


<b>Agenda Item No:</b>	7	
<b>Committee:</b>	Cabinet	
<b>Date:</b>	26 January 2026	
<b>Report Title:</b>	Immediate Article 4 Direction – Mud Walls in Whittlesey	

## 1 Purpose / Summary

- 1.1 The purpose of this report is to seek Cabinet approval to make an Immediate Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) covering the wards of Whittlesey East and Villages, Whittlesey Lattersey, Whittlesey North-West and Whittlesey South. The Direction would remove permitted development rights that currently allow for the demolition, removal, or alteration of traditional mud walls without planning permission. The report also seeks approval to delegate responsibility for consultation, implementation, and confirmation of the Direction to the Corporate Director and Monitoring Officer, in consultation with the relevant Portfolio Holder.
- 1.2 Traditional mud walls are a distinctive and increasingly rare feature of Whittlesey's historic environment. Constructed using local materials and vernacular techniques, they make an important contribution to the town's character, sense of place, and historic identity. While a small number of walls benefit from statutory listing, many remain unprotected and are vulnerable to incremental loss through permitted development rights.
- 1.3 In September 2022, Cabinet resolved to approve consultation on the introduction of an Article 4 Direction to provide additional protection for mud walls in Whittlesey. That consultation was not progressed at the time. Since then, there have been changes in staffing and responsibilities, together with the need to review and update the evidence base. A recent reassessment of the extent, condition, and vulnerability of the remaining mud walls has confirmed that the issues identified in 2022 remain and that the risk of further loss has increased over time.
- 1.4 Given the passage of time and the updated evidence, it is considered appropriate to return to Cabinet to seek a refreshed mandate and establish a clear delegation pathway to enable timely action. An Immediate Article 4 Direction is proposed to prevent further loss while consultation is undertaken. The Direction would not prevent development but would ensure that proposals affecting mud walls are subject to planning control, allowing their significance to be properly assessed and managed.

## 2 Key Issues

- 2.1 The principal issue is the continued vulnerability of Whittlesey's traditional mud walls to loss or inappropriate alteration. Existing planning controls do not provide consistent protection, particularly where walls are not listed or fall outside conservation areas. As a result, demolition or removal can lawfully

take place without planning permission, leading to incremental and irreversible harm to local character.

- 2.2 Recent reassessment has confirmed that the number of surviving mud walls has continued to decline and that those which remain are increasingly fragile. Once lost, these structures cannot be readily replaced, and their cumulative erosion undermines the distinctive historic identity of Whittlesey.
- 2.3 An Article 4 Direction offers a targeted and proportionate response by removing specific permitted development rights while retaining flexibility through the planning application process. An Immediate Direction is considered necessary to ensure that further loss does not occur during the consultation period and to give effect to the Council's long-standing intention to provide greater protection for these assets.
- 2.4 The report therefore seeks to move from principle to implementation by clarifying governance arrangements, updating the evidence base, and securing Cabinet approval to act without further delay.

### **3 Recommendations**

- 3.1 That Cabinet:
- Approve the making of an Immediate Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), having immediate effect within the Wards of Whittlesey East and Villages, Whittlesey Lattersey, Whittlesey North-West and Whittlesey South, to remove permitted development rights that currently allow for the demolition, removal, or alteration of traditional mud walls without planning permission.
  - Delegate the implementation of the consultation process and final confirmation of the Immediate Article 4 Direction to the Corporate Director & Monitoring Officer in consultation with the relevant Portfolio Holder.

