



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling Up,
Housing and Communities**
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2 Marsham Street
London SW1P 4DF

Sajida Bijle
Managing Director
Hertsmere Borough Council
Elstree Way
Borehamwood
Herts
WD6 1WA

Your reference:
Our reference:

14 June 2023

Dear Sajida Bijle,

Re. Modification of Article 4 Direction in relation to Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the Borough of Hertsmere

Background

As you are aware, with effect from 31st August 2020 Class ZA was inserted into Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order").

Class ZA permits development consisting of the demolition of a building which was in use as a single purpose-built block of flats or the demolition of a detached building which was in use as an office, research and development or light industrial use, or any combination of these uses, on 12 March 2020, and its replacement with a purpose built detached block of flats or a purpose built detached dwellinghouse, with a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987.

On 25th May 2022, Hertsmere Borough Council made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Class ZA, as set out above, for various employment sites within the Borough of Hertsmere ("the Article 4 direction"). The Article 4 direction was confirmed by the Council on 22nd May 2023.

Consideration and Reasons

In considering the Article 4 direction I have had regard to national policy on Article 4 directions. Paragraph 53 of the National Planning Policy Framework provides that-

The use of Article 4 directions to remove national permitted development rights should:

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre);*
- *in other cases, 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);*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.*

Paragraph 050 of the Planning Practice Guidance provides that the Secretary of State will only intervene in Article 4 Directions where there are clear reasons for doing so. I consider that there are clear reasons justifying my intervention in the Article 4 Direction.

The Class ZA permitted development right provides new opportunities for the demolition and replacement of a building which was in use as a single purpose-built block of flats, or vacant, detached buildings used as offices, for research and development or in light industrial use, with purpose built flats or a dwellinghouse, to support housing delivery and economic recovery. The permitted development right includes a number of national safeguards: all new residential units delivered through the permitted development right must meet nationally described space standards; the rights do not apply where the footprint of the building to be demolished exceeds 1,000 square metres or the building is higher than 18 metres; the building must have been vacant for at least 6 months; and, there are prior approvals for, amongst other things, the design and external appearance of the new building.

The Article 4 direction, as made, does not take a sufficiently targeted approach in the assessment of the wholly unacceptable adverse impacts of the permitted development right in each location. Such an approach is necessary to ensure that Article 4 directions apply only to the smallest geographical area possible. I am therefore of the view that the boundary must now be modified in accordance with the notice attached to this letter.

This will ensure that the Article 4 Direction is focused on protecting the most important office, research and development and light industrial locations within the Borough of Hertsmere where the permitted development right would have a wholly unacceptable adverse impact. It covers important employment locations within the Borough.

These modifications will ensure that the Article 4 Direction boundaries for employment sites within the Borough of Hertsmere are justified by robust evidence and comply with national planning policy.

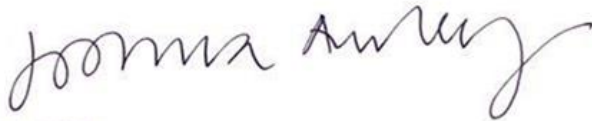
Decision

I have decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached maps and I attach a direction to that effect.

Procedural issues

For the purposes of paragraph 1(13) and (16) of Schedule 3 of the General Permitted Development Order I hereby notify you of the modification of the Article 4 direction.

Under paragraph 1(17) of Schedule 3, you must give notice of the attached direction in accordance with the provisions of paragraphs 1(1) to (3) of Schedule 3 of the General Permitted Development Order. You are required to give notice of this direction as soon as reasonably practicable after receipt of this letter. Although it is a matter for you, it is suggested that you give notice of the direction in the same manner as for the original form of the direction. In due course, please confirm when and where the notice is published or served so we know the date the direction comes into force.

A handwritten signature in black ink, appearing to read 'Joanna Averley', is written over a faint horizontal line.

