that previously would not have been necessary. There will be no fee for applications made necessary by an Article 4(2) Direction.

Planning permission will now be required for the erection, alteration or removal of a chimney on a dwellinghouse, or on a building within the curtilage of a dwellinghouse, and for any of the following development relating to any of the properties identified in Schedule 1 when fronting a highway, waterway or open space:

The enlargement, improvement or other alteration of a dwellinghouse;

Any alteration to the roof of a dwellinghouse;

The erection or construction of a porch outside any external door of a dwellinghouse;

The provision, within the curtilage of a dwellinghouse of a building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;

The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;

The erection construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure;

The painting of the exterior of any part of a dwellinghouse or any building or enclosure within the curtilage of a dwellinghouse;

**Schedule 1**

Bridge Street 22, 23, The Castle Inn,  
Castle Street, The Vicarage, 24,28, 28a, 29, 30, 31, 32  
Church Street 5, 6, 7, 8, 9, 10, 39, 40, 41, 42, 43, 44  
Cornmill Lane 1, 2, 3, 4, 5, 6, 6a, 10, 11, 12, 14, 14a  
Duke Street 3

Fishpond Lane 1, 2, 3, 4, 5, Croft Terrace  
High Street 21, 25, 26, 27, 28, 29, 30, 31, 32  
Monk Street 19, 21, 30, 31, 32, 33, 35, 36, 38, 39, 39a, 39b, 51, 52, 54, 60, 62.

A copy of the Direction and a plan indicating the properties affected may be inspected during office hours at the Borough Councils Planning Offices, Midland Grain Warehouse, Derby Street, Burton upon Trent.

Properties Subject to the Article 4(2) Direction  
shown black, listed buildings are shown hatched)

Bridge Street. 22,23, The Castle Inn

Castle Street. The vicarage, Nos24, 28,28a,29,30,31,32.

Church Street. 5,6,7,8,9,10,39,40,41,42,43,44

Cornmill Lane Nos 1,2,3,4,5,6,7,8,9,10,11,12,13,14.

Duke Street No3

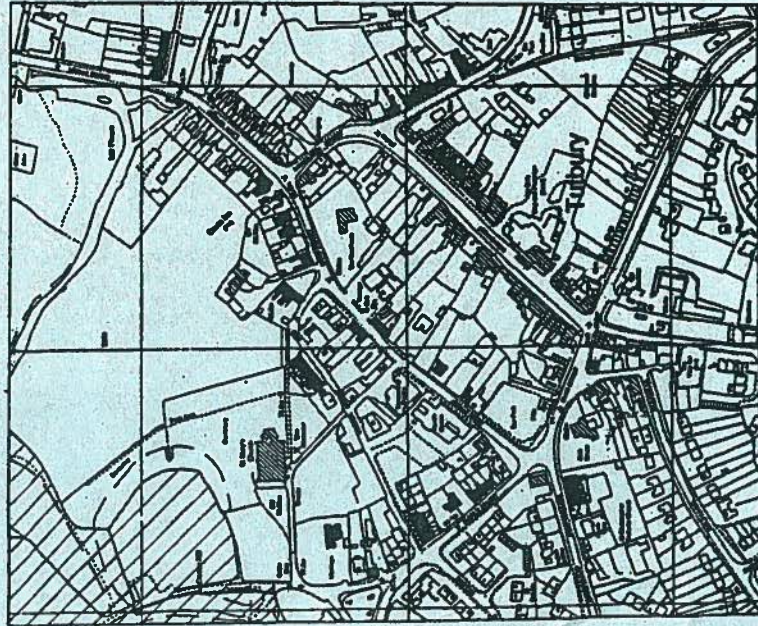
Fishpond Lane Nos 1,2,3,4,5 Croft Terrace.