Wards Affected	Whittlesey East and Villages; Whittlesey Lattersey; Whittlesey North-West; and Whittlesey South
Forward Plan Reference	KEY/15DEC25/01
Portfolio Holder(s)	Councillor Dee Laws - Portfolio Holder for Building Control, Flooding, IDBs & Planning
Report Originator(s)	Kirsty Paul – Planning Policy Manager
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Background Papers	Cabinet report – Proposed Mud Walls Article 4 Direction for Whittlesey – 05.09.22 <a href="#">Report.pdf</a>
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## 4 BACKGROUND AND INTENDED OUTCOMES

- 4.1 Whittlesey contains a nationally rare and locally distinctive group of traditional mud walls, constructed using locally sourced clay mixed with straw and built in tapering layers without formwork. Typically set on stone or brick footings and protected by render and coping materials such as pantiles, boards, slate, or thatch, these walls reflect a vernacular construction tradition closely linked to the historic development of the town and its surrounding landscape.
- 4.2 Most Whittlesey's mud walls are thought to date from the late eighteenth and early nineteenth centuries, a period influenced by land enclosure, the subdivision of long burgage plots, and the imposition of taxes on bricks and other building materials. In this context, mud walling represented a practical and economical solution for defining property boundaries in an area where suitable clay was readily available and alternative materials were scarce or costly. Whittlesey is now the only location in Cambridgeshire where a surviving tradition of mud walling remains, with one additional example in the nearby settlement of Eastrea.
- 4.3 The number of surviving mud walls has declined significantly over time. Surveys undertaken in 1981 identified forty-two sections of wall. By 2016/17, this had reduced to twenty-eight, and further losses and deterioration have been identified since. It is estimated that approximately 570 metres of mud walling was lost between 1980 and 2017 alone. Recent reassessment has confirmed that many of the remaining walls are fragile, with evidence of collapse, loss of coping, inappropriate repairs, or gradual erosion.
- 4.4 Following a designation review by Historic England in 2021, five additional sections of mud wall were listed, bringing the total number of Grade II listed mud walls in Whittlesey to seven. This means that twenty-one surviving sections remain with little or no formal protection. While these walls are recognised as important within the Whittlesey Conservation Area Management Plan and the emerging Neighbourhood Plan, existing planning controls do not consistently apply to all walls, particularly where they fall outside conservation areas or below relevant height thresholds.
- 4.5 As a result, permitted development rights currently allow for the demolition, removal, or alteration of mud walls in certain circumstances without the need for planning permission. This has enabled incremental and irreversible loss over time, often through replacement with modern boundary treatments that do not reflect the historic character of the area. Once lost, mud walls cannot readily be replaced, and their cumulative erosion undermines the distinctive identity of Whittlesey.
- 4.6 Local planning policy supports intervention. Policy LP18 of the Fenland Local Plan seeks to protect and enhance the historic environment, including using Article 4 Directions where appropriate. Policy 8 of the Whittlesey Neighbourhood Plan and the Whittlesey Conservation Area Management Plan both recognise the importance of mud walls and explicitly support the use of

planning controls to prevent their demolition and encourage appropriate repair.

- 4.7 An Article 4 Direction provides a targeted and proportionate mechanism to address this issue by removing specific permitted development rights while still allowing development to proceed subject to planning consideration. The effect of the Direction would not be to prohibit works, but to ensure that proposals affecting mud walls are assessed through the planning process, enabling the Council to consider their heritage significance and secure appropriate outcomes where works are justified.
- 4.8 The intended outcome of this report is to give effect to the Council's long-standing objective of protecting Whittlesey's mud walls by introducing an Immediate Article 4 Direction. This will prevent further loss while consultation is undertaken, provide a consistent and transparent decision-making framework, and support the long-term conservation of a unique and irreplaceable element of Whittlesey's historic environment.