Joanna Averley
Chief Planner
Department for Levelling Up, Housing and Communities

DIRECTION UNDER THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

Modification of the Article 4 direction made by Hertsmere Borough Council on 25th May 2022 in relation to development consisting of Class ZA demolition of buildings and construction of new dwellinghouses in their place

The Secretary of State for Levelling Up, Housing and Communities, in exercise of the powers conferred by paragraph 1(13) of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and of all other powers enabling him in that behalf, makes the following direction:

Interpretation

1. In this Direction-

" General Permitted Development Order" means the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and

"Article 4 direction" means the Direction made by Hertsmere Borough Council under Article 4 of the General Permitted Development Order on 25th May 2022 in respect of development consisting of the demolition of a building which was in use as a single purpose-built block of flats or the demolition of a building comprising premises in a use falling within offices, or research and development of products and processes or light industrial appropriate in a residential area or any combination of those uses, and its replacement with a purpose built block of flats or a purpose built detached dwellinghouse, namely development which is permitted by Class ZA as inserted into Part 20 of Schedule 2 to the General Permitted Development Order. The Article 4 direction relates to employment sites in the Borough of Hertsmere.

Direction

2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. Instead of the Article 4 direction applying to land described in the Second Schedule to that direction, comprising employment sites within the Borough of Hertsmere, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined and shaded red on the attached maps, relating to the following sites:
 - Elstree Way, Borehamwood
 - Stirling Way, Borehamwood
 - Cranborne Road, Potters Bar
 - Station Close, Potters Bar
 - Wrotham Business Park, Borehamwood
 - Hollies Way, Potters Bar

- Farm Close, Shenley.

5. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas shaded and outlined.

Entry into force

6. This Direction comes into force in accordance with paragraph 1(18) of Schedule 3 of the General Permitted Development Order.

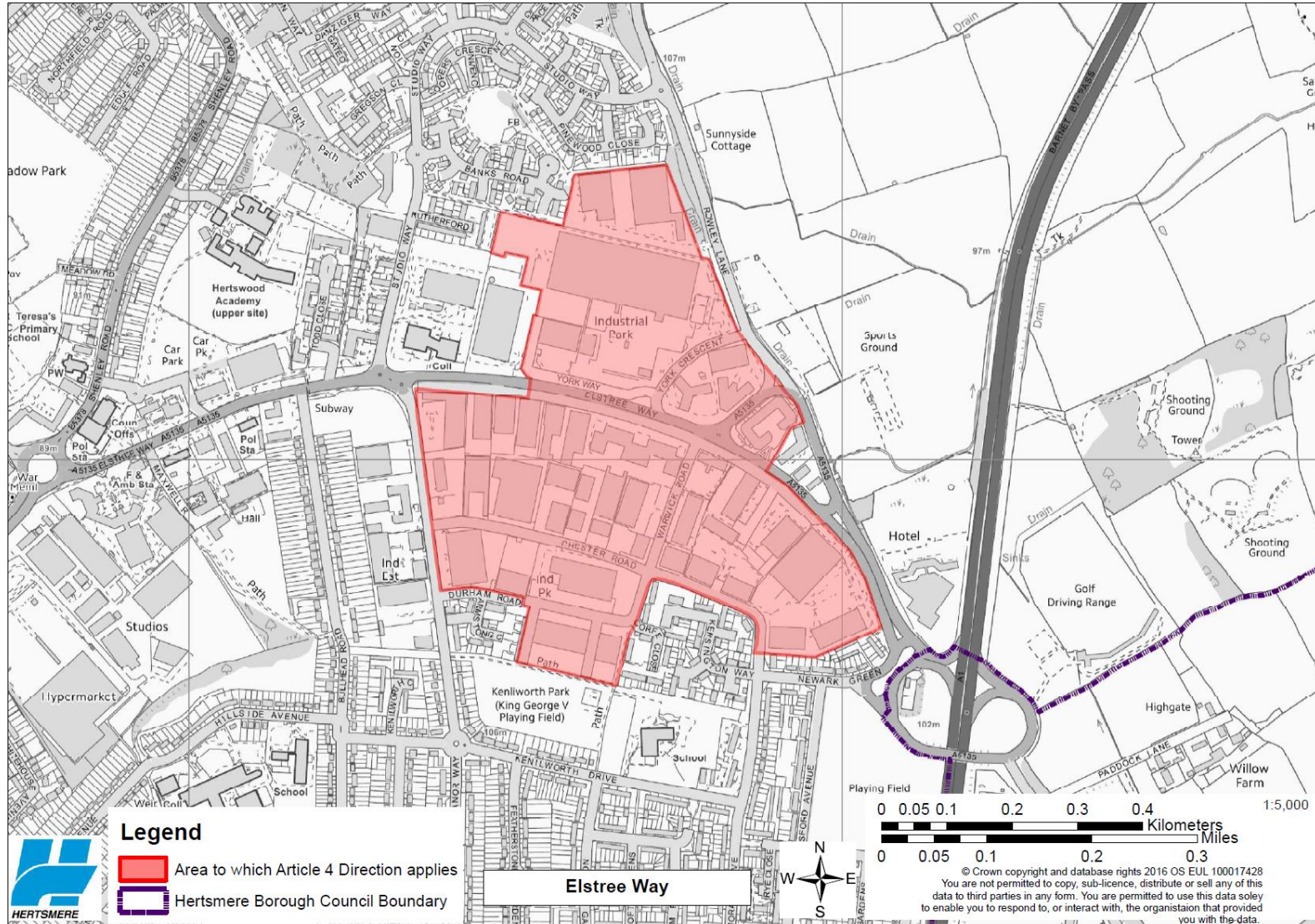
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

