



ARTICLE 4 DIRECTION REPORT

Planning Committee

15TH September 2026

Case References	:	26/00099/ENFA – Enforcement Case ART4/2026/1 – Made Article 4 Direction
Location	:	Land Rear Of Highfields, Writtle Road, Margaretting, Ingatestone
Proposal	:	Confirmation of 'made' Article 4 Direction
Date Made	:	30 th April 2026
Consult Expiry	:	11th June 2026

Appendices:

Appendix 1 Article 4 Direction

Appendix 2 Consultations

1. Executive summary

- 1.1. Planning enforcement received notification from a Councillor that the owner of this site appeared to be subdividing this land into smaller plots and was marketing this land to be sold at auction. The Councillor stated that a resident had provided them with a plan and that the resident had confirmed with the auction house that four plots had already been sold at that time. The Councillor requested that, given the above information, the Council consider implementing an Article 4 Direction on this land.
- 1.2. The first inspection of this site was undertaken on 17 April 2026. At the time of this inspection, the land was free of development and did not appear to have an active agricultural use.
- 1.3. Since the planning enforcement team became aware of the sale of the land, the auction house website has been monitored. It has been seen on numerous occasions that there are plots of land within the site advertised for auction. An 'On Site Sales Cabin' in the form of a shipping container has also been imported onto the land. The Council have also received a request for planning advice from a prospective purchaser of one the subdivided plots.
- 1.4. The land is in a rural area to the northwest of the Defined Settlement of Margaretting, within the Metropolitan Green Belt.
- 1.5. An Article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.
- 1.6. The National Planning Policy Framework (NPPF) states the local planning authorities should restrict the use of Article 4 Directions to those situations where action is necessary to protect local amenity or the wellbeing of the area and should be based on robust evidence and apply to the smallest area required to mitigate the evidenced harm.
- 1.7. Officers were concerned that some development which would otherwise not require an express grant of planning permission from the local planning authority (known as 'permitted development'), would give rise to harm to the openness of the Metropolitan Green Belt, and the character and appearance of the area.
- 1.8. It was considered expedient to make an Article 4 Direction with immediate effect (30/04/2026) to remove specific permitted development rights. A copy of the 'made' Article 4 Direction is attached at [Appendix 1](#).
- 1.9. The Direction remains in place until 30th October 2026. As required, consultation has been carried out. Numerous site notices were displayed on and around the land. During the

consultation period, two objections were received. A copy of both objections is included within Appendix 2.

- 1.10. It is Officers view that the confirmation (and therefore continuation) of the Article 4 Direction remains necessary in the interests of protecting the Green Belt and rural character of the area, as well as heritage and surface water flood risk.
- 1.11. In accordance with paragraph 3.4.7.23 of the constitution, the recommendation to confirm the Article 4 Direction is referred to the Planning Committee.

2. Description of site

- 2.1. Parts of the site are at high, medium and low risk of surface water flooding.
- 2.2. The site neighbours four listed buildings: Bearman's Farmhouse (Grade II Listed), Outbuildings at Bearman's Farmhouse (Grade II Listed), Barn to the east of Bearman's Farmhouse (Grade II Listed) and Barn to the southeast of Bearman's Farmhouse (Grade II Listed).
- 2.3. The nominal use of the land is for agriculture; the land does not have consent to be used for any other purpose.

3. Summary of consultations

- 3.1. Three site notices and a copy of the Immediate Article 4 Direction was served on the land on 30 April 2026. On 13 May 2026 it was seen that the site notices and a copy of the Immediate Article 4 Direction had been removed from the land. As such, two further site notices and a further copy of the Immediate Article 4 Direction were displayed on the land. On 19 May 2026 it was again seen that the site notices and a copy of the Immediate Article 4 Direction had been removed from the land. They were replaced for a second time on 26 May 2026.
- 3.2. As required, a copy of the site notice and Immediate Article 4 Direction was sent to the Secretary of State on 30 April 2026. The Council have not received any further correspondence since from the Secretary of State after providing all necessary documents.
- 3.3. Two representations in objection to the Article 4 Direction have been received in response to public consultation. Both objections were received by representatives of the auction house. These are summarised as follows:
 - The Direction represents a disproportionate, insufficiently evidenced, and unjustified interference with granted permitted development rights.

