



## Department for Levelling Up, Housing & Communities

**The Rt Hon Greg Clark MP**  
*Secretary of State for Levelling up  
Housing & Communities*

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22 July 2022

Dear Barry

### **Re. Modification of Article 4 Direction in relation to Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the entire area of the Royal Borough of Kensington and Chelsea**

#### **Background**

As you are aware, with effect from 1<sup>st</sup> 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 20<sup>th</sup> July 2021 the Royal Borough of Kensington and Chelsea made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for the entire area of the Royal Borough of Kensington and Chelsea ("the Article 4 direction"). The Article 4 direction is due to come into force on 22<sup>nd</sup> July 2022.

#### **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 dwellings 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 direction applies 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 significant clusters of commercial and, where appropriate, other activity where the permitted development right would have a wholly unacceptable adverse impact. It covers core locations within larger town centres, important neighbourhood centres, Employment Zones, clusters of office and light industrial uses across the borough and valued medical uses and creches outside of our town centres.

These modifications will ensure that the Article 4 Direction boundary for areas within Kensington and Chelsea is justified by robust evidence and complies with national planning policy.

## **Decision**

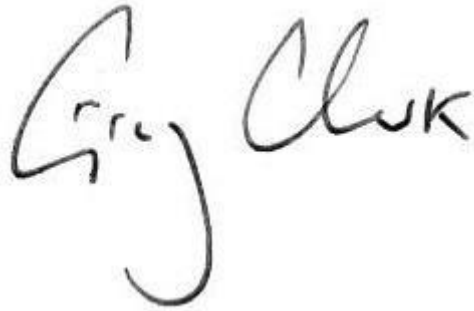
I have decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached map and I attach a direction to that effect.

## **Procedural issues**

For the purposes of paragraph 1(13) and (16) of Schedule 3 of the General Permitted Development Order we 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.

With every good wish,

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly slanted style.

**Rt Hon Greg Clark MP**  
Secretary of State for Levelling Up, Housing & Communities

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

Modification of the Article 4 direction made by the Royal Borough of Kensington and Chelsea on 20<sup>th</sup> July 2021 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 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 the Royal Borough of Kensington and Chelsea under Article 4 of the General Permitted Development Order on 20<sup>th</sup> July 2021 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 (commercial, business and service) of Schedule 3 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.

## **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 the entire area of the Royal Borough of Kensington and Chelsea, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined in red on the attached plan being:
  - The International Centre of Knightsbridge;
  - The following Major Centres: Kings Road (east), Kings Road (west), Kensington High Street;
  - The following District Centres: Earl's Court Road, Fulham Road (west), Brompton Cross, South Kensington, Notting Hill Gate, Portobello Road, Westbourne Grove;
  - The following Neighbourhood Centres: All Saints' Road, Barlby Road, Chelsea Manor Street, Clarendon Cross, Cromwell Road Air Terminal, Earl's Court Road (north), Elystan Street, Fulham Road (Old Church Street), Gloucester Road (north), Gloucester Road (south), Golborne Road, Golborne Road (north), Holland Park Avenue, Holland Road, Kensington High Street (west), Kensington High Street/Warwick Road, Ladbroke Gove (north), Ladbroke Grove Station, Latimer Road Station, Lower Sloane Street, Lowndes Street, Napier Road, North Pole Road, Old Brompton Road (east), Old Brompton Road (west), Pembroke Road, Pont Street,

Sloane Avenue, St Helen's Gardens, Stratford Road, Talbot Road, Thackery Street, Westbourne Park Road, World's End;

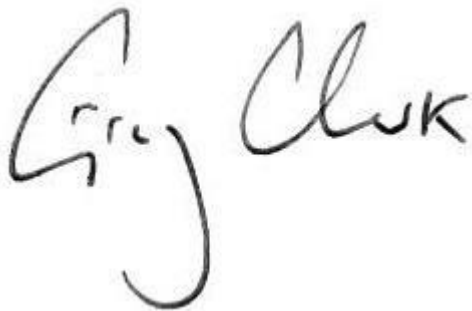
- The following Employment Zones: Latimer Road, Kensal Road, Lots Road
  - Clusters of office and light industrial areas within: The Kensington office submarket, The Kings Road office submarket, the Knightsbridge and South Kensington office submarket, Notting Hill office submarket, East of Westway, North of Westway, Holland Park Neighbourhood Centre and North of Pottery Lane.
5. For the avoidance of doubt, any land outside the red line boundaries of the attached plans is excluded for the purposes of this Article 4 direction.

### **Entry into force**

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

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

On: 22<sup>nd</sup> July 2022

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly slanted style.

**Rt Hon Greg Clark MP**  
Secretary of State for Levelling Up, Housing & Communities