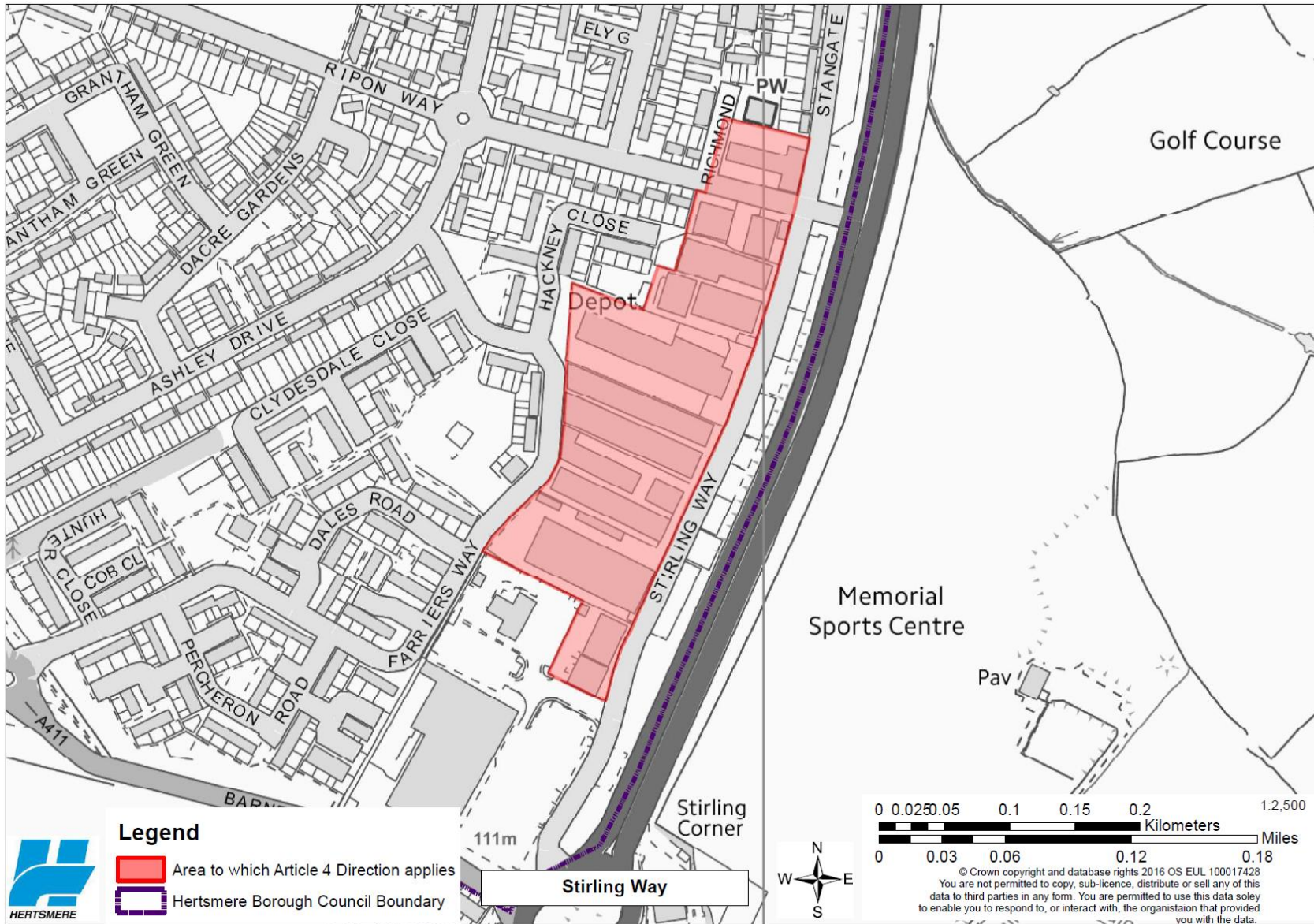
On: 14 June 2023

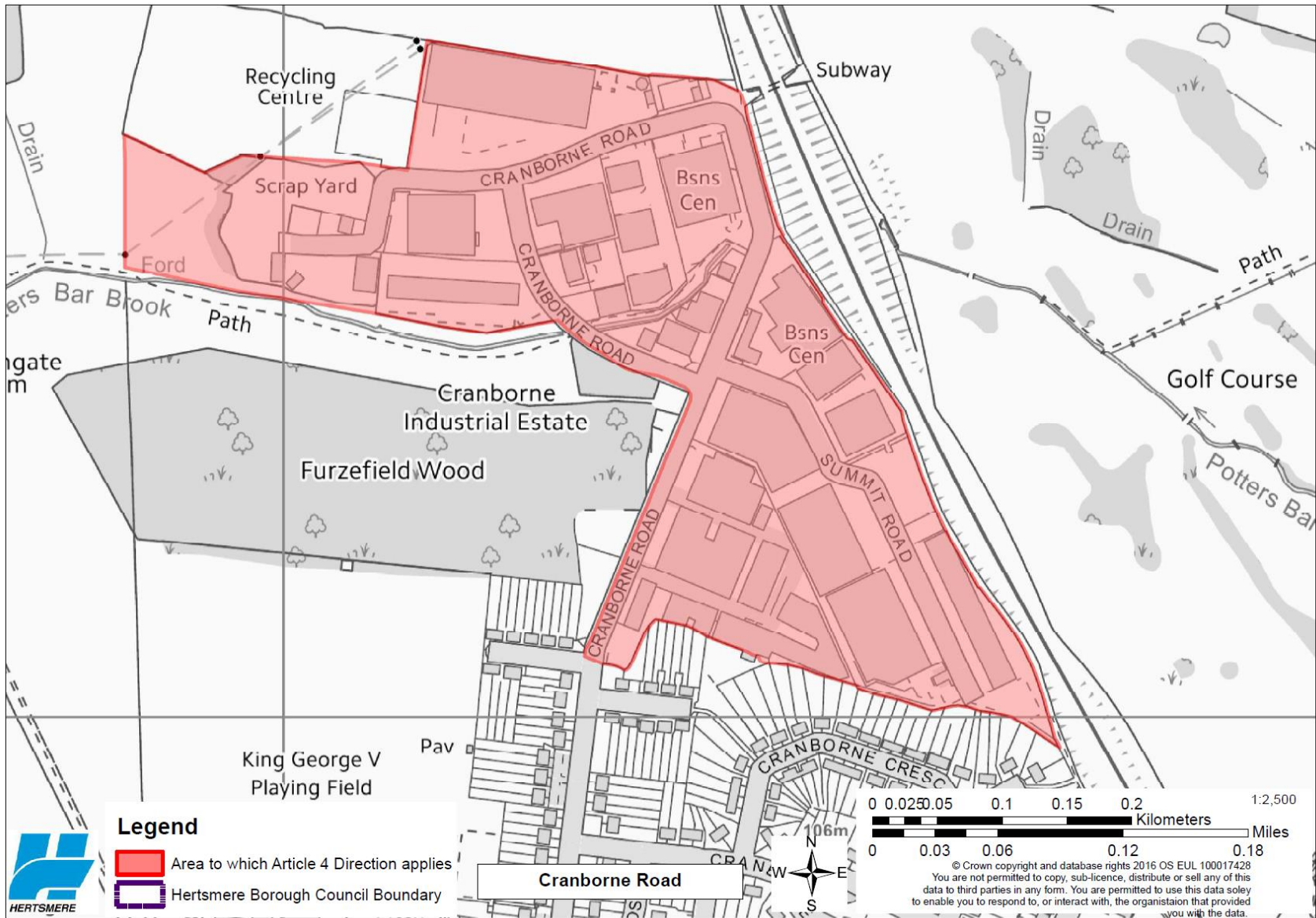
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Joanna Averley
Chief Planner