- The objector fails to see how this direction is for a public benefit or how development, permitted under the permitted development rights this direction seeks to remove, harms amenity given the land is entirely privately owned with no public rights.
- The notice itself only notes categories of development removed from permitted development rights but provides no evidence of specific planning harm; environmental damage; highway danger; heritage impact; landscape degradation; and or amenity impacts arising from the exercise of those rights.
- The restrictions implemented detrimentally prohibit standard uses to operate for its assigned purpose, agriculture.
- The Direction appears drafted in an indiscriminate and hypothetical manner rather than as a targeted planning control responding to identified harm. There is no actual harm or even evidence of potential harm. The blanket withdrawal of rights across multiple classes strongly suggests administrative overreach rather than evidence-led decision making.
- The objector feels that if specific breaches of planning control or unacceptable land uses were occurring, the appropriate response would have been to follow the standard enforcement procedure.
- The objector feels that an immediate direction is intended for circumstances where there is an urgent and demonstrable threat of serious harm. The objector feels that there is not and that no such urgency has been identified or evidenced within the notice and that no such evidence is and will be available.
- The generalised references to Green Belt, character and heritage are irrelevant in the absence of any actual or proposed development.
- The report does not address the fundamental absence of evidence required to justify the Direction.
- The Direction is based entirely on speculation as to what future purchasers might do.

A copy of all responses is included at [Appendix 2](#).

4. Considerations

Background to Enforcement Case

- 4.1. Planning enforcement received notification from a Councillor that the owner of this site appeared to be subdividing this land into smaller plots and was marketing this land to be sold at auction. The Councillor stated that a resident had provided them with a plan and that the resident had confirmed with the auction house that four plots had already been sold at that time. The Councillor requested that, given the above information, the Council consider implementing an Article 4 Direction on this land.

4.2. The first inspection of this site was undertaken on 17 April 2026. At the time of this inspection, the land was free of development and did not appear to have an active agricultural use.

4.3. Since the planning enforcement team became aware of the sale of the land, the auction house website has been monitored. It has been seen on numerous occasions that there are plots of land within the site advertised for auction. An 'On Site Sales Cabin' in the form of a shipping container has also been imported onto the land. The Council have also received a request for planning advice from a prospective purchaser of one the subdivided plots.

4.4. There is public interest in the Article 4 Direction.

Article 4 Directions

4.5. An Article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

4.6. Officers were content that an immediate Direction was justified as the land had been sold at auction as numerous plots and as a result there was now a threat of fences, hardsurfacing or temporary structures being erected or placed on the site. The Council also received several enquiries regarding alternative uses of this land and subsequent potential development.

4.7. The Direction removes permitted development rights for:

- the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure,
- the formation, laying out and construction of a means of access to a highway,
- the provision of buildings, moveable structures, works, plant or machinery required temporarily in connection with & for the duration of operations being or to be carried out on, in, under or over the land or on adjoining land,
- the use of any land for any purpose other than agriculture,
- the use of land as a recreational campsite.

4.8. In accordance with paragraph 3.4.7.23 of the constitution, the recommendation to confirm the Article 4 Direction is referred to the Planning Committee.

4.9. The Immediate Direction remains in place until 30 October 2026, after that, if not confirmed, it ceases to prevent permitted developments listed above.

Planning Considerations

4.10. Strategic Policy S1 of the Chelmsford Local Plan states that development must protect the Green Belt and respect the character and appearance of landscapes and the built environment.

- 4.11. Strategic Policy S4 of the Chelmsford Local Plan states that the Council are committed to the conservation and enhancement of the natural environment.
- 4.12. Part A of Strategic Policy S11 of the Chelmsford Local Plan states that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt and that inappropriate development will not be approved except in very special circumstances.
- 4.13. Part B of Policy DM10 of the Chelmsford Local Plan states that engineering operations will be permitted within the Green Belt where they preserve openness and do not harm the character and appearance of the area.
- 4.14. Policy DM23 of the Chelmsford Local Plan states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- 4.15. Part A of Policy DM13 of the Chelmsford Local Plan states that the Council will take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities, local character and distinctiveness.
- 4.16. Part B of Policy DM13 of the Chelmsford Local Plan states that the Council will preserve Listed Buildings and will permit proposals where development within the setting of a listed building would not adversely affect the significance of the listed building, including views to and from the building, landscape or townscape character, land use and historic associations.
- 4.17. Part A of Policy DM18 of the Chelmsford Local Plan states that Planning permission for all types of development will only be granted where: it can be demonstrated that the site is safe from all types of flooding, either because of existing site conditions or through flood risk management from the development, now and for the lifetime of the development; and it does not worsen flood risk elsewhere.

