



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling Up,
Housing and Communities**
3rd Floor, Fry Building
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 MA 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 1st August 2021 Class MA was inserted into Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order").

Class MA permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of Schedule 1 of that Order.

On 25th May 2022, Hertsmere Borough Council made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for various 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 MA permitted development right provides new opportunities for the conversion of vacant commercial buildings to support housing delivery, economic recovery and high street regeneration. The permitted development right includes a number of national safeguards: all new residential delivered through the permitted development right must meet nationally described space standards, the rights do not apply where the cumulative floor space of the building changing use exceeds 1,500 square metres, the building must have been vacant for at least 3 months, and there are prior approvals for, amongst other things, the ground floor of buildings in conservation areas.

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 boundaries 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 Class E floorspace within the Borough of Hertsmere where the permitted development right would have a wholly unacceptable adverse impact. It covers important employment sites within the Borough.

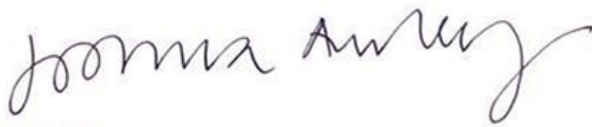
These modifications will ensure that the Article 4 Direction boundaries for areas within the Borough of Hertsmere are justified by robust evidence and comply with national planning policy.

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', written in a cursive style.

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 MA change of use from commercial, business and service (Class E) use to residential (Class C3)

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 a change of use of a building and any land within its curtilage from a use falling within Class E of Part A, Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of Schedule 1 of that Order, namely development which is permitted by Class MA as inserted into Part 3 of Schedule 2 to the General Permitted Development Order. The Article 4 direction relates to 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 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
 - Centennial Park, Elstree
 - Wrotham Business Park, Borehamwood

- Borehamwood Enterprise Centre, Borehamwood
 - Theobald Court, Borehamwood
 - Lismirrane Industrial Park, Elstree
 - Hollies Way, Potters Bar
 - Beaumont Gate, Radlett
 - Farm Close, Shenley
5. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas outlined and shaded red.

Entry into force

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

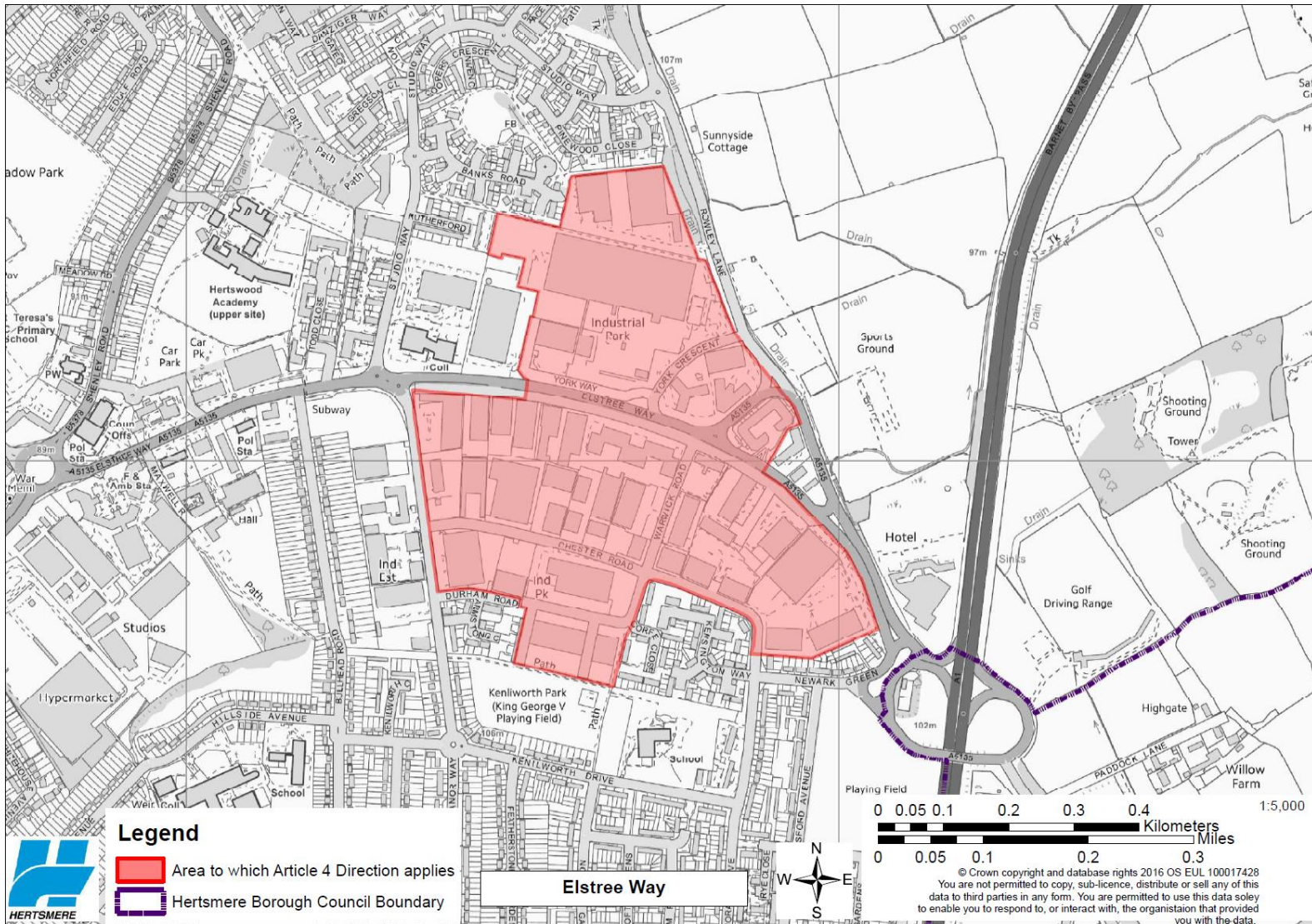
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