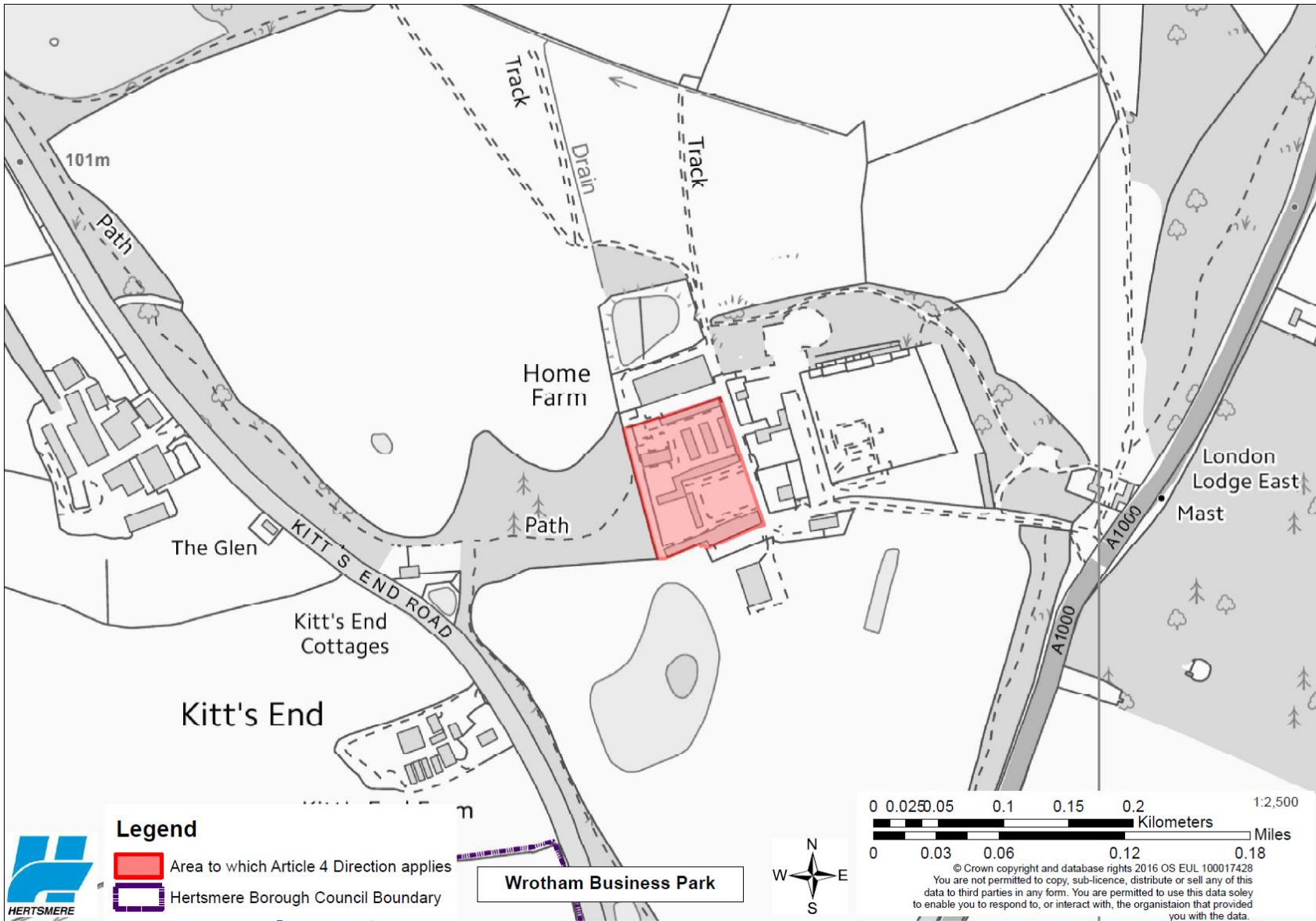
Maps showing Article 4 Direction coverage