## **5 REASONS FOR RECOMMENDATIONS**

- 5.1 The Council has a statutory duty to protect and enhance the historic environment. Whittlesey's traditional mud walls are a distinctive and irreplaceable element of the town's heritage, and their continued loss would result in permanent harm to local character and sense of place. The updated assessment confirms that many surviving walls remain vulnerable and that existing planning controls do not provide consistent or adequate protection.
- 5.2 The use of an Article 4 Direction is supported by national and local planning policy. Policy LP18 of the Fenland Local Plan encourages the use of Article 4 Directions where appropriate to prevent unsympathetic alterations affecting heritage assets. The Whittlesey Conservation Area Management Plan and Policy 8 of the Whittlesey Neighbourhood Plan both identify mud walls as important features and support the use of planning controls to prevent their demolition and encourage appropriate repair.
- 5.3 An Article 4 Direction represents a proportionate and targeted response. It does not prevent development but removes specific permitted development rights so that proposals affecting mud walls are subject to planning control. This allows the Council to properly assess the impact of proposed works, balance heritage considerations with other material planning matters, and grant permission where works are justified and appropriately designed.
- 5.4 An Immediate Article 4 Direction is considered necessary to prevent further loss while consultation is undertaken. Given the evidence of ongoing deterioration and incremental loss, a non-immediate Direction would leave mud walls exposed to continued harm during the notice period and would undermine the effectiveness of the intervention.

## **6 CONSULTATION**

- 6.1 In accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015, consultation on the Immediate Article 4 Direction will commence once the Direction has been made and is in effect, following the expiry of the call-in period.

- 6.2 The consultation period will run for 28 days. During this time, the Council will publicise the Direction in accordance with statutory requirements, including notification to affected owners and occupiers where reasonably practicable, publication of a notice in a local newspaper, display of site notices, and publication on the Council's website.
- 6.3 Representations received during the consultation period will be considered prior to a decision being made on whether to confirm the Direction. While there is no right of appeal against the making of an Article 4 Direction, the Council is required to have regard to all representations received before deciding whether to confirm, modify, or not confirm the Direction.
- 6.4 The Immediate Article 4 Direction will remain in force for up to six months unless confirmed by the Council within that period, in accordance with statutory requirements.

## **7 ALTERNATIVE OPTIONS CONSIDERED**

### *Reliance on existing planning controls (including taking no further action)*

- 7.1 Under existing legislation, the demolition of walls within a conservation area already requires planning permission where the wall is over 1 metre in height adjacent to a highway (including a public footpath or bridleway) or over 2 metres in height elsewhere. In addition, a small number of mud walls are statutorily listed and are therefore protected from demolition or alteration.
- 7.2 However, some of Whittlesey's mud walls fall outside these thresholds or are located outside conservation areas, meaning that permitted development rights continue to allow their demolition or removal without planning permission. Updated assessment confirms that reliance on existing controls has not prevented incremental loss over time. This option was therefore discounted as it would not provide consistent or comprehensive protection for the remaining mud walls.

### *Non-immediate Article 4 Direction*

- 7.3 A non-immediate Article 4 Direction would require a minimum 12-month notice period before permitted development rights could be withdrawn. During this period, permitted development rights would remain in force, allowing the demolition or removal of mud walls without planning permission in certain circumstances. Given the evidence of ongoing vulnerability, this option was discounted as it would expose mud walls to continued risk and undermine the effectiveness of the proposed intervention.

## **8 IMPLICATIONS**

- 8.1 Legal Implications
- 8.2 The Council has the power to make an Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Immediate Article 4 Direction is considered lawful, necessary, and proportionate to remove specified permitted development rights where their continued exercise would result in harm to local amenity and heritage significance.

- 8.3 As the Direction is made with immediate effect, there is a potential risk of compensation claims under section 108 of the Town and Country Planning Act 1990 if planning permission is refused or granted subject to conditions within 12 months of the Direction coming into force. This risk is considered limited and manageable, given the narrow scope of the Direction, the clear heritage justification, and the availability of appropriate development management discretion.
- 8.4 The Direction must be advertised in accordance with statutory requirements, served on affected owners and occupiers where reasonably practicable, and confirmed by the Council within six months of being made, otherwise it will cease to have effect. The Council must also have regard to any representations received prior to confirmation.
- 8.5 Subject to compliance with these procedural requirements, the Immediate Article 4 Direction is not considered to give rise to significant legal risk.