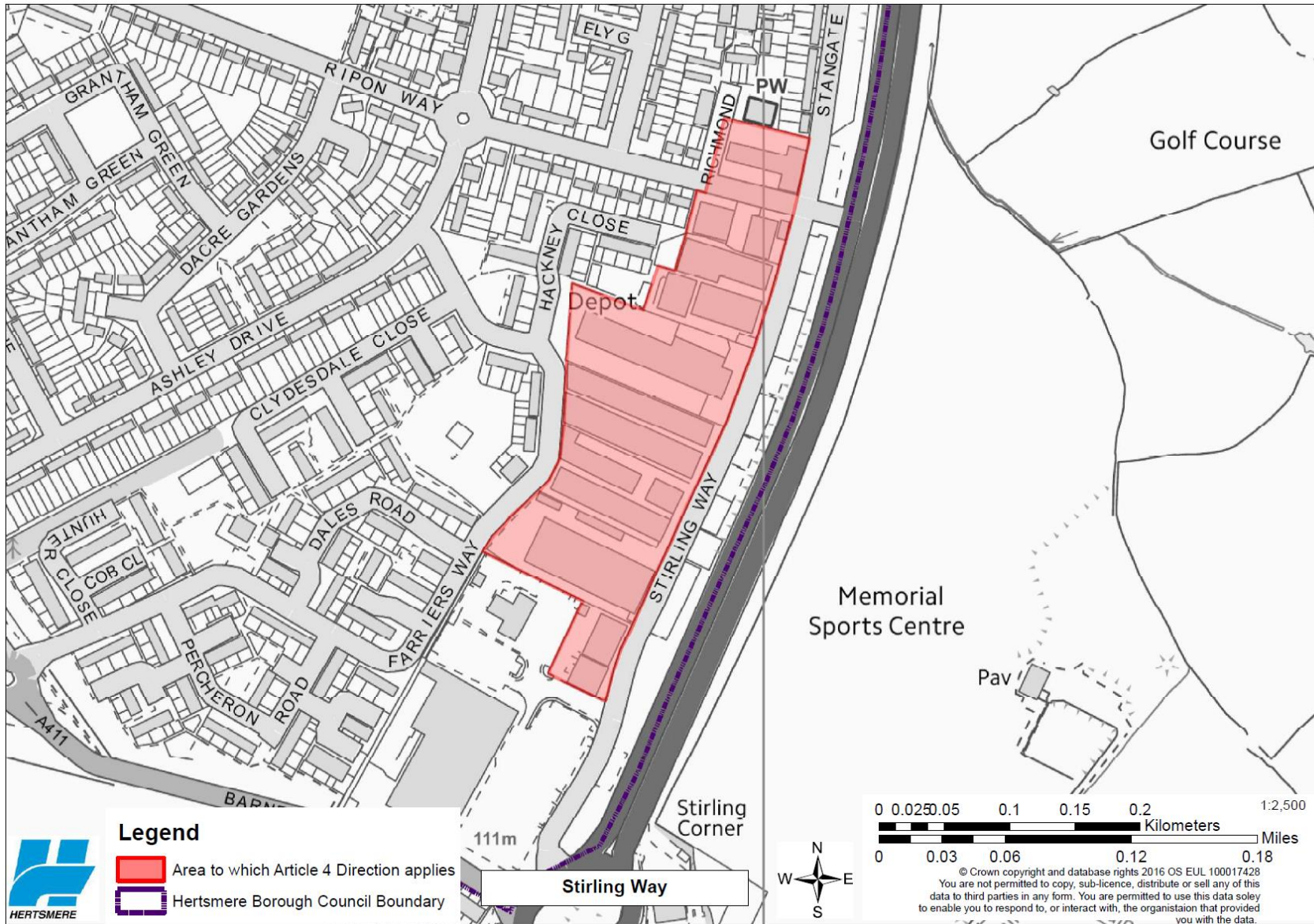
On: 14 June 2023

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Joanna Averley
Chief Planner

