



Cabinet

Tuesday, 9 September 2025

**Confirmation of Rushcliffe Borough Council (67-69
Loughborough Road and 2A Patrick Road, West Bridgford)
Article 4(1) Direction**

Report of the Director Development and Economic Growth

Cabinet Portfolio Holder for Planning, Councillor Roger Upton

1. Purpose of report

- 1.1. On 19 May 2025 the Council made a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) with the effect of revoking a permitted development right otherwise granted by that Order for demolition of buildings subject to prior approval (Appendix 1 – Sealed Direction). This was a temporary direction made without advance notice for a period of 6 months to allow time for public consultation ahead of a decision on whether to confirm the direction, giving it permanent effect. The direction applies to three buildings, being Grafton House, Welbeck House, both located on Loughborough Road, and the neighbouring property at 2A Patrick Road.
- 1.2. Owing to the threat of demolition and short timescales on a prior approval application submitted by the owners of two of the properties (Grafton House and Welbeck House), the making of the initial Direction was authorised under the scheme of delegation by the Director Development and Economic Growth. As such this matter has not been previously reported to Cabinet.
- 1.3. This report is brought before Cabinet to consider whether the Council should now confirm the direction, removing the permitted development right for demolition permanently in respect of these properties. If the direction is not confirmed prior to 20 November 2025, i.e. six months after it was made, it will lapse unless a decision is taken to withdraw the direction sooner.

2. Recommendation

It is RECOMMENDED that Cabinet confirm the Rushcliffe Borough Council (67-69 Loughborough Road and 2A Patrick Road, West Bridgford) Article 4(1) Direction 20 May 2025 giving it ongoing effect in revoking permitted development rights for demolition under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) until such time as it be withdrawn.

3. Reasons for Recommendation

- 3.1. The owners of Grafton House and Welbeck House had made an application to demolish the properties utilising permitted development rights under Schedule 2, Part 11, Class B of the GPDO (Reference: 25/00794/DEMOL). The owners made this application despite having no approved plans for the future of the site as a previous planning application (Reference: 24/01261/FUL) for demolition and redevelopment had been refused. Whilst an appeal against that refusal of planning permission has now been submitted to the Secretary of State at the time that the prior approval for demolition was submitted to the Council and the Direction under Article 4 was first made, no such appeal had been lodged.
- 3.2. The Council as Local Planning Authority (LPA) was concerned that the buildings could be demolished without any secured and appropriate scheme for the redevelopment of the site. Had the Council been obliged to grant prior approval then the buildings could be demolished even if the subsequently submitted appeal failed.
- 3.3. The submission of an application for prior approval for demolition, demonstrated to the LPA that these buildings faced an imminent threat of demolition. This group of buildings occupy a prominent site in accessing West Bridgford at the junction of Loughborough Road, Melton Road and Wilford Lane and are Non-Designated Heritage Assets. The loss of Heritage assets, including Non-Designated Heritage Assets (NDAs), is addressed at paragraph 217 of the National Planning Policy Framework (NPPF), where it is stated that local planning authorities should not permit their loss, in whole or in part, without taking all reasonable steps to ensure the new development will proceed after loss has occurred.
- 3.4. When determining prior approval applications for demolition of buildings, the LPA is only permitted to consider the method of demolition and post-demolition remediation of the site. The only way to avoid allowing the demolition of these buildings with no plan in place to redevelop the site, and therefore no way for the LPA to ensure that redevelopment took place, was to take action to revoke the relevant permitted development right. Confirmation of the Article 4 direction will ensure the buildings continue to benefit from ongoing protection against demolition.

4. Supporting Information

- 4.1. In July 2024 a planning application was submitted proposing the demolition of both Grafton House (67 Loughborough Road) and Welbeck House (69 Loughborough Road) and the redevelopment of the site with a 32 unit apartment block (Reference: 24/01261/FUL – Decision Notice included as Appendix 2).
- 4.2. The application was refused in February 2025 on a number of grounds, summarised as:
 - Substantial harmful effect on the significance of Grafton House and Welbeck house as Non- Designated Heritage Assets including harm to their group value