Justification for Article 4 Direction

- 4.18. The land can only lawfully be used for agricultural purposes. Part 6 of the Town and Country Planning (General Permitted Development) Order permits agricultural or forestry development which falls within the stated criteria. No agricultural activity is currently taking place on the land. It should be noted that the Article 4 Direction did not remove permitted development rights for agricultural development (Part 6).
- 4.19. Given the way in which the land was divided and sold, it is reasonable that any future purchaser may seek to pursue development on the land. With this in mind, it is likely that any future owner of a parcel may carry out development as a precursor to more permanent

development, such as in the form of the erection of fencing and other enclosures, the creation of access roads, the stationing of movable structures and machinery and the use of the land for temporary uses.

- 4.20. Such development, given the subdivision of the land, would likely harm the rural character and appearance of the area. Such development would artificially break up a wider field into smaller, alien parcels which do not follow natural landscaping features (such as field boundaries). The potentially piecemeal and artificial layout of parcel development would be harmful to the openness of the Green Belt as it would represent sprawl of urbanising development across the countryside.
- 4.21. Whilst the subdivision of land itself is not development, the creation and sale of numerous small parcels is commonly associated with incremental "urbanising" features such as boundary treatments, private accesses, storage areas, parked vehicles, incidental structures and non-agricultural activities. Such piecemeal encroachment has the potential to undermine openness and conflict with the fundamental aim of Green Belt policy of preventing urban sprawl and safeguarding the countryside from encroachment.
- 4.22. Due to the position of the site in close proximity to heritage assets, development of the parcels using permitted development rights could cause harm to the neighbouring listed buildings. The site's open agricultural character forms part of the setting in which the nearby listed buildings are experienced. Incremental subdivision of the land, erection of fencing, formation of accesses and introduction of structures could erode that rural setting and diminish the contribution made by the surrounding landscape to the significance of the heritage assets.
- 4.23. Parts of the land are also at risk from surface water flooding. Any development on the land permitted, particularly hardstanding, could also increase the risk of flooding.
- 4.24. It was therefore considered expedient that an Article Four Direction, were made to remove permitted development rights as described above.

Response to Matters Raised

- 4.25. Regarding the objector's concerns that the Immediate Direction lacks justification and evidence; following receipt of this objection, the objector was provided with a copy of the Article 4 Direction Enforcement report.
- 4.26. The objector's view is that development, permitted under the permitted development rights this direction seeks to remove, would not harm local amenity. However, were this development to occur, it would conflict with a number of local planning policies, as can be seen in 'Planning Considerations' regarding flooding, the protection of heritage assets and the preservation of the openness of the Green Belt.
- 4.27. The objector has raised concerns that the restrictions implemented by the Immediate Direction detrimentally prohibit standard uses to operate for its assigned purpose,

agriculture. However, this Direction does not seek to remove any permitted development rights within Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015, which sets out the permitted development rights for agricultural and forestry sites. Therefore, it is of the view of the Council that this Direction does not restrict the lands use as an agricultural site.

- 4.28. The objector believes that Direction appears drafted in a hypothetical manner rather than as a targeted planning control responding to identified harm and that there is no actual harm or even evidence of potential harm.
- 4.29. It is also of the view of the objector that an immediate direction is intended for circumstances where there is an urgent and demonstrable threat of serious harm and that there is not and that no such urgency has been identified or evidenced within the notice and that no such evidence is and will be available.
- 4.30. However, on 20 April 2026, ten days before the Immediate Direction was served on the land, the Council received a request for pre application advice from a prospective purchaser who was interested in buying the plot and wished to “erect a small barn or unit”. Officers advised that the construction of a storage barn would require planning permission and may not be appropriate within the Green Belt.
- 4.31. The Council also received a telephone call from a landowner enquiring about the Direction as they wished to erect fencing around the plot of land which they had purchased.
- 4.32. Furthermore, on 5 August 2026, the Council received a request for pre application advice for the “erection of a new sports facility, to include a pitch, pavilion and associated facilities and landscaping”.
- 4.33. Given that the Council have received a number of enquiries regarding the development of the land and a range of development, it would appear that there is a real threat of this land being subdivided and fences or temporary structures being erected in order to subdivide this land.
- 4.34. It is the objector’s view that if specific breaches of planning control or unacceptable land uses were occurring, the appropriate response would have been to follow the standard enforcement procedure. However, it is of the view of the Council that this Article 4 Direction is necessary to prevent development from occurring which is otherwise permitted and has the potential to be harmful to the land as enforcement action cannot be taken against development which benefits from the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.35. An Article 4 Direction is necessary because enforcement powers cannot be used to prevent development which benefits from permitted development rights. If fencing, means of access, temporary structures or temporary uses were carried out under permitted development rights, no breach of planning control would occur and the Council would have no power to intervene. The purpose of the Direction is therefore preventative, ensuring that