Maps showing Article 4 Direction coverage

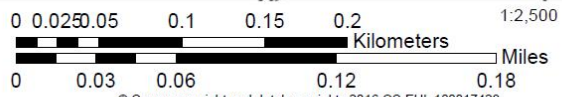




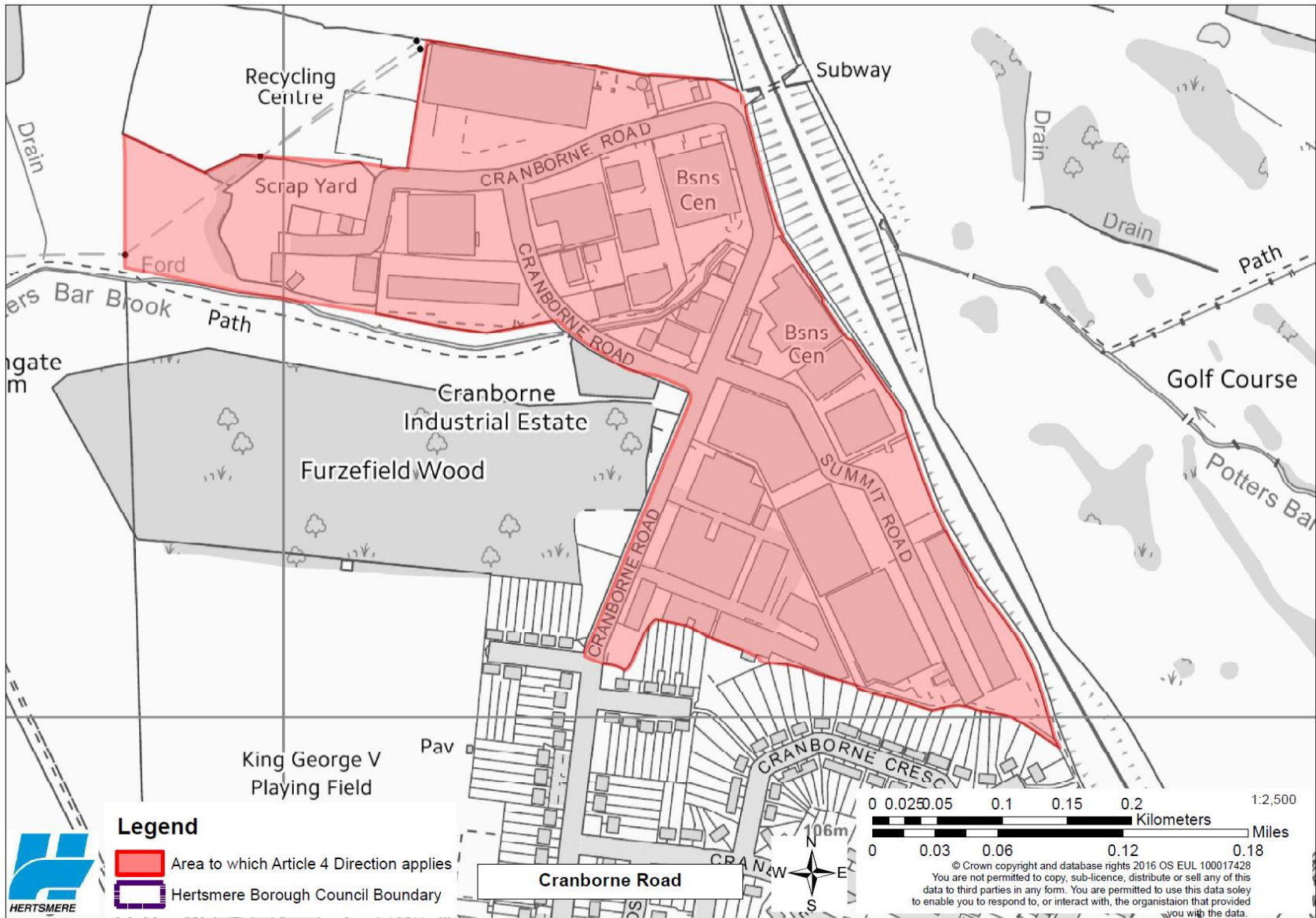
Legend

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

Stirling Way



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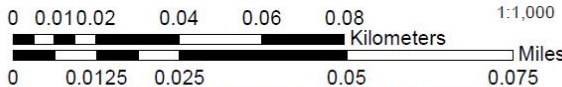




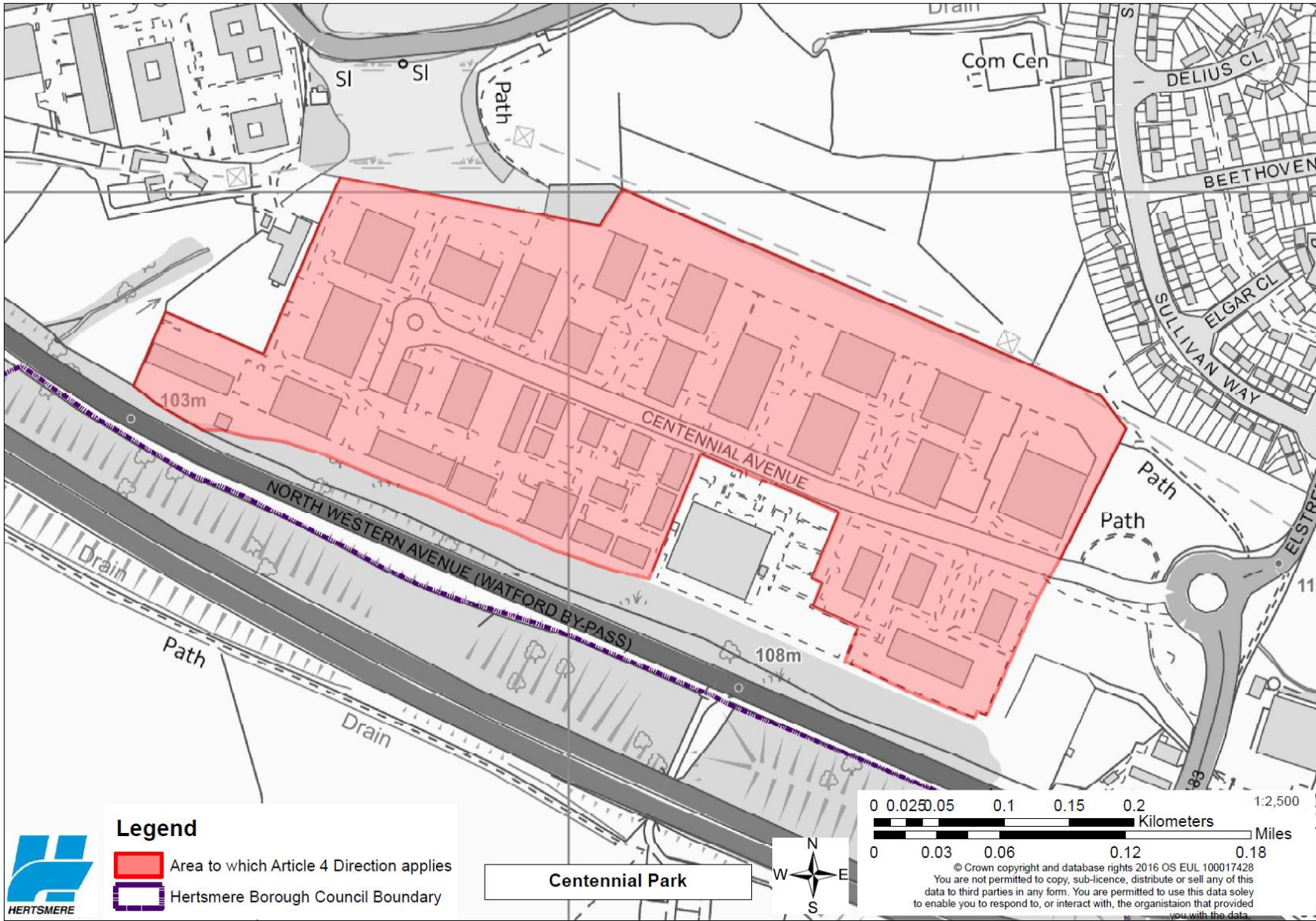
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Station Close