High Street Nos 21,25,26,27,28,29,30,31,32

Monk Street 19,21,30,31,32,33,35,36,38,39,39b,51,52,53,54,60,62

# Tutbury Conservation Area

## Article 4(2) Direction



## Tutbury Conservation Area

### Planning Changes Affecting You : Article 4(2) Direction

Tutbury is an important historic village given extra legal protection through its designation as a Conservation Area in 1969. This designation introduced planning control over the demolition of buildings and allows the council to formulate policies which would preserve or enhance all aspects of character or appearance that define the area's special interest.

However, demolition of a building is only one way to detract from the Conservation Area in Tutbury. Smaller, but more common, changes to buildings like the replacement of windows and doors, the removal of boundary walls and extensions may often detract from the character of the area. Therefore following a review of the Conservation Area it is felt that additional planning and legal measures are essential to prevent further erosion of the special interest of the Conservation Area.

With this aim, an Article 4(2) Direction has been made for the Tutbury Conservation Area. Article 4(2) Directions (of the Town and Country Planning General Development Order 1995) involve the withdrawal of certain Permitted Development rights i.e. planning permission will be required for certain changes to properties that previously would not have been necessary. There will be no fee for applications made under the Article 4(2) Direction.

Planning permission is already required for alterations to buildings and their curtilages within the Conservation Area, such as the addition of cladding or satellite dishes. These restrictions will remain in place. In addition, planning permission is now required for the alteration, addition, removal or replacement of the following features of domestic dwellings, when fronting a highway, waterway or open space within the Tutbury Conservation Area:

- Windows (including roof lights and dormers)
- External doors
- Boundary walls and other means of enclosure
- Roofs

- Hard Standings
- Porches
- Chimneys (whether or not the development fronts a highway, waterway or open space)

Planning permission may be necessary for the works that you plan to carry out. Failure to apply for consent could lead to legal and enforcement action.

If you intend to make material changes to any of these features of your property, or if you are unsure as to how this direction will affect your planned alterations, it is important that you contact either a member of the Planning Control Section or Conservation Officer at East Staffordshire Borough Council for advice (Telephone number 01283 508661).

In addition to the implementation of this Direction, grant funding for the repair or replacement of traditional architectural features may be available from the Borough Council. More information on the nature of the grants is available from the Conservation Officer on the number below.

The implementation of this Article 4(2) Direction allows for a period of public consultation of 21 days from publication of the notice in the local press. If you would like to comment on the introduction of this planning legislation, please write to the Conservation Officer, Ian Kilby at the address below within 21 days of receipt of this leaflet.

Ian Kilby  
Conservation Officer  
East Staffordshire Borough Council  
Development Services  
Midland Grain Warehouse  
Derby Street  
Burton upon Trent  
Staffordshire, DE14 2JJ

Tel: 01283 508661  
Email address: [ian.kilby@eaststaffsb.c.gov.uk](mailto:ian.kilby@eaststaffsb.c.gov.uk)  
Fax: 01283 508388



View looking south across Tutbury from the Churchyard

## Introduction

Tutbury Conservation Area was designated in November 1969. Since designation the village has experienced significant changes including the demolition of buildings on Monk Street and Duke Street and the demolition of Tutbury Mill on Bridge Street. Positive changes include the construction of the by-pass, relieving Tutbury of through traffic, and the repair and renovation of many historic buildings throughout the village.

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to review their conservation areas from time to time to determine whether changes to the boundary are necessary. A review of Tutbury Conservation Area is being undertaken and the map overleaf indicates proposed revisions to the boundary.

### Summary of Proposed Revisions to the Boundary

- Adjust boundary to accord with the hedge line adjacent to No.1 Park Lane.
- Include the entire Castle Hill Allotment site and revise boundary to follow the gable wall of Park Hill.
- Exclude properties on Hillside that do not front Castle Hill.
- Include the principal Tutbury Crystal Buildings, Burton Street / Ludgate Street
- Include land bound by the north side of Burton Street, Close Bank Walk and High Street.
- Include land to the north side of Commill Lane bound by the by-pass.
- Exclude land to the north east of the fire station.
- Minor adjustments to the boundary north east of the castle site to accord with identifiable features on the ground.