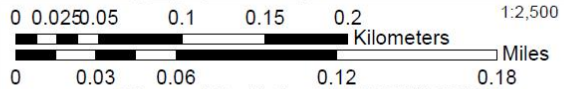




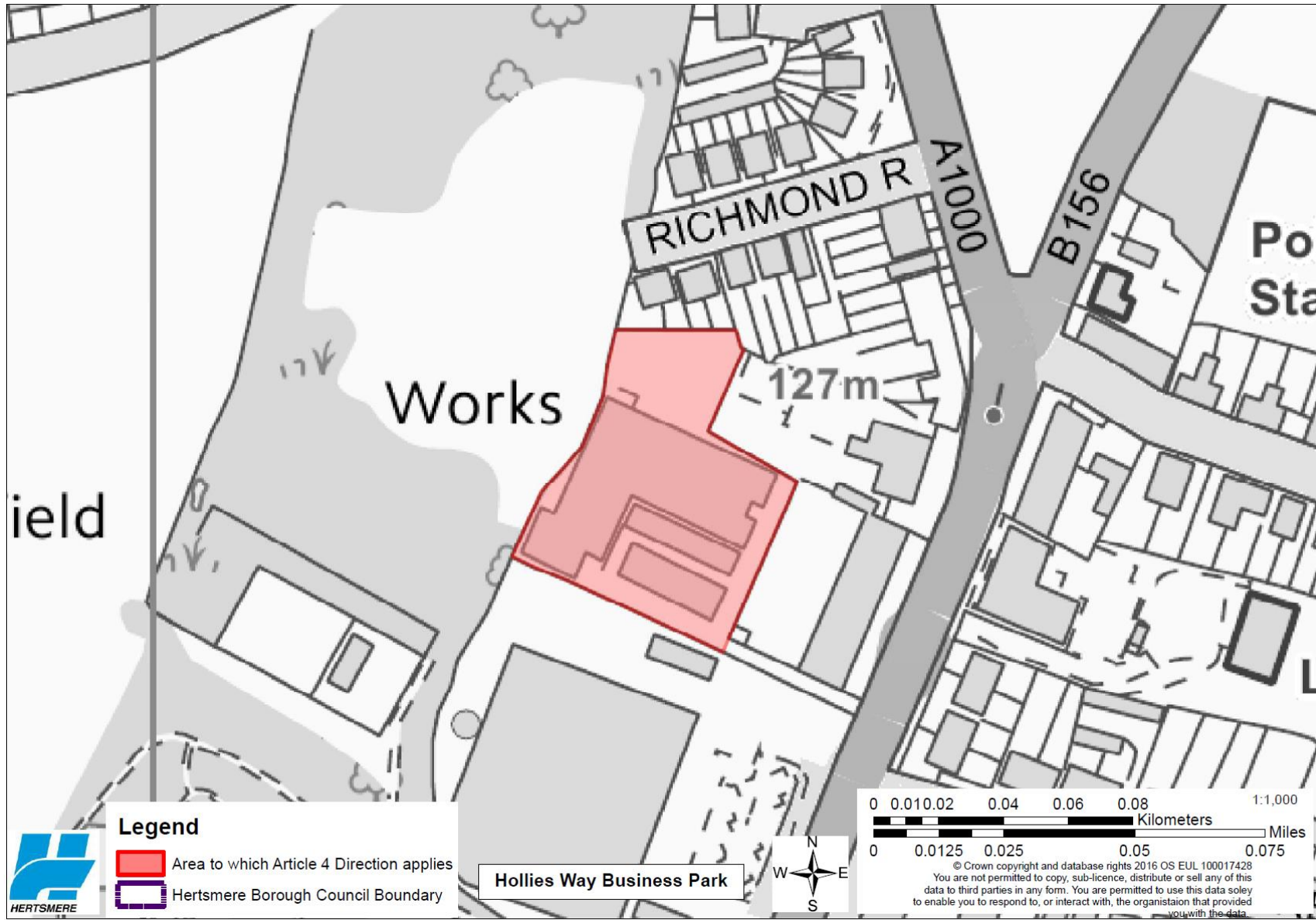
Legend

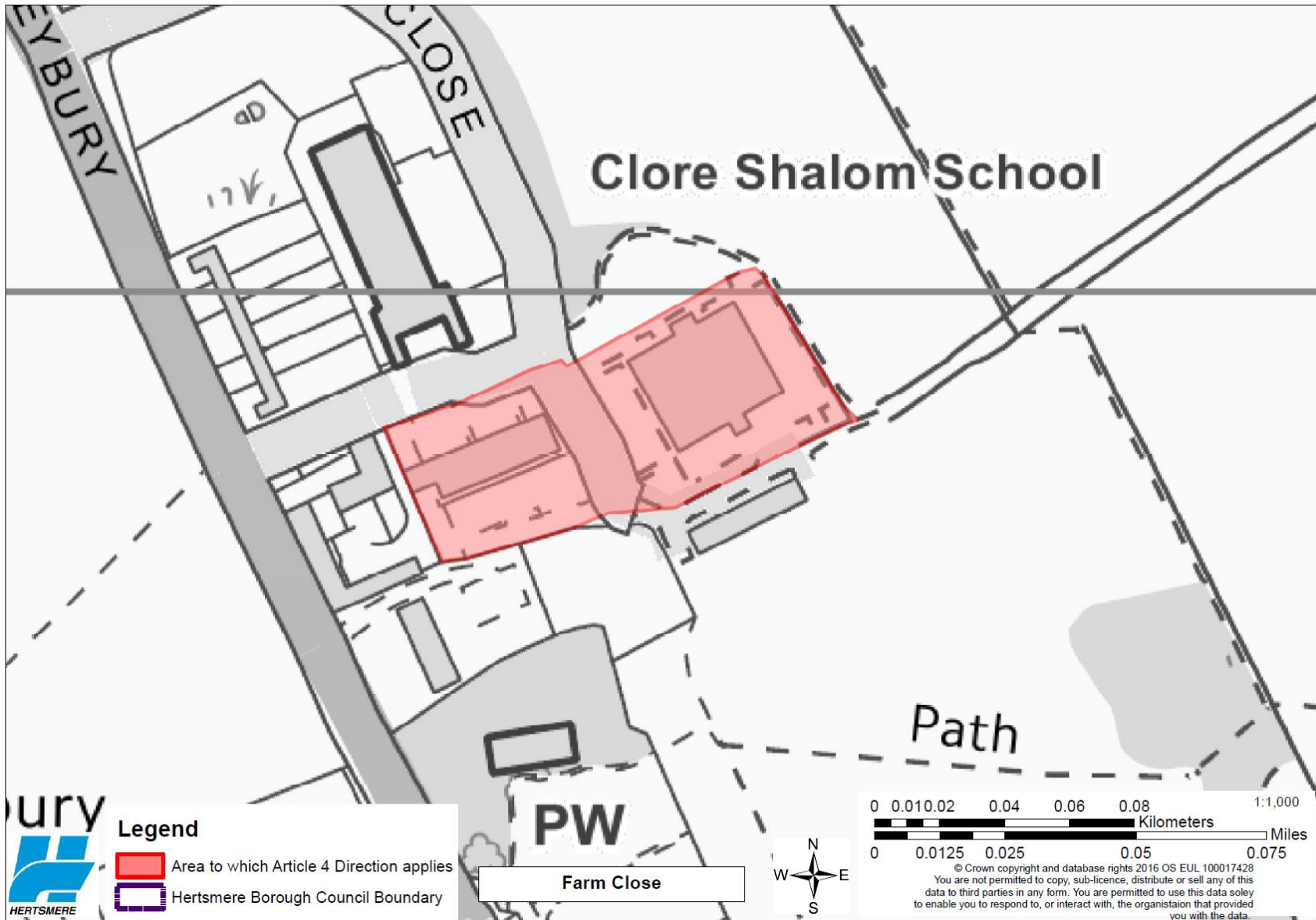
- Area to which Article 4 Direction applies
- Hertsmere Borough Council Boundary

Wrotham Business Park





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Legend

-  Area to which Article 4 Direction applies
-  Hertsmeire Borough Council Boundary

Farm Close