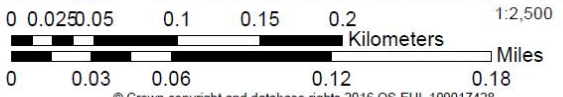
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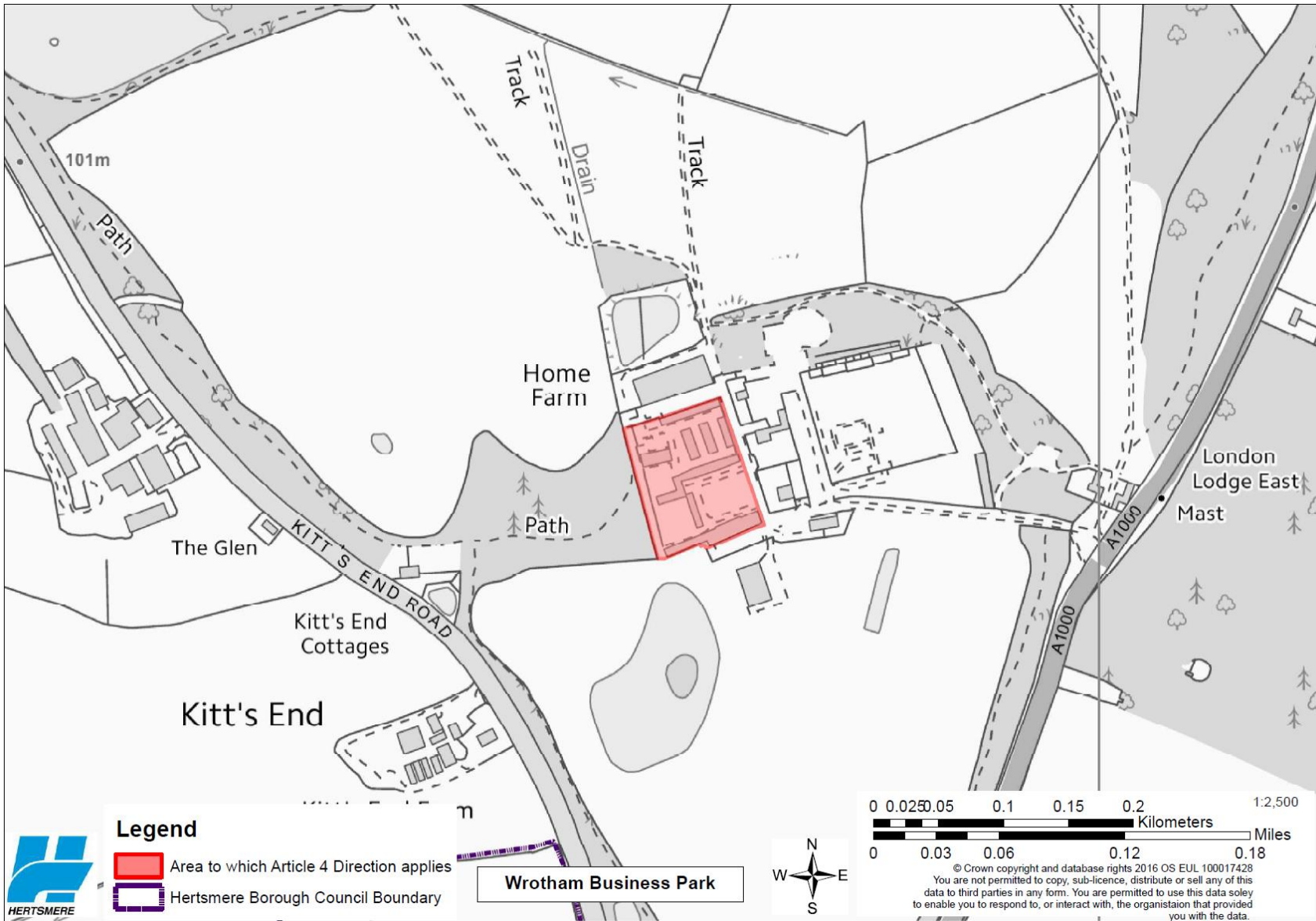
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Centennial Park