development capable of causing harm to the openness of the Green Belt and rural character of the area is first subject to planning assessment.

4.36. After receiving a copy of the Article 4 Direction Enforcement report, the objector stated that the “generalised references to Green Belt, character or heritage are irrelevant in the absence of any actual or proposed development”.

4.37. The report contained the relevant local and national planning policies, which can be seen above in ‘Planning Considerations’, and these were further justified throughout the report. Furthermore, as stated above, the Council have received requests for pre-application advice which indicates intention to develop the land and evidences that a site-wide Article 4 Direction remains necessary.

4.38. Officer’s concerns are not based solely upon hypothetical future development. Evidence available includes:

- subdivision of the field into multiple plots;
- continued marketing and sale of individual plots;
- installation of a sales cabin on the land;
- enquiries regarding fencing of purchased plots;
- a pre-application enquiry relating to a barn/unit;
- a subsequent pre-application enquiry relating to a sports facility.

Taken together, these matters demonstrate a genuine likelihood of future development proposals and therefore provide a robust evidential basis for the Direction.

4.39. The Direction has been carefully limited to those permitted development rights which Officers consider present the greatest risk of incremental change to the character and openness of the site. It does not remove agricultural permitted development rights contained within Part 6 of Schedule 2 to the GPDO and therefore does not prevent the lawful agricultural use and management of the land.

4.40. The fact that land is privately owned does not mean development on it cannot affect public amenity. Green Belt openness, landscape character, heritage settings and visual appearance are planning considerations which exist irrespective of land ownership or public access arrangements.

5. Conclusion

5.1. The Direction remains in place until 30th October 2026. It remains the Local Planning Authority’s view that it is necessary and justified to confirm the Article 4 Direction in the interests of the land’s location in the Green Belt, the prevailing rural character of the area and due to the land’s recent subdivision and advertisement for sale.

RECOMMENDATION

In accordance with 3.4.7.23 of the Chelmsford City Council Constitution, I recommend that the Article 4 Direction reference ART4/2026/1 relating to Land Rear Of Highfields, Writtle Road, Margaretting, Ingatstone be CONFIRMED.

SUMMARY OF RELEVANT ADOPTED PLANNING POLICIES:

Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.

Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.DM13

Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.

Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments

will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.

Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.

Background Papers

Case File

Appendix 1 – Made Article 4 Direction

ARTICLE FOUR DIRECTION RELATING TO LAND REAR OF HIGHFIELDS, WRITTLE ROAD, MARGARETTING, INGATESTONE



CHELMSFORD CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

Direction made under article 4 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with immediate effect

WHEREAS

1. Chelmsford City Council ("the Authority") is the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") in respect of the parcels of land described in the First Schedule below ("the Land").
2. The Authority is satisfied, pursuant to Article 4(1) of the Order, that it is expedient that the development of the description(s) set out in the Second Schedule below should not be carried on the Land unless planning permission is granted for it on an application made under Part III of the Town and Country Planning Act 1990 as amended. Furthermore, the Authority considers that the development to which this Direction relates would constitute a threat to the amenities of their area and that the provisions of paragraph 2 of Schedule 3 to the Order apply.

NOW THEREFORE the Authority in pursuance of the power conferred on it by article 4 (1) of the Order **DIRECTS THAT** the permission granted by article 3 of the Order shall not apply to development on the Land of the description(s) set out in the Second Schedule below.

