



Department for Levelling Up,
Housing & Communities

Rt Hon Stuart Andrew MP
Minister of State for Housing

**Department for Levelling up, Housing and
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Dear Mr. Quirk

Article 4 Directions and the Central Activities Zone

On 31 March 2021 new permitted development rights were laid before Parliament (The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021). Class MA of Part 3 permits the conversion of premises within Class E (Commercial, Business and Service) to residential. The right provides new opportunities for conversion of vacant commercial buildings, which can permanently damage neighbourhoods, to support housing delivery, economic recovery and high street regeneration. The permitted development right includes a number of national safeguards: all new residential units delivered through the right must meet nationally described space standards, the right does not apply to buildings over 1,500 square metres, the building must be vacant, and there are prior approvals for, amongst other things, the ground floor of buildings in conservation areas.

The Secretary of State has received notification of a number of Article 4 Directions from Central London Boroughs which cumulatively would disapply the permitted development right from most of the Central Activities Zone. National Planning Policy (paragraph 53 of the National Planning Policy Framework) advises that where an Article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts and apply to the smallest geographic area possible. The Secretary of State has reviewed the evidence for these Article 4 Directions and is not persuaded that a case has been made to justify a blanket coverage of Article 4 Directions in the Central Activities Zone.

In his view, with the exception of the City of London Corporation, the proposed Article 4 Directions have failed to take a sufficiently targeted approach to their assessment of the impacts of the permitted development right in each location. Such an approach is necessary to ensure Article 4 Directions meet the test that they should apply only to the smallest geographic area possible.

The Secretary of State wishes to be clear that Boroughs should only propose Article 4 Directions where there is clear evidence that the permitted development right would have wholly unacceptable adverse impacts. For example, this might be where the permitted development right

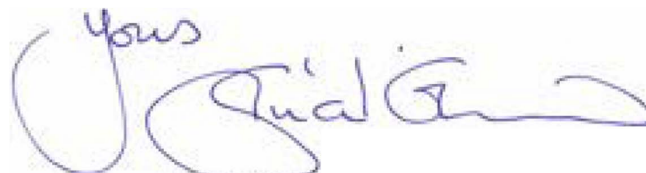
would lead to the loss of the essential core of a primary shopping area which would result in unacceptable harm to the vitality and viability of that area. The degree to which there is an unacceptable adverse impact should be carefully considered alongside the scale of that impact on the wider area

As a consequence of what has been set out above, the Secretary of State is expecting the London Borough of Kensington and Chelsea to reconsider the proposed Article 4 Direction. Additional evidence is requested to demonstrate that you have considered the application of Article 4 Direction to individual streets or smaller areas within the Central Activities Zone, and taking consideration of the safeguards that apply to the new commercial to residential permitted development right, to ensure that the Article 4 Direction is proposed only where it would have wholly unacceptable adverse impacts and applies to the smallest geographic area possible.

Where you are also proposing an Article 4 Direction in areas outside of the Central Activities Zone, the same policy applies and therefore you are also requested to provide additional evidence for each of these areas to demonstrate why the application of Article 4 Directions are necessary or cannot be reduced to apply to a smaller geographic area.

I have written in similar terms to the London Boroughs of Camden, Lambeth, Southwark, Tower Hamlets, Wandsworth and Westminster. If you think it would be helpful, you are encouraged to meet with officials from Department of Levelling Up, Housing and Communities. Contact: Stephen Gee Stephen.Gee@levellingup.gov.uk or Suzie Willis Suzie.Willis@levellingup.gov.uk

A copy of this letter has been sent to your local MPs.

Yours


RT HON STUART ANDREW MP