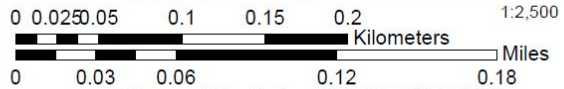
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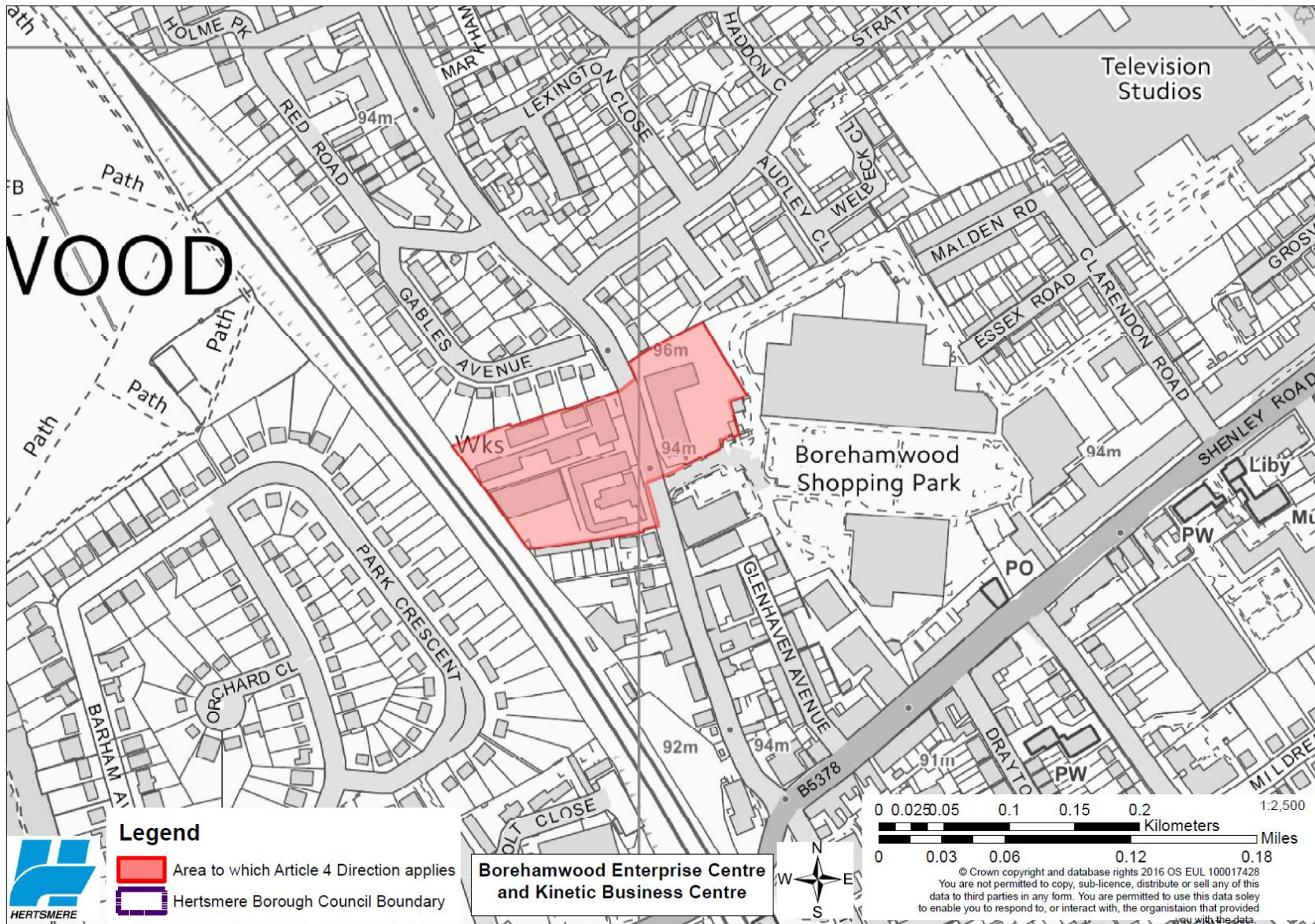
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