#### **8.6 Financial Implications**

- 8.7 The making and confirmation of the Immediate Article 4 Direction will have limited direct financial implications for the Council. Costs will primarily relate to statutory advertising, notification, and officer time associated with administering the Direction and considering representations received.
- 8.8 As the Direction is made with immediate effect, there is a potential risk of compensation claims under section 108 of the Town and Country Planning Act 1990 where planning permission is refused or granted subject to conditions within 12 months of the Direction coming into force. Any such risk is considered to be low and manageable, given the specific and targeted nature of the Direction, the strong heritage justification, and the Council's ability to assess proposals on a case-by-case basis.
- 8.9 There may be a minor increase in planning application submissions relating to works affecting mud walls; however, these can be accommodated within existing resources and, where applicable, offset by the receipt of planning application fees.
- 8.10 Overall, the financial impact of the Immediate Article 4 Direction is not anticipated to be significant.

#### **8.11 Equality Implications**

- 8.12 The Immediate Article 4 Direction applies uniformly across the Wards of Whittlesey East and Villages, Whittlesey Lattersey, Whittlesey North-West and Whittlesey South and does not target or disadvantage any individual or protected group. It relates solely to the control of specific types of development and does not restrict access to services or facilities. No adverse impacts on groups with protected characteristics, as defined by the Equality Act 2010, have been identified.

#### **8.13 Heritage and Cultural Implications**

- 8.14 The Direction will have a positive impact on heritage conservation by providing additional protection for Whittlesey's traditional mud walls, which contribute to local distinctiveness and historic character. It will enable

informed decision-making and help prevent incremental loss of non-designated heritage assets.

## **9 SCHEDULES**

Schedule 1: Mud Walls Immediate Article 4 Direction

**SCHEDULE 1**  
**IMMEDIATE ARTICLE 4 DIRECTION**

**IMMEDIATE ORDER**  
**02/02/2026**  
**FENLAND DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)**  
**(ENGLAND) ORDER 2015 (as amended)**

**MUD WALLS ARTICLE 4(1) DIRECTION 2026**  
**DIRECTION MADE UNDER ARTICLE 4 (1)**

WHEREAS Fenland District Council, being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the Order"), is satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown edged red on the attached plan and known as the Wards of Whittlesey East and Villages, Whittlesey Lattersey, Whittlesey North-West and Whittlesey South, in the district of Fenland, 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 it by Article 4(1) of the Order, hereby directs that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the Order and shall come into force immediately on 2 February 2026. The Direction shall remain in force for a period of six months from the date it comes into force and shall expire at the end of that period unless confirmed by the local planning authority in accordance with the requirements of the Order.

**SCHEDULE**

Development not permitted

Schedule 2, Part 11, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

C. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, insofar as it relates to the demolition, removal or alteration of traditional mud walls, including boundary walls and associated structures, within the area identified on the attached plan.