### The Effects of Conservation Area Designation

The effects of conservation area designation are two-fold: -

- There are policies in the Local Plan, which seek to ensure that development proposals preserve or enhance the character or appearance of the conservation area.
- Legislative restrictions, in addition to normal planning controls, which mean that written authority is required from the Borough Council for :-
  - Demolition
  - The cutting, lopping or topping of most trees
  - Cladding the outside of a house with stone, timber or other synthetic imitation material
  - Regulations for house extensions including alterations to roofs and garden buildings are more restrictive in conservation areas
  - The installation of satellite dishes without planning permission is restricted

## Proposed Additional Controls in the Conservation Area

Not all works in a conservation area require consent and consequently the special architectural and historic interest can be eroded by cumulative changes to windows, doors, external paint schemes and the loss of original features such as chimneys and boundary walls or railings.

It is for this reason that the Borough Council is considering making an Article 4(2) Direction. Article 4(2) Directions of the Town and Country Planning (General Permitted Development) Order 1995, involve the withdrawal of certain Permitted Development rights. The effect of this would be that in addition to the existing controls, planning permission would be required for the alteration, addition, removal or replacement of the following features of domestic dwellings when fronting a highway, waterway or open space within Tutbury conservation area:

- Windows (including rooflights and dormers)
- External doors
- Boundary walls and other means of enclosure
- Roofs
- Hard standings
- Porches
- Chimneys (whether or not the development fronts a highway, waterway or open space)

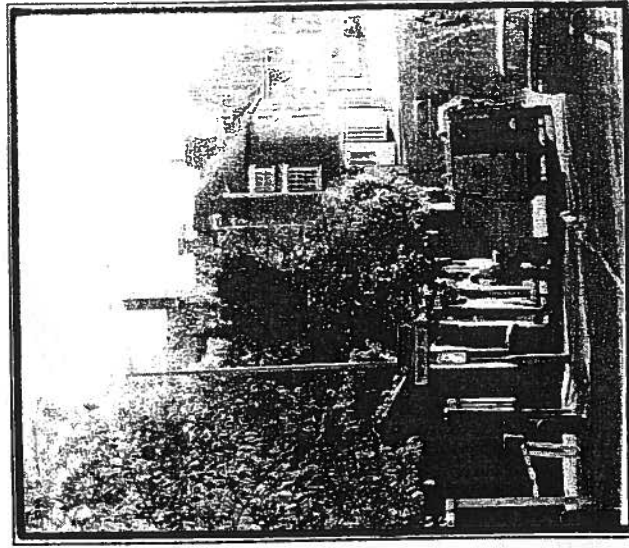
Whilst an Article 4(2) Direction would introduce further controls to those properties affected no fee is payable for planning applications made under the Direction.

### Opportunities to Comment on these Proposals

This review is being undertaken with the co-operation of the Parish Council and Tutbury Civic Society and the proposals seek to ensure that the special historic and architectural interest of Tutbury is safeguarded for the future. As you are an owner/occupier of property within the area we would welcome your comments. If you wish to make representations about these proposals please write to Ian Kilby, Conservation Officer, at the address below. In addition, a public meeting to discuss the proposals will take place at the village hall, Monk Street on 28<sup>th</sup> June commencing at 7:00 p.m. Any representations about the proposals should be submitted by 7<sup>th</sup> July.