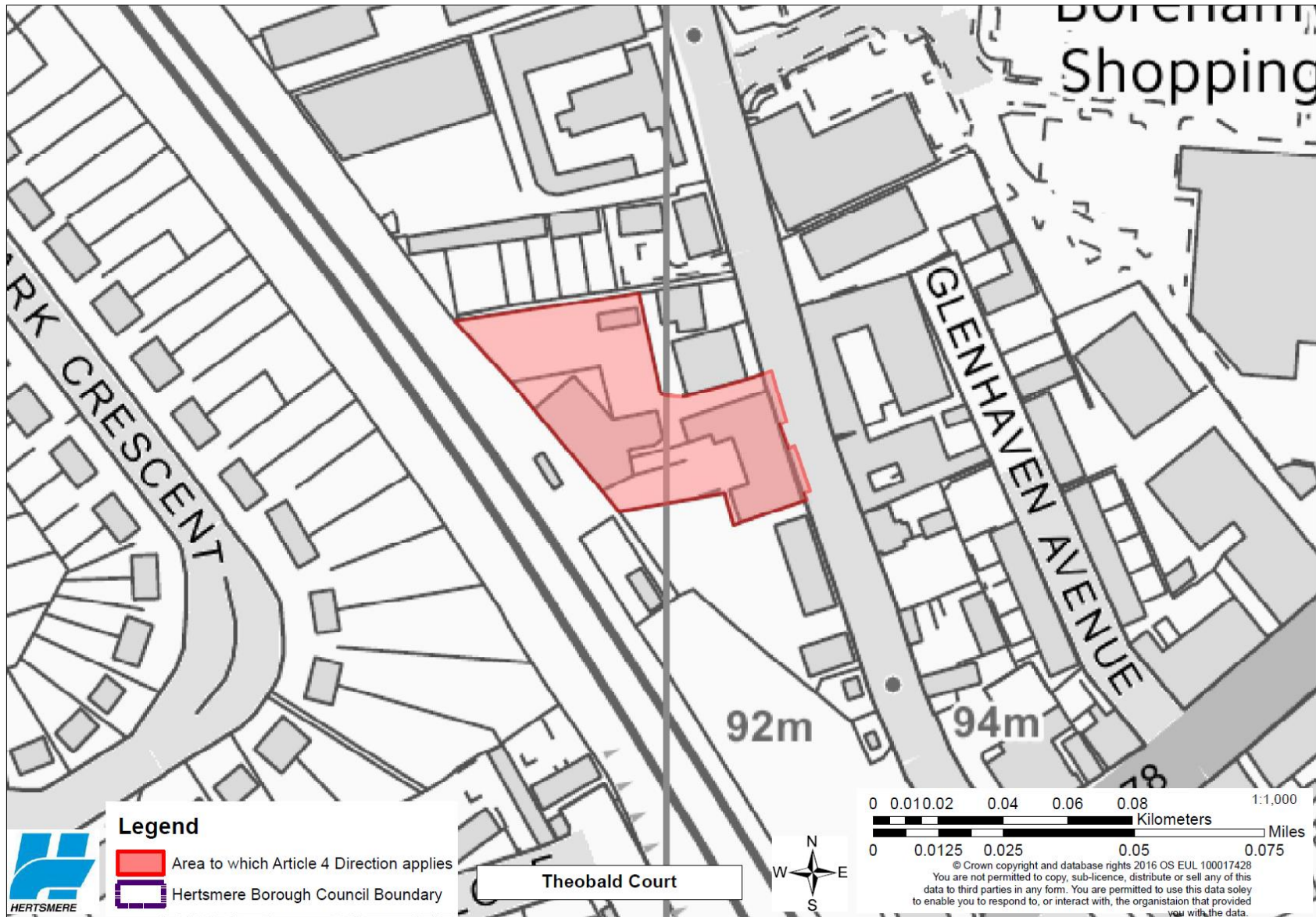
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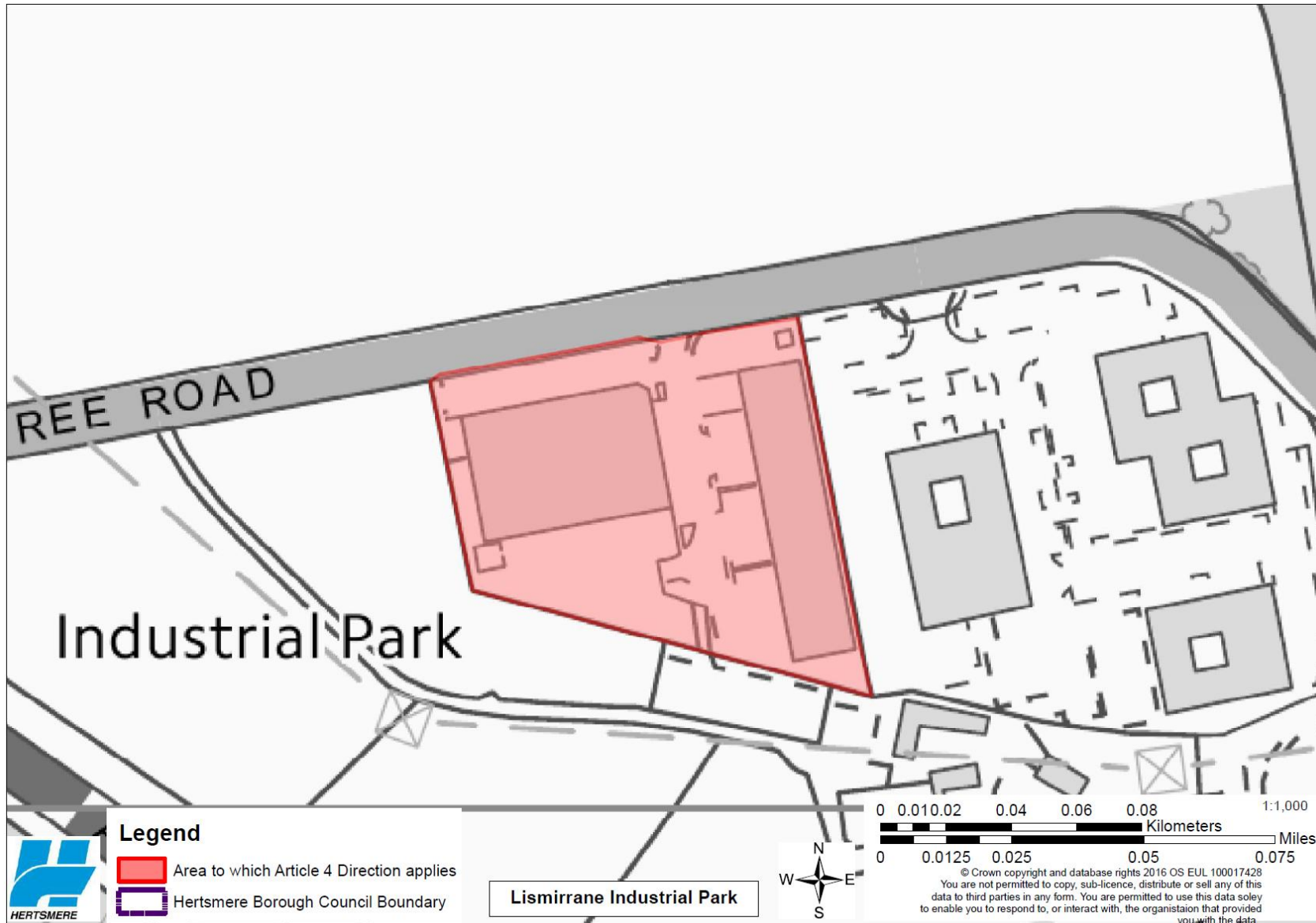
Wrotham Business Park



