

Meeting Cabinet
Portfolio Area Environment & Performance
Date 15 January 2025



CONSULTATION ON AN AMENDMENT TO TWO ARTICLE 4 DIRECTIONS TO REQUIRE CHANGES OF USE FROM CLASS E(g)(i) (OFFICES AND CLASS E(g)(iii) (LIGHT INDUSTRIAL) TO CLASS C3 (RESIDENTIAL) TO OBTAIN PLANNING PERMISSION

KEY DECISION

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1 PURPOSE

- 1.1 To provide Members with an overview of the proposed amendment to the existing Article 4 Directions which came into force on 16 December 2022, confirmed by the Secretary of State, and are in effect for perpetuity.
- 1.2 To seek Members' approval of, and consult upon the amendments to two Article 4 Directions to remove the permitted development rights in relation to changes of use from offices and light industrial uses to residential use in Gunnels Wood and Pin Green.

2 RECOMMENDATIONS

That Cabinet:

- 2.1 Note the reason for the amendment to the existing Article 4 Directions, and that there are no changes to the areas of the existing Article 4 Directions which came into force on 16 December 2022.
- 2.2 Agree the amendment of the Article 4 Directions under Article 4 (l) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), to remove permitted development rights in relation to changes of use from Use Class E(g)(i) and E(g)(iii) to Use Class C3 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
- 2.3 Agree the public consultation on the made (revised) Article 4 Directions, for a minimum period of four weeks commencing from 22 January 2025.

3 BACKGROUND

- 3.1 In 2020 and 2021, the Government made revisions to the Use Classes Order and to Permitted Development Rights [BD1].
- 3.2 The Use Class Order created a new Use Class (Use Class E) which combined different commercial, business and service uses that were previously contained in separate use classes.
- 3.3 The Government stated that:

‘Combining separate use classes into a single use class means that, as of September 2020, planning permission is no longer required to make changes between them’. Bringing these uses together and allowing movement between them will give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities.’

Figure 1. Summary of Use Classes Order Changes (September 2020)

Use	Use Class (until 31 August 2020)	Use Class (from 1 September 2020)
Shops	A1	E
Financial & Professional Services	A2	E
Food & Drink (mainly on the premises)	A3	E
Business (office, research & development and light industrial process)	B1	E
Non-residential institutions (medical or health services, crèches, day nurseries and centres)	D1	E
Assembly and Leisure (indoor sport, recreation or fitness, gyms)	D2	E
Non-residential institutions (education, art gallery, museum, public library, public exhibition hall, places of worship, law courts)	D1	F1
Shop no larger than 280 sq. m (Selling mostly essential goods and at least 1km from another similar shop); community hall, outdoor sport / recreation area, indoor or outdoor swimming pool, skating rink	A2	F2
Public House, wine bar, drinking establishment	A4	Sui Generis (or unique uses)
Hot Food Takeaway	A5	Sui Generis (or unique uses)
Cinema, Concert Hall, Bingo Hall, Dance Hall, Live music venue	D2	Sui Generis (or unique uses)

- 3.4 With effect from 16 December 2022, the Council confirmed a number of Article 4 Directions under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended.
- 3.5 The Directions included protection to existing employment uses within the Gunnels Wood and Pin Green Employment Areas. They removed permitted development rights currently in place, or due to come into force, relating to the following changes of uses [BD2] and [BD3]:
- E(g)(i) (offices) to C3 (dwellinghouses)
 - E(g)(iii) (light industrial) to C3 (dwellinghouses)

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

Recommendation 2.1: That Cabinet note the reason for the amendment to the existing Article 4 Directions, and that there are no changes to the areas of the existing Article 4 Directions which came into force on 16 December 2022.

- 4.1 If confirmed, the Article 4 Direction would cover the same individual buildings in the Employment Areas of Pin Green and Gunnels Wood as in the existing Article 4 Direction.
- 4.2 Until the Use Classes Order 1987 was reformed in 2020, Class O of Part 3 of Schedule 2 of the General Permitted Development 2015 allowed for offices to be converted to residential use without planning permission, subject to certain restriction and prior approval regarding certain impacts.
- 4.3 Class PA of Part 3 of Schedule 2 of the General Permitted Development 2015 allowed for light industrial buildings to be converted to residential use without planning permission, subject to certain restriction and prior approval regarding certain impacts.
- 4.4 Use Class O and PA (prior to August 2021) of the General Permitted Development 2015 were replaced by a new Class MA which allows for the change of use from light industrial to residential.
- 4.5 As part of the 2021 revisions, the new Class MA was expanded to Permitted Development Rights to allow for the change of use of any Class E building into a C3 (residential).
- 4.6 Amendments to the General Permitted Development Order (2021) are as follows:
Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E(g)(i) (offices to carry out any operational or administrative functions); and Class E(g)(iii) (industrial processes), of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwelling houses) of Schedule 1 to that Order.
- 4.7 This means both offices and light industrial use fall within the new Use Class E and Class MA of the General Permitted Development Order (GDPO).
- 4.8 It has come to the attention of officers that there is a factual error in the confirmed Article 4 Directions 16 December 2022. The current Article 4 Directions, refer to the removal of permitted development rights under Class PA allowing change of use from E(g)(i), offices and E(g)(iii), light industrial use, to residential for sites within the designated employment areas of Gunnels Wood and Pin Green.
- 4.9 The Council is therefore required to amend the existing Article 4 Directions to reflect Class MA Part 3 of Schedule 2 of the General Permitted Development 2015 to disapply changes of use from Class E to residential (Class C3) use.
- 4.10 Further changes to Class MA were introduced in March 2024. For any application submitted on or after 5th March 2024, there is now no limit to the floor space that can be converted under Class MA and there is no requirement for the building to be vacant for 3 months.