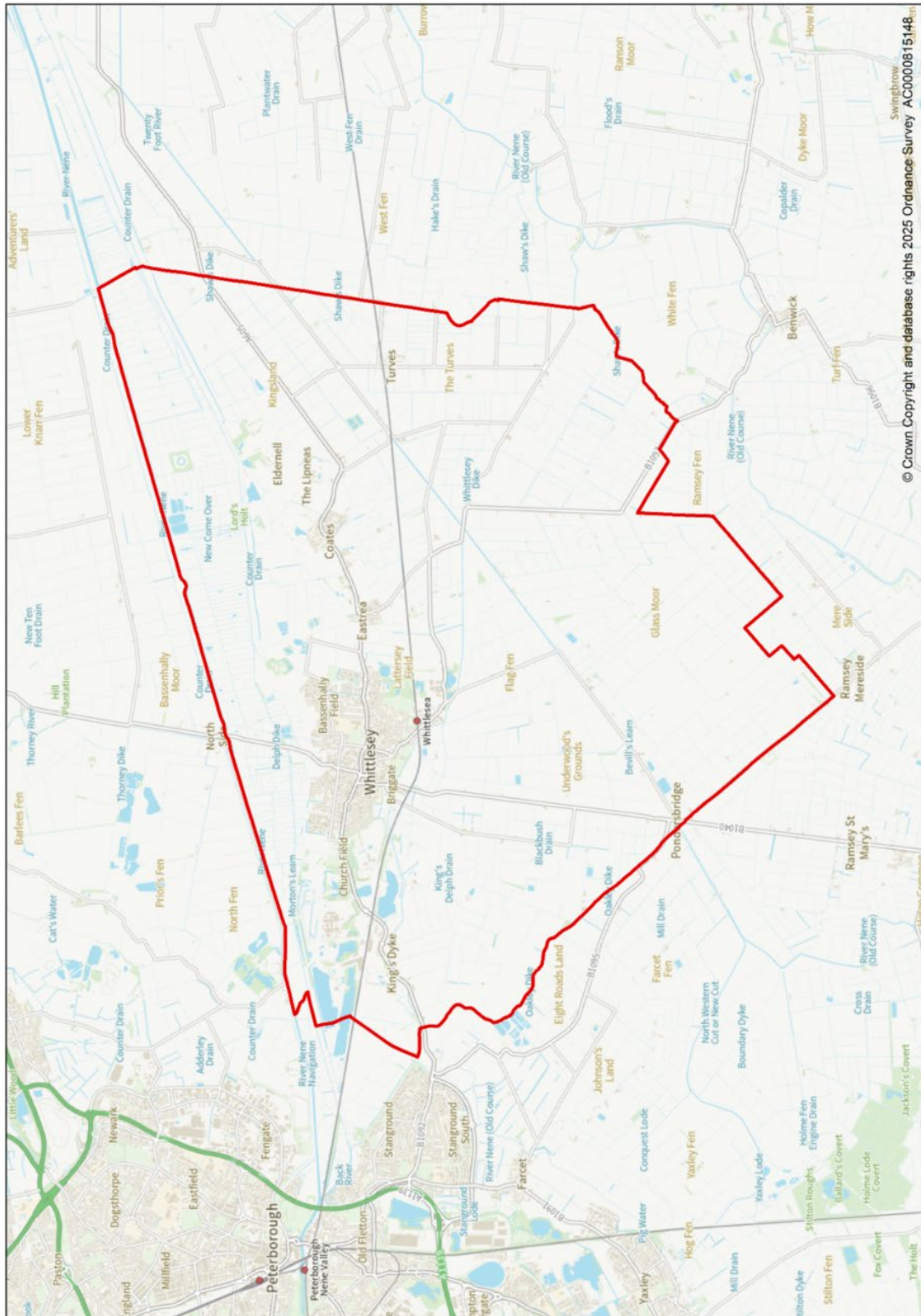
Given under the Common Seal of Fenland District Council  
26 February 2025

Confirmed under the Common Seal of Fenland District Council  
26 August 2025



## MUD WALLS ARTICLE 4(1) DIRECTION 2025 (IMMEDIATE EFFECT) –

Wards of Whittlesey East and Villages, Whittlesey Lattersey, Whittlesey North-West and Whittlesey South in Fenland District Council



### **Addendum to report “Immediate Article 4 Direction – Mud Walls in Whittlesey”**

Since the date of publication, it has been clarified that at Schedule 1:

- where it says in the heading “**02/02/2026**” it should in fact say “**05/02/26**” and the report should therefore be read as such.
- where it says in the 3<sup>rd</sup> paragraph “**THIS DIRECTION is made under Article 4(1) of the Order and shall come into force immediately on 2 February 2026**” it should in fact say “**THIS DIRECTION is made under Article 4(1) of the Order and shall come into force immediately on 5 February 2026**”
- where it says in the in the schedule section of the order “**Given under the Common Seal of Fenland District Council 26 February 2025**” it should in fact say “**Given under the Common Seal of Fenland District Council 5 February 2025**”
- Where it says in the schedule section of the order “**Confirmed under the Common Seal of Fenland District Council 26 August 2025**” it should in fact say “**Confirmed under the Common Seal of Fenland District Council 5 August 2026**”