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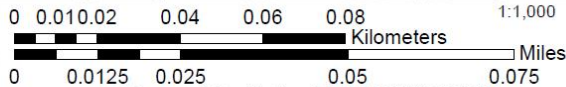




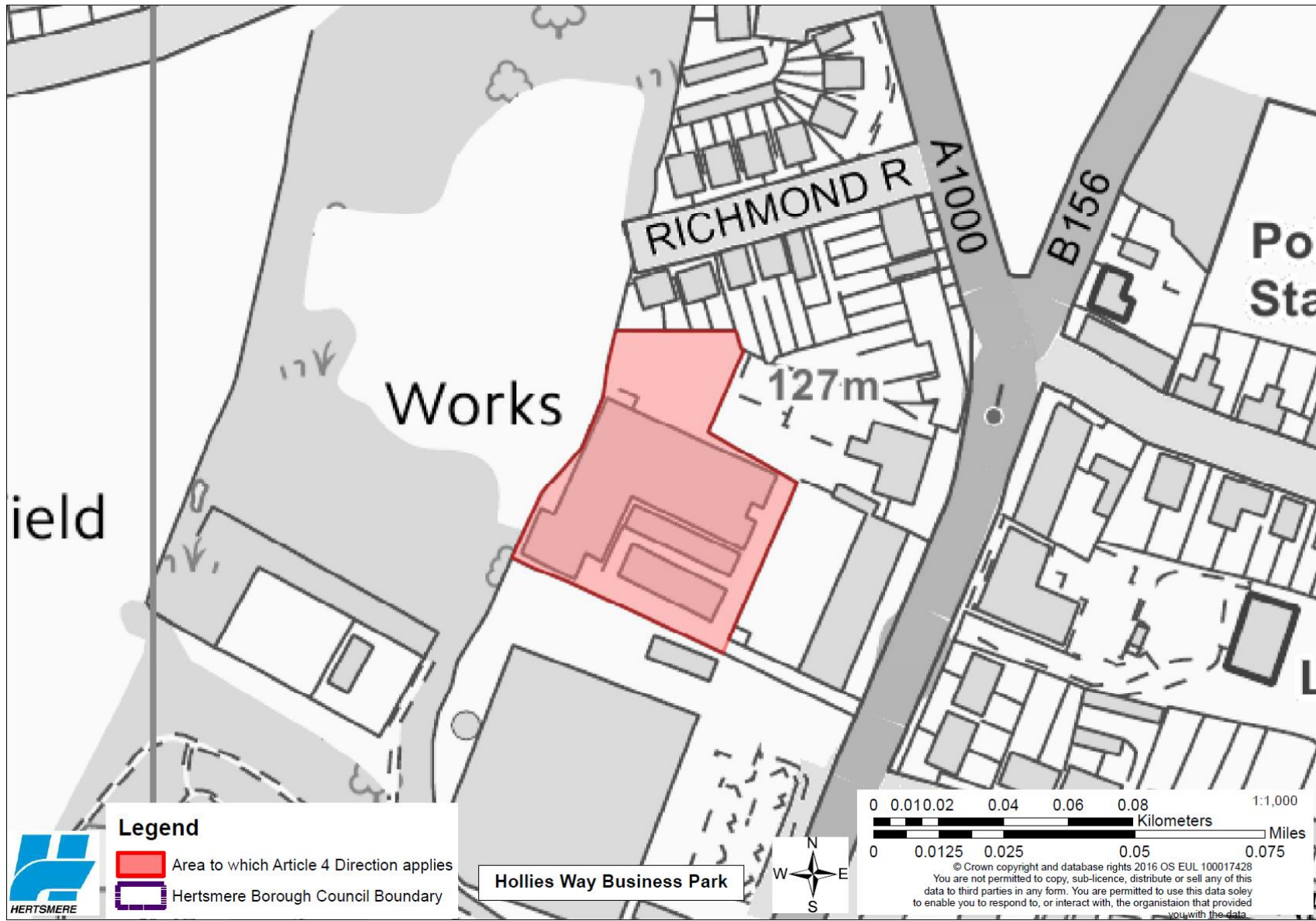
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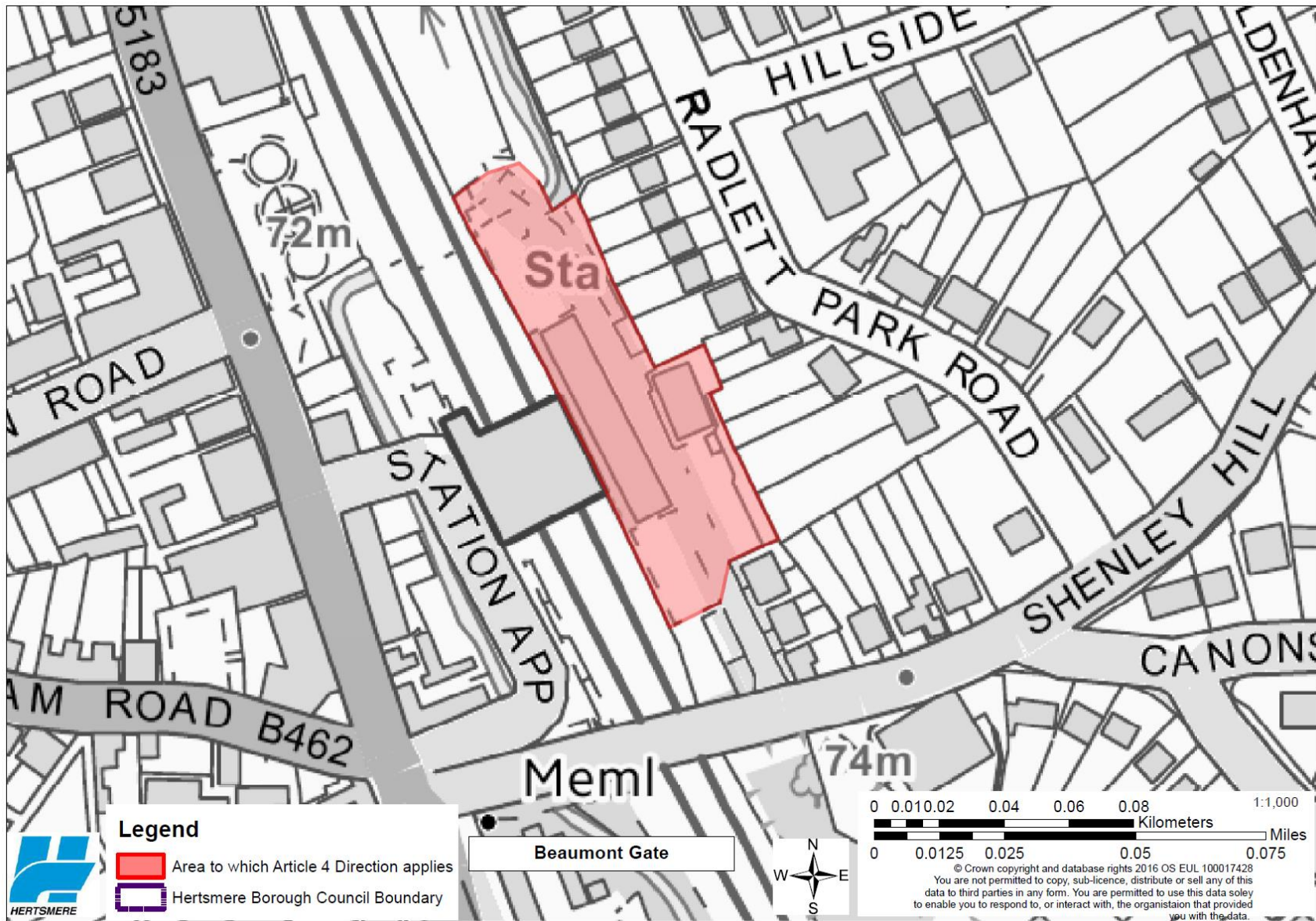
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Lismirrane Industrial Park



