



Department for Levelling Up,
Housing & Communities

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Chief Planner

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Tony Zaman
Chief Executive
London Borough of Hillingdon
Civic Centre
High Street
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Your reference:
Our reference:

9 February 2024

Dear Tony,

Re. Modification of Article 4 direction in relation to Part 3, Class MA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the London Borough of Hillingdon

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 20th September 2021 the London Borough of Hillingdon made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for various sites within the London Borough of Hillingdon ("the Article 4 direction"). The Article 4 direction was confirmed on 14th July 2022 and came into force on 24th September 2022.

The Article 4 direction applies to the following areas of the borough:

- Office and Hotel Growth Area
- Locally Significant Employment Locations
- Hayes Opportunity Area
- Strategic Industrial Locations
- Locally Significant Industrial Sites
- Primary and Secondary Shopping Areas in Metropolitan, District and Minor Town Centres
- Local Centres
- Local Parades

Consideration and Reasons

In considering the Article 4 direction the Secretary of State has 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. The Secretary of State considers that there are clear reasons justifying his 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 the Article 4 direction applies only to the smallest geographical area possible. The Secretary of State is therefore of the view that the boundaries must now be modified in accordance with the direction attached to this letter.

This will ensure that the Article 4 direction is focused on protecting the most significant areas, where the permitted development right would have a wholly unacceptable adverse impact on economic vitality and viability within the Borough through the loss of retail and other employment space.

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

Decision

The Secretary of State has decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached map and I attach a direction to that effect.

Procedural issues

For the purposes of paragraph 1(13) and 1(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 1(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 came into force.

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

Joanna Averley
Chief Planner
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