- 4.11 Officers sought advice from the Ministry of Housing, Communities and Local Government Article 4 team in regard to the proposed Article 4 amendment.
- 4.12 The Ministry of Housing, Communities and Local Government Article 4 team confirmed the Council does not need to re-submit the previous submission evidence.
- 4.13 Officers will update the Ministry of Housing, Communities and Local Government Article 4 team and the Secretary of State, once the new Direction has been confirmed.

Recommendation 2.2: That Cabinet approve the amendment of the Article 4 Directions under Article 4 (l) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), to remove permitted development rights in relation to changes of use from Use Class E(g)(i) and E(g)(iii) to Use Class C3 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).

- 4.14 It is proposed that the wording on both Article 4 Directions, to remove permitted development rights in relation to changes of use from Use Class E(g)(i) and E(g)(iii) to Use Class C3, is amended to state Class MA rather than Class PA, to be factually correct. This is proposed as per Appendix C and D (replacing the current Article 4 Directions as per Appendix A and B).
- 4.15 The principle aim of these Directions is to ensure local planning policies can be applied to proposals for changes of use from office and light industrial to residential dwellings, to ensure employment uses are protected across the town.

Recommendation 2.3: That Cabinet approve the public consultation on the made (revised) Article 4 Directions, for a minimum period of four weeks commencing from 22 January 2025.

- 4.16 It is recommended that public consultation commences on 22 January 2025, for a minimum period of 4 weeks. The consultation would therefore close on 18 February 2025.
- 4.17 The consultation will be publicised by a range of measures. This will include:
- Placing the proposed amendment to the Article 4 Direction and supporting documents on the Council's website for the duration of the consultation.
 - Published in the local newspaper;
 - Displayed by two site notices (examples in Appendix E and F) in each employment area, two within Gunnels Wood and two within Pin Green;
 - Sent to the occupiers and owners of all affected businesses within Gunnels Wood and Pin Green;
 - Made available to view at the Customer Service Centre, the town's two libraries and the Council's website (along with a copy of the Directions);

- Sent to both the Secretary of State and Hertfordshire County Council (along with a copy of the Directions).

4.18 Following this, a further officer report will come back to Cabinet in March 2025, seeking approval for confirmation of the Article 4 Directions and that they will be confirmed by the Secretary of State for Housing, Communities and Local Government.

5 IMPLICATIONS

Financial Implications

- 5.1 Assuming there is 28 days notification of the Direction, there should be little opportunity for challenge resulting in any financial compensation.
- 5.2 Other than staff costs in terms on both consulting upon and reporting the Direction, the principal cost will be staff time processing the any planning applications for these changes of use, which will be un-chargeable. The expected number can be met within existing resources within Planning.

Legal Implications

- 5.3 Once confirmed, the Article 4 Direction will remove the permitted development rights in relation to changes of use from Class MA Use Class E(g)(l) and E(g)(iii) to Use Class C3 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended).

Risk Implications

- 5.4 The principle aim of these Directions is to ensure local planning policies can be applied to proposals for changes of use from office and light industrial to residential dwellings, to ensure employment uses are protected across the town.

Environmental Implications

- 5.5 The consequences of not maintaining the existing Article 4 Directions in Stevenage include an increased need for longer journeys, contrary to the objectives of sustainable development, climate change and the wider aspirations of the Stevenage Borough Local Plan.

Planning Implications

- 5.6 Once confirmed, the Article 4 Direction will remove the permitted development rights in relation to changes of use from Use Class E(g)(i) and E(g)(iii) to Use Class C3 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended). Instead, planning permission will be required for these

changes of use. Local Planning policies will be used to assess any resulting planning applications.

BACKGROUND DOCUMENTS

- BD1 Use Classes Order (September 2020)
https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use
- BD2 Meeting of the Stevenage Borough Council Cabinet, Item 5: Consultation on Two Article 4 Directions to require Changes of Use from Class E(g)(i) (Offices) and Class E(g)(iii) (Light Industrial) to Class C3 (Residential) to obtain Planning Permission (July 2022)
<https://democracy.stevenage.gov.uk/documents/s32049/Article%204%20Directions%20Report.pdf>
- BD3 Meeting of the Stevenage Borough Council Cabinet, Item 6: Confirmation of Two Article 4 Directions to require Changes of Use from Class E(g)(i) (Offices) and Class E(g)(iii) (Light Industrial) to Class C3 (Residential) to obtain Planning Permission (September 2022)
<https://democracy.stevenage.gov.uk/documents/s32501/Article%204%20Directions%20Exec%20Report.pdf>

APPENDICES

- A Current Article 4 Direction for change of use from Light Industrial to Residential (Gunnels Wood and Pin Green Employment Areas)
- B Current Article 4 Direction for change of use from Office to Residential (Gunnels Wood and Pin Green Employment Areas)
- C Revised Article 4 Direction for change of use from Light Industrial to Residential (Gunnels Wood and Pin Green Employment Areas)
- D Revised Article 4 Direction for change of use from Office to Residential (Gunnels Wood and Pin Green Employment Areas)
- E Notice of Revised Article 4 Direction for change of use from Light Industrial to Residential (Gunnels Wood and Pin Green Employment Areas)
- F Notice of Revised Article 4 Direction for change of use from Office to Residential (Gunnels Wood and Pin Green Employment Areas)