- Remaining reasons related to the replacement proposals rather than the loss of the existing, these can be found summarised in Appendix 1.
- 4.3. Following this refusal of planning permission for the demolition of these buildings and the redevelopment of the site, a prior approval application for the demolition of the buildings via permitted development rights within Schedule 2, Part 11, Class B of the GPDO was submitted on 28 April 2025.
 - 4.4. There are limited considerations which the Council can take into account when determining such a submission, effectively limited to the method of demolition, primarily to ensure that the demolition work respects neighbouring amenity in respect of noise, dust, vibration and other matters, and the remediation of the site – the condition the site is left in following demolition to ensure that it does not pose a hazard or present harm to amenity.
 - 4.5. Such an application does not, however, allow the Council to consider the planning merits of demolition and as such it would not be possible to object to such an application on the basis of the loss of Grafton House or Welbeck House.
 - 4.6. When the full planning application was being considered the Council received some 124 objections from members of the public, all of whom gave addresses local to Nottingham, many of which raised concerns about the loss of character buildings, traditional architecture or loss of heritage which the demolition element of the proposal would cause. Beyond that, objections typically raised issues with the nature and design of the proposed replacement development.
 - 4.7. The Council identified Grafton and Welbeck House as Non-Designated Heritage Assets (NDAs), with the reason for refusal on 24/01261/FUL also referencing the wider value of the two properties as part of a group. Whilst the owners of Grafton House and Welbeck House have made submissions objecting to the Article 4 direction within that submission, they do not challenge the identification of the buildings as NDAs.
 - 4.8. Paragraph 217 of the NPPF states: *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”*.
 - 4.9. The submission of a prior approval application sought to demolish the buildings under the permitted development right for demolition (GPDO Schedule 2, Part 11, Class B) following the refusal of planning permission for the demolition and redevelopment could be considered to signal an intention on the part of the owner of Welbeck and Grafton House to demolish their buildings regardless of whether any plan was in place for what would happen to the site afterwards.
 - 4.10. At present there is no “new development” which can be undertaken as no scheme has the benefit of planning permission; the only scheme which has been presented to the Council has been refused planning permission. As such, had the Council not taken action to prevent the loss of these buildings as

permitted development by the use of an Article 4 direction, it would have failed to discharge its obligation under paragraph 217.

- 4.11. Under the circumstances, the only course of action which would avoid the loss of two NDAs with no appropriate scheme for the redevelopment of the site on the table was by revoking the permitted development right which would otherwise allow demolition via the prior approval route.
- 4.12. Paragraph 217 makes clear that local planning authorities should not permit the loss of a heritage asset, which would include non-designated heritage assets, without taking reasonable steps to ensure new development will proceed after loss has occurred. In this instance the Article 4 direction represents the only step that could be taken to avoid loss of the non-designated heritage assets without any plan for what happens next.
- 4.13. The NPPF also makes clear, at paragraph 202, that heritage assets, including non-designated assets, are an *“irreplaceable resource”*, and *“should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*.
- 4.14. Paragraph 54 of the NPPF discusses the use of Article 4 directions, and in situations where the direction does not seek to restrict permitted development rights which would otherwise allow a change of use to create dwellings the use of such directions should *“be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)”* and in all cases *“be based on robust evidence, and apply to the smallest geographical area possible”*.
- 4.15. Clearly from paragraph 217 and 202 the use of an Article 4 direction was necessary, in this instance, to protect an irreplaceable component of the local historic environment, which contributes to local amenity as a place with a distinctive identity and character. Demolition of a non-designated heritage asset would amount to total loss of its significance, and in this instance also a high degree of harm to the neighbouring 2A Patrick Road as part of the group which the 3 properties form. The Article 4 direction was drawn so as to only apply to the heritage assets at risk and those most immediately contributing to their added value as part of a small group in a highly prominent location adjacent a major road junction.
- 4.16. As such it is considered that the thread of policy within paragraph 54 has been met, the owners of Grafton and Welbeck House disagree and have objected to the making of the Article 4 Direction (Objection Letter included at Appendix 3) They suggest that the action was unnecessary, although they offer no clarification as to how the loss of an irreplaceable heritage asset could have been avoided without resort to an Article 4 direction, or why an Article 4 direction should be considered disproportionate such that the loss of the assets should have simply been accepted by the Council as unavoidable. They do not argue that the buildings are not heritage assets, indeed they agree that they are, nor do they suggest that there was no genuine threat to demolish the buildings. The

objection does not provide any information to refute the LPA's view that the decision to make the direction was based on robust evidence.