THIS DIRECTION is made under article 4(1) of the Order and, in accordance with paragraphs 2(5) and (6) of Schedule 3 to the Order, shall come into force in respect of any part of the Land to which it relates on the date on which notice of the making of the Direction is served on the occupier of that part of the Land or, if there is no occupier, the owner or if paragraph 1(2) of the Order applies, on the date when the notice is first published or displayed in accordance with paragraph 1(1) and shall remain in force for a period of six months beginning on the date that it came into force and shall then expire unless before the end of the said six months period it has been confirmed by the Authority in accordance with paragraphs 1(9) and (10) to Schedule 3 to the Order.

FIRST SCHEDULE

(Land to which this article 4 Direction relates)

The parcel of open land Rear Of Highfields, Writtle Road, Margaretting, Ingatestone, shown outlined in red on the attached plan.

SECOND SCHEDULE

(Description(s) of development to which this article 4 Direction relates)

SCHEDULE 2; PART 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**MINOR OPERATIONS****Class A**

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

Class B

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

SCHEDULE 2; PART 4 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**TEMPORARY BUILDINGS AND USES****Class A**

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Class B

The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of —

(a) the holding of a market

(b) motor car and motorcycle racing including trials of speed, and practising for these activities.

Class BC

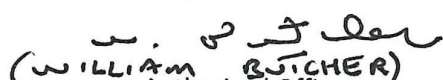
Development consisting of—

- (a) the use of any land as a recreational campsite for not more than 60 days in total in any calendar year; and
- (b) the provision on such land of—
- (i) not more than 50 pitches; and
 - (ii) any moveable structure reasonably necessary for the purposes of the permitted use.

MADE UNDER THE COMMON SEAL
of CHELMSFORD CITY COUNCIL
this 30th day of April 2026

The COMMON SEAL OF CHELMSFORD CITY
COUNCIL was hereunto affixed the presence of: -



~~Mayor~~ W.B.

(WILLIAM BUTCHER)
Authorised Officer

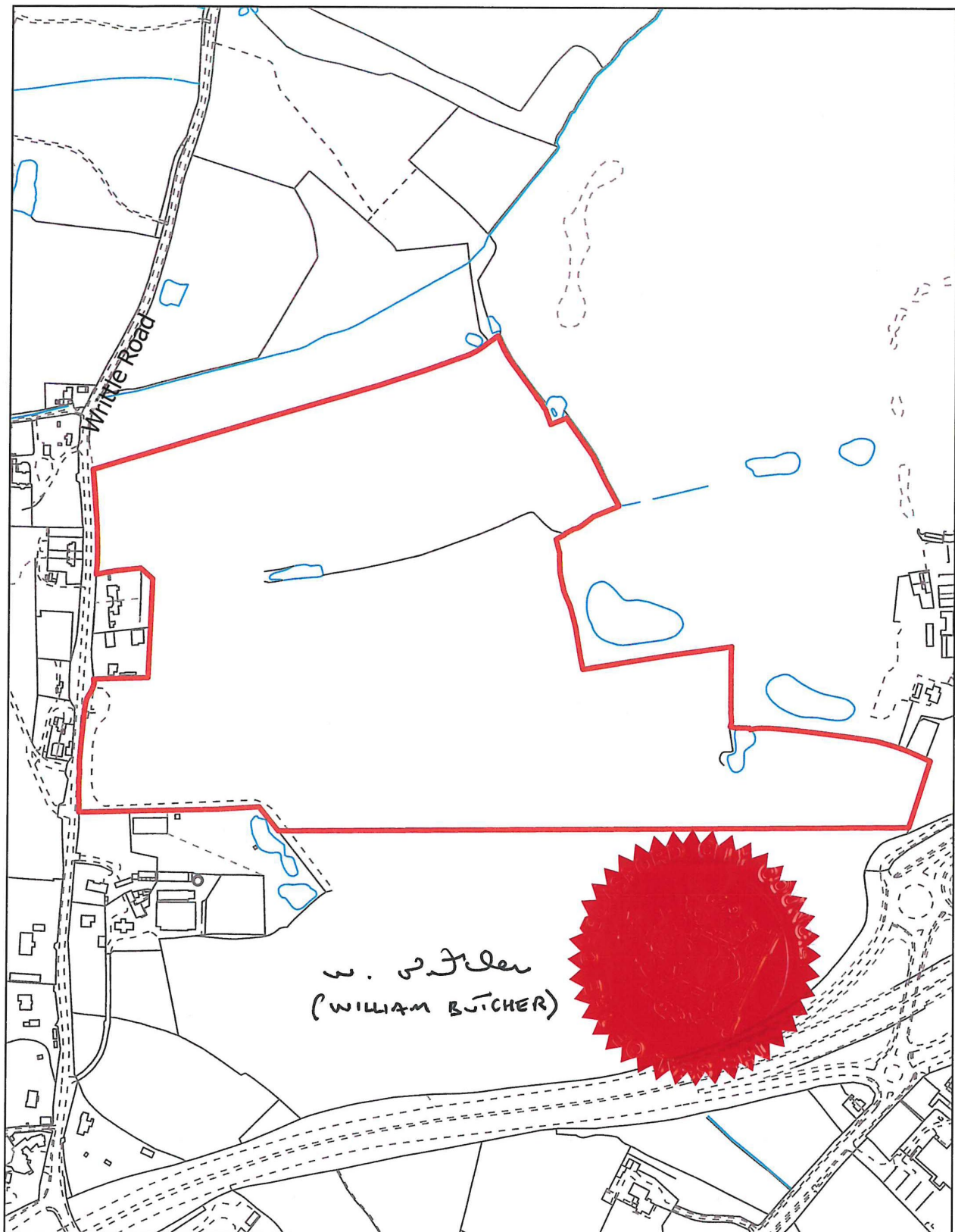
CONFIRMED (without modification) UNDER THE
COMMON SEAL OF CHELMSFORD CITY COUNCIL
this day of 2026