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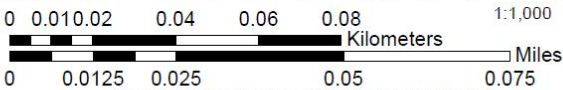




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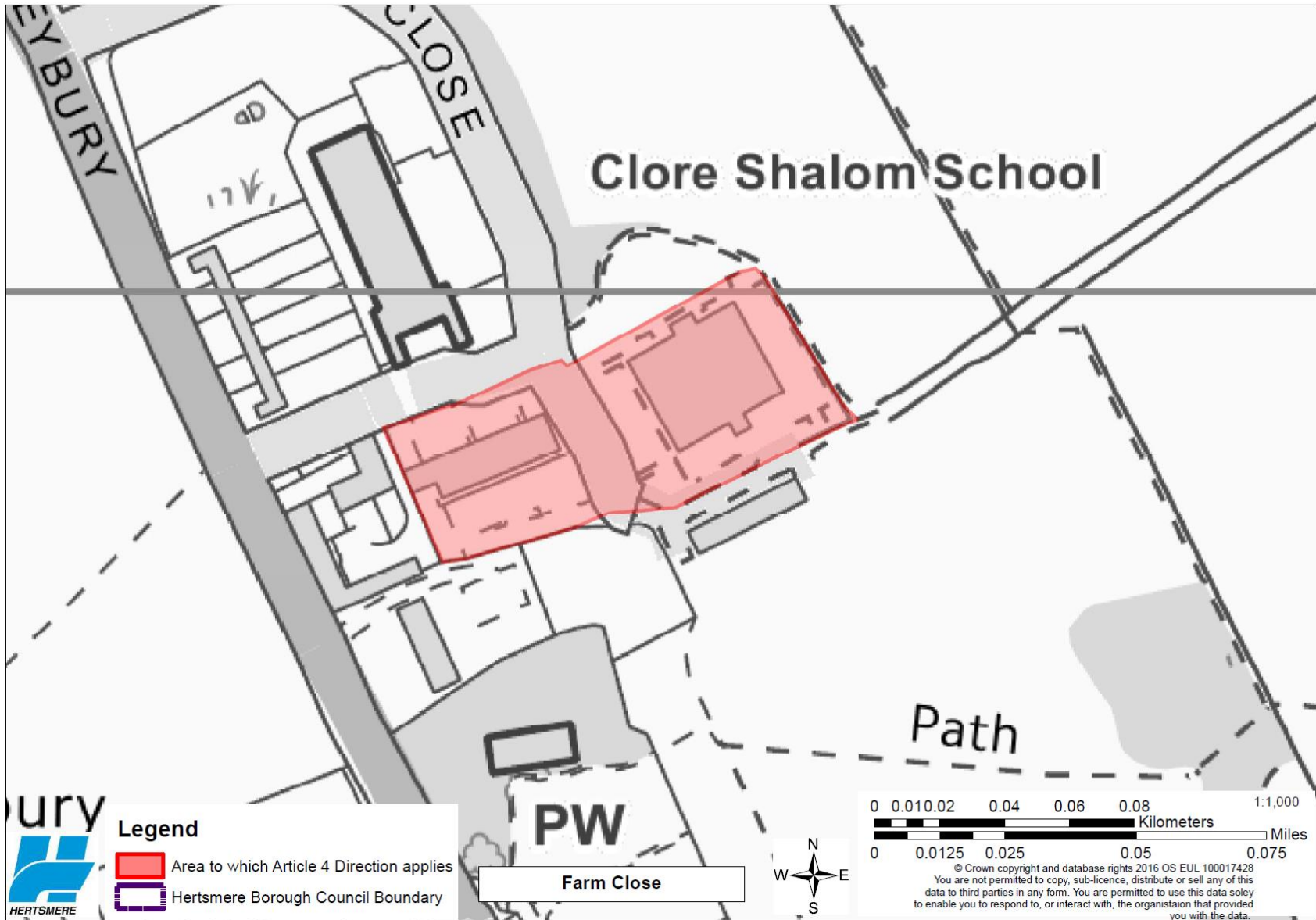
- Area to which Article 4 Direction applies
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Beaumont Gate





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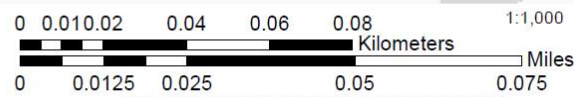




Legend

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

Farm Close



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