- 4.17. The direction was focused on three buildings, with those forming a distinct and focused group and being the examples most prominent of their type and status owing to their position adjacent to a busy road junction.
- 4.18. Buildings further south are modestly less detailed architecturally whilst also being both smaller and sitting within smaller plots. These examples whilst of a similar style and period are not considered to be of the same status or architectural quality.
- 4.19. Whilst there are similar properties in terms of scale, plot size and architectural character to the north they are separated by intervening modern development which keeps them separate from the group subject of the direction. As such it is considered that the direction is focused on the grandest examples in sizable plots in the most prominent and visible location.
- 4.20. The objector highlights the loss of domestic gardens, these being replaced with parking courtyards as part of the change to a commercial use as offices and suggests this has devalued the significance of these buildings as NDAs. However, the properties of similar scale and status further north have similarly lost their domestic gardens, being in similar commercial uses. Whilst properties further South are still mainly dwellings and do retain gardens these are, as mentioned previously, of smaller scale and more densely spaced than the buildings under consideration here. The loss of gardens would ultimately be reversible should there ever be a change of use back to residential and does not fundamentally undermine the ability to understand and appreciate the significance of the buildings as NDAs.
- 4.21. The owners of the building suggest that internal alterations have robbed the buildings of internal significance, however, whether or not this is the case is not relevant in the circumstances as internal works are not within the definition of 'development' and so do not fall within the scope of planning control.
- 4.22. Taking no action would have lead to the loss of heritage assets as an irreplaceable resource and would have demonstrated a failure to implement policy within paragraph 217 of the NPPF.
- 4.23. Following the making of the immediate Article 4 direction without notice, the Council has 6 months in which to undertake consultation with the building owners, occupants and the public and to then make a decision on whether or not to confirm the direction.
- 4.24. A period of statutory consultation was undertaken from 21 May 2025 (two site notices were erected and occupant letters were delivered by hand as well as notifications to Nottinghamshire County Council and the Secretary of State were sent electronically on 21 May, letters to building owners were posted via next day 'special delivery' on 20 May, and the press notice published in the Nottingham Post 22 May, on 21 May) to 19 June 2025 for the required minimum 21 day period.

- 4.25. The responses received have raised an issue in that some commenters appeared unclear as to whether they should select the 'object' option on the basis that they object to the loss of the buildings by demolition, or the 'support' option because they support the Article 4 Direction which will protect the buildings from demolition via permitted development. The majority of representations made written comments which clarify their position and where it is clear that the commenter objects to the loss of the buildings rather than the Article 4 direction these comments have been counted as 'support', indeed two commenters noted this issue and expressed that people clearly in support of the direction would not be counted as objecting simply because they appeared to have ticked the wrong box.
- 4.26. On this basis there are 83 comments in support of the direction (27 of whom selected 'object' but provided written comments which make it clear they object to demolition, not the Article 4 direction).
- 4.27. There was 1 comment against the Article 4 direction, that coming from a legal representative of one of the two companies which own Grafton and Welbeck House jointly. A copy of the objection letter is attached at Appendix 3.
- 4.28. There were 6 further comments which must be reported separately. 2 had ticked the "support" box and 3 had ticked the "object" box but had made no further comments. On the basis of the uncertainty of the tick box alone as to indicating the intention of the commenters, it is not considered safe to assume that all 3 objections were intended as objections, or that the 2 support comments can be reliably interpreted as intending support. One final comment was unclear as to its intention, the 'object' box was ticked and the comment "I really disagree with the proposed development" was made, unfortunately the Article 4 direction is not development, the only development which has been proposed for the site was the demolition of the buildings and redevelopment of the site proposed under the earlier planning application. As such this comment is considered to be unclear as to its intentions.
- 4.29. All commenters gave addresses within the Nottingham area.
- 4.30. In all the circumstances, it is considered that the Article 4 direction is necessary to protect local amenity or the well-being of the area and is based on robust evidence and limited to the smallest geographical area possible. By confirming the Article 4 direction, the demolition of any buildings within the area covered by the direction must be subject to a planning application process which includes the usual statutory consultation and is assessed against relevant local and national policy.
- 4.31. If in future, the Council decides the Article 4 is no longer necessary, then it can take steps to modify or cancel the Article 4 direction.

5. Alternative options considered and reasons for rejection

- 5.1. Given that there is no alternative way to prevent the demolition of these important non-designated heritage assets without utilising a direction under

Article 4 of the GPDO the only alternative to be considered would be taking no action to confirm the order, allowing the potential demolition of Welbeck House and Grafton House without any plans in place for the future redevelopment of their sites. This would result in complete loss of their significance as non-designated heritage assets and also result in a diminution of the significance of 2A Patrick Road as the then sole remaining member of the immediate group of similar properties.