The COMMON SEAL OF CHELMSFORD CITY
COUNCIL was hereunto affixed the presence of: -

Mayor

Authorised Officer



0 1,500 3,000 6,000 Metres

Scale: 1:5,000



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**Planning & Development Management
Directorate for Sustainable Communities**

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Appendix 2 – Consultations

Objection 1 - Received 8 May 2026

Dear Sirs

We are instructed on behalf of our client, Ingatestone Investments Ltd and write to formally object to the Immediate Article 4 Direction made on 30 April 2026 affecting land rear of Highfields, Writtle Road, Margaretting and shown on the plan attached to the sealed direction.

The Direction represents a disproportionate, insufficiently evidenced, and unjustified interference with granted permitted development rights.

The National Planning Policy Framework (“NPPF”) and Planning Practice Guidance (“PPG”) are clear that Article 4 Directions should be used only in exceptional circumstances where it is necessary to protect local amenity or the wellbeing of an area.

Government guidance further states that:

- Article 4 Directions must be based on robust evidence; and
- They should be limited to situations where permitted development would cause wholly unacceptable adverse impacts.

The Council has failed to demonstrate compliance with any of these tests or provide any evidence as to why they have made this immediate adverse decision against the property. We fail to see how this direction is for a public benefit or harms amenity given the land is entirely privately owned with no public rights.

The notice itself only notes categories of development removed from permitted development rights but provides no evidence whatsoever of:

- specific planning harm;
- environmental damage;
- highway danger;
- heritage impact;
- landscape degradation; and
- or amenity impacts arising from the exercise of those rights.

The absence of any published evidence base renders the Direction (we believe to be) misplaced, irrational and unable to stand up to any legal scrutiny.

This direction seeks to remove an extensive range of lawful rural land uses and required operational development rights, including:

- gates, fences and enclosures;
- means of access;
- temporary buildings and moveable structures;
- recreational land uses;
- motorsport activity; and
- temporary camping and caravan use.

The Council has failed to explain why such a sweeping restriction is necessary. This land is agricultural and the restrictions implemented detrimentally prohibit standard uses to operate for its assigned purpose.

The Direction appears drafted in an indiscriminate and hypothetical manner rather than as a targeted planning control responding to identified harm. There is no actual harm or even evidence of potential harm. The blanket withdrawal of rights across multiple classes strongly suggests administrative overreach rather than evidence-led decision making.

The PPG expressly discourages wide-area or blanket Article 4 controls absent compelling justification. No such justification is apparent here.

The Council already possesses extensive planning enforcement powers and in addition the land is already restricted due it being within the Greenbelt.

If specific breaches of planning control or unacceptable land uses were occurring, the appropriate response would have been to follow the standard enforcement procedure. However, again we must contend that there is no evidence of any actual or even potential breach of planning on this land.

Article 4 directions cannot be used as a substitute for proper enforcement or to pre-emptively suppress lawful permitted development rights because of speculative or hypothetical concerns regarding future land use.