**Development Services Department,  
East Staffordshire Borough Council,  
Midland Grain Warehouse,  
Derby Street, Burton upon Trent  
Staffordshire  
DE14 2JJ**

**Tel : 01283 508661  
Fax: 01283 508388**



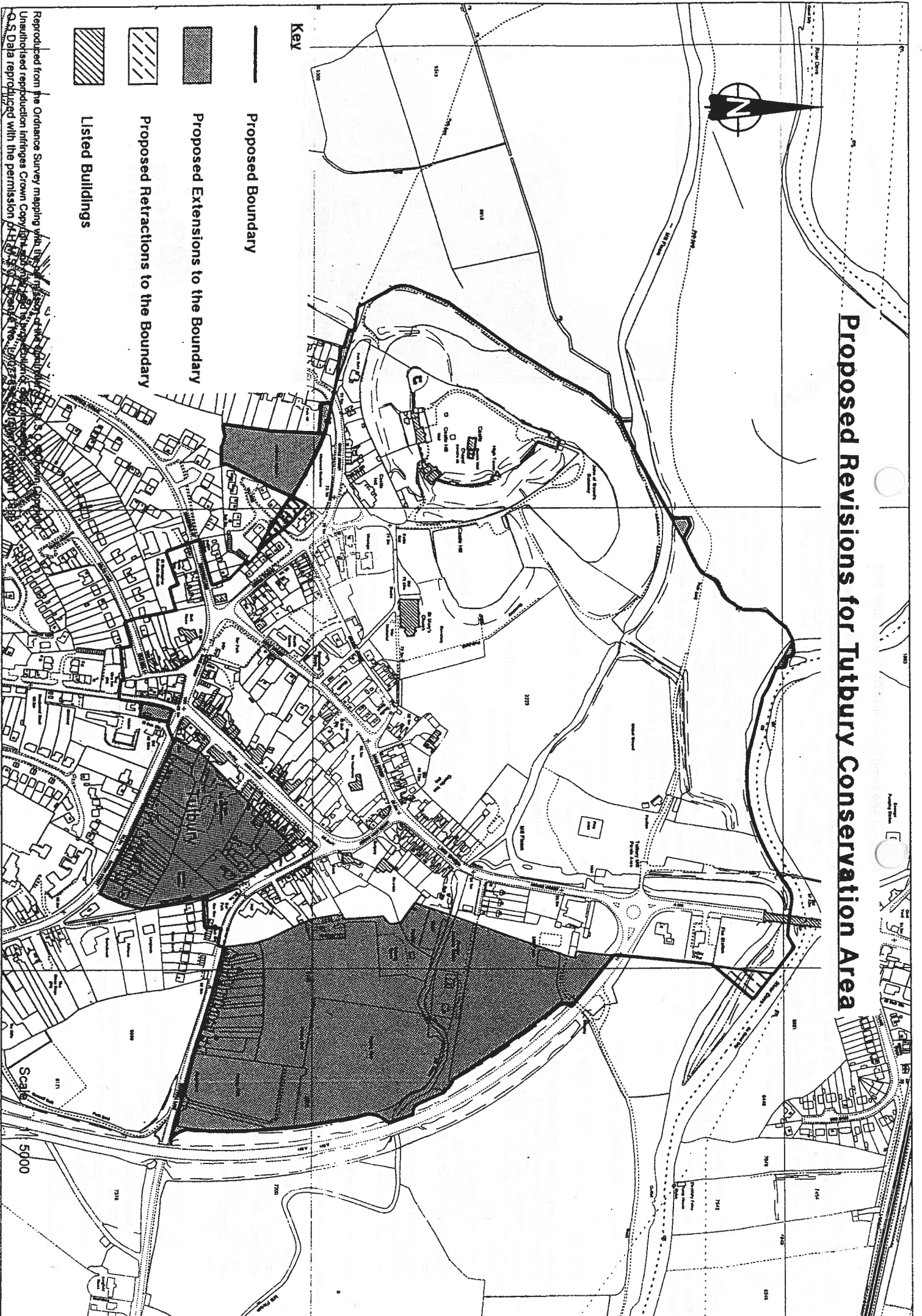
**Proposals for Tutbury Conservation Area**

**East  
Staffordshire  
Borough Council**

# Proposed Revisions for Tutbury Conservation Area



- Key**
- Proposed Boundary
  - Proposed Extensions to the Boundary
  - Proposed Retractions to the Boundary
  - Listed Buildings



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