- 5.2. The only alternative would be to do nothing and allow the loss of two non-designated heritage assets and the reduction of the significance of the group of which they form part, contrary to national planning policy. This is not considered to be an appropriate course of action hence the recommendation is to confirm the direction.

6. Risks and Uncertainties

- 6.1. The main risks are that the owners of the properties in having their permitted development right removed would seek judicial review of the Council's decision to make the direction (covered under Legal Implications) or apply for compensation (covered under Financial Implications).
- 6.2. Beyond these matters there would be no other risks or uncertainties arising from the recommendation.

7. Implications

7.1. Financial Implications

There are limited financial implications in the making of an Article 4 direction beyond the costs of officer time, postage for notifications and a fee for the requisite press notice.

There is a potential for the owners to seek compensation for costs directly associated with the impacts of the direction. The Council considers this to be a low risk.

7.2. Legal Implications

There is no right of appeal against the decision of an LPA to confirm an Article 4 Direction but that decision can be subject to challenge by way of judicial review, in line with usual public law considerations.

7.3. Equalities Implications

The Article 4 Direction would have no adverse implications for the business use and occupants of Welbeck House and Granthem House, nor would there be any adverse implications for the residential occupants of 2A Patrick Road as the Article 4 Direction would not interfere with the continuation of such uses.

The only real impact on these occupants would be greater certainty about the future of the buildings which they occupy.

The removal of permitted development rights would not prevent renovations and maintenance of the 3 buildings and would only mean that plans to demolish the buildings would be subject to the scrutiny of a full planning application, rather than the limited assessment that prior approval provides.

This may delay any plans for the demolition of buildings, however any subsequent re-use or redevelopment of the land would require planning permission in any event such that any delay created by the direction would be minor at most.

It is not considered that these impacts would have any greater impact on any particular social or cultural group and as such these implications are not considered to equate to equalities impacts.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are not considered to be any adverse implications of confirming the Direction in terms of crime or disorder. It could be argued that if the buildings were demolished via permitted development and their site subsequently left vacant for a protracted period whilst permission is secured for some alternative use or redevelopment the vacant site could attract anti-social behaviour. In that sense the confirmation of the direction has potentially positive implications on crime and disorder issues locally.

7.5. Biodiversity Net Gain Implications

There would be no biodiversity net gain implications arising from the recommendation within this report.

8. Link to Corporate Priorities

The Environment	The buildings subject of the Direction are identified as non-designated heritage assets – considered to represent an ‘irreplaceable resource’ within national planning policy. With the proposal for demolition under prior approval the recommended confirmation of the direction is the only way to ensure they are retained and continue to make a positive contribution to the local built environment and/or to ensure that the quality of the existing development on site can be weighed into the planning balance when considering any future proposals for redevelopment.
Quality of Life	To the extent that the recommendation impacts upon quality of life those impacts would be through securing attractive and historically significant components of the local environment as above.
Efficient Services	There would be no implications, positive or negative, for efficiency of local services.
Sustainable Growth	By ensuring that the demolition of the existing buildings is controlled by the need for planning permission it can be

<p>ensured that any replacement development which might be approved in future makes an at least equal contribution to the quality of the local built environment and that any such approved development does take place promptly after demolition occurs as advised in paragraph 217 of the NPPF.</p>

9. Recommendations

It is RECOMMENDED that Cabinet confirm the Rushcliffe Borough Council (67-69 Loughborough Road and 2A Patrick Road, West Bridgford) Article 4(1) Direction 20 May 2025, giving it ongoing effect in revoking permitted development rights for demolition under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) until such time as it be withdrawn.

For more information contact:	James Bate Team Manager: Planning – Monitoring and Implementation 0115 914 8483 jbate@rushcliffe.gov.uk
Background papers available for Inspection:	Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015: Procedures for making Article 4(1) directions
List of appendices:	Appendix 1 – Sealed Direction - 20 May 2025 Appendix 2 – 24/01261/FUL Planning Decision Notice (Refusal) Appendix 3 – Objection Letter; Roythornes LLP on behalf of Rockwood Developments LTD Appendix 4 - Signed Delegated Report for Direction Under Article 4