The use of an Immediate Direction in these circumstances appears punitive and anticipatory rather than evidence based.

An immediate direction is intended for circumstances where there is an urgent and demonstrable threat of serious harm. Which there is not. No such urgency has been identified or evidenced within the notice. No such evidence is and will be available.

The notices absence of any evidence or mention of emergency, imminent threat, or exceptional planning harm indicates that the statutory threshold for an immediate direction or any direction has not been satisfied.

The council's failure to explain why non-immediate procedures were inadequate is a serious procedural and substantive defect. The only information on the order is that a hypothetical development "would constitute a threat to the amenities of their area." What amenities are at threat, this is private agricultural land there is no actual or potential local amenity at threat here.

The permitted development rights which the council seek to restrict are nationally conferred rights forming part of the statutory planning framework. The withdrawal of those rights without justification interferes with our clients' reasonable rural land management and peaceful enjoyment of property.

No proportionality assessment appears to have been undertaken or published.

Our client is therefore deprived of any opportunity to understand or respond to the evidential basis for the proposal.

This raises serious concerns regarding procedural fairness and transparency.

Conclusion

The Direction is unsupported by evidence, procedurally deficient, too broad, inconsistent with national policy and guidance and disproportionate in its interference with lawful permitted development rights.

The Council has failed to demonstrate that the statutory and policy tests for confirmation of an Immediate Article 4 Direction have been met.

Accordingly, the Direction should be immediately withdrawn forthwith.

In the alternative, the Council should substantially narrow the scope of the Direction to those specific forms of development, which you have clear evidence of an actual intent to breach planning or demonstratable harm to local amenities.

We look forward to hearing from you,

Burlingtons Group Limited.

Objection 2 Received 9 June 2026

Dear Sirs

We refer to your further correspondence and continue to act on behalf of our client Ingatestone Investments Ltd. Our client's position remains unchanged from the correspondence dated 8 May 2026.

The Immediate Article 4 Direction is legally defective. Neither your latest email nor the enforcement report (Ref: 26/00099/ENFA), begin to address the fundamental absence of evidence required to justify the Direction.

No evidence of any threat to amenity

The Direction is premised on an alleged "*threat to the amenities of the area*". No site-specific or evidence-based harm is identified. Generalised references to Green Belt, character or heritage are irrelevant in the absence of any actual or proposed development. The removal of notices is legally irrelevant and cannot form part of any justification. Likewise, your attempt to rely on the presence of a container is misconceived.

The container – no planning justification and irrelevant to Article 4

The container referenced in your email does not provide any lawful basis for the Direction. If and to the extent the Council considers it raises planning issues, those are properly matters for the exercise of existing enforcement powers. They do not justify the blanket withdrawal of permitted development rights across multiple classes.

Your request for detailed information regarding the container is noted. However:

- there is no legal basis requiring the provision of such information in the context of an Article 4 Direction;

- the presence of the container does not engage the permitted development rights which the Direction seeks to remove; and
- it is plainly being relied upon as a pretext to support an otherwise unsubstantiated and speculative intervention.

For the avoidance of doubt, the container is ancillary to the lawful use, security and marketing of the land. It does not give rise to any identified or evidenced planning harm.

No development / improper speculation

Your own report confirms the land remains undeveloped and no planning proposals exist. The Direction is therefore based entirely on speculation as to what future purchasers might do. That is not a lawful basis for the use of Article 4 powers a direction must be supported by clear factual evidence, with a real risk of harm displayed – as determined by this correspondence this is clearly not the case.

No basis for an immediate direction

There is no evidence of urgency, imminent development, or risk of irreversible harm. The use of an Immediate Direction is unjustified; and the commercial considerations of our client do not act in contravention of Article 4.

Disproportionate and unlawful scope

The Direction imposes a blanket restriction across multiple classes without identifying any specific harm arising from those classes. It is excessive, untargeted and unlawful.

Conclusion and position

The Direction is unsupported by evidence, procedurally flawed, and unlawful. It should be immediately withdrawn. For the avoidance of doubt, our client will not tolerate any further interference with the lawful use, security or sale of the land. This includes any attempt to challenge or disrupt the presence of the container or any associated site activity.

If the Council takes, or threatens, any such action without lawful basis, our client will seek immediate injunctive relief without further notice, together with recovery of costs.

We strongly advise that the Council reconsiders its position in light of this email.

Burlingtons Group Limited.

