



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling Up,
Housing and Communities**
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2 Marsham Street
London SW1P 4DF

Will Tuckley
Chief Executive
Tower Hamlets Council
Town Hall
Mulberry Place
London
E14 2BG

Your reference:
Our reference:

14 June 2023

Dear Will,

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 Central Activities Zone and other sites within the London Borough of Tower Hamlets

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 18th August 2021 the London Borough of Tower Hamlets made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for the Central Activities Zone and other sites within the London Borough of Tower Hamlets ("the Article 4 direction"). The Article 4 direction was confirmed on 1st August 2022 and came into force on 18th August 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 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 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 part of each of the Central Activities Zone, Preferred Office Locations, Local Employment Locations; the Strategic Industrial Location, Local Industrial Locations, the Metropolitan Centre, District Centres, Neighbourhood Centres and Neighbourhood Parades across the Borough.

These modifications will ensure that the Article 4 Direction boundary for areas within the London Borough of Tower Hamlets 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.

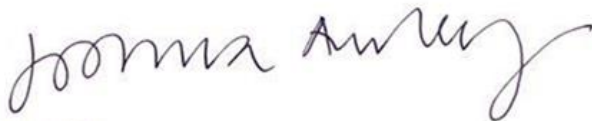
Procedural issues

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

Review of Article 4 Direction

Local planning authorities should monitor their article 4 directions regularly to assess whether the reasons the directions were made continue to be valid. Due to the uncertainty around the projections for the demand for office space in the borough following the pandemic, the Secretary of State will seek from you further evidence in 12 months from the date of this modification notice to assess whether the original evidence base for the Article 4 direction remains reflective of market conditions. The Secretary of State may further modify or cancel the Article 4 direction at any time before or after it is confirmed.



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 the London Borough of Tower Hamlets on 1st August 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 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 the London Borough of Tower Hamlets under Article 4 of the General Permitted Development Order on 1st August 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. The Article 4 direction relates to the land comprising the Central Activities Zone, Preferred Office Locations, Local Employment Locations, the Strategic Industrial Location, Local Industrial Locations, the Metropolitan Centre, District Centres, Neighbourhood Centres and Neighbourhood Parades within the London Borough of Tower Hamlets.

Direction

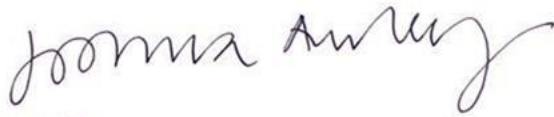
2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. Instead of the Article 4 direction applying to land described in the Second Schedule to that direction, it shall apply only to the land specified in this Direction.
4. The specified land is the areas shaded light green on the attached map being part of each of the Central Activities Zone, Preferred Office Locations, Local Employment Locations, the Strategic Industrial Location, Local Industrial Locations, the Metropolitan Centre, District Centres, Neighbourhood Centres and Neighbourhood Parades within the London Borough of Tower Hamlets.
5. For the avoidance of doubt, this Article 4 Direction does not apply to the areas shaded red on the attached plan or any other land outside the areas shaded light green.

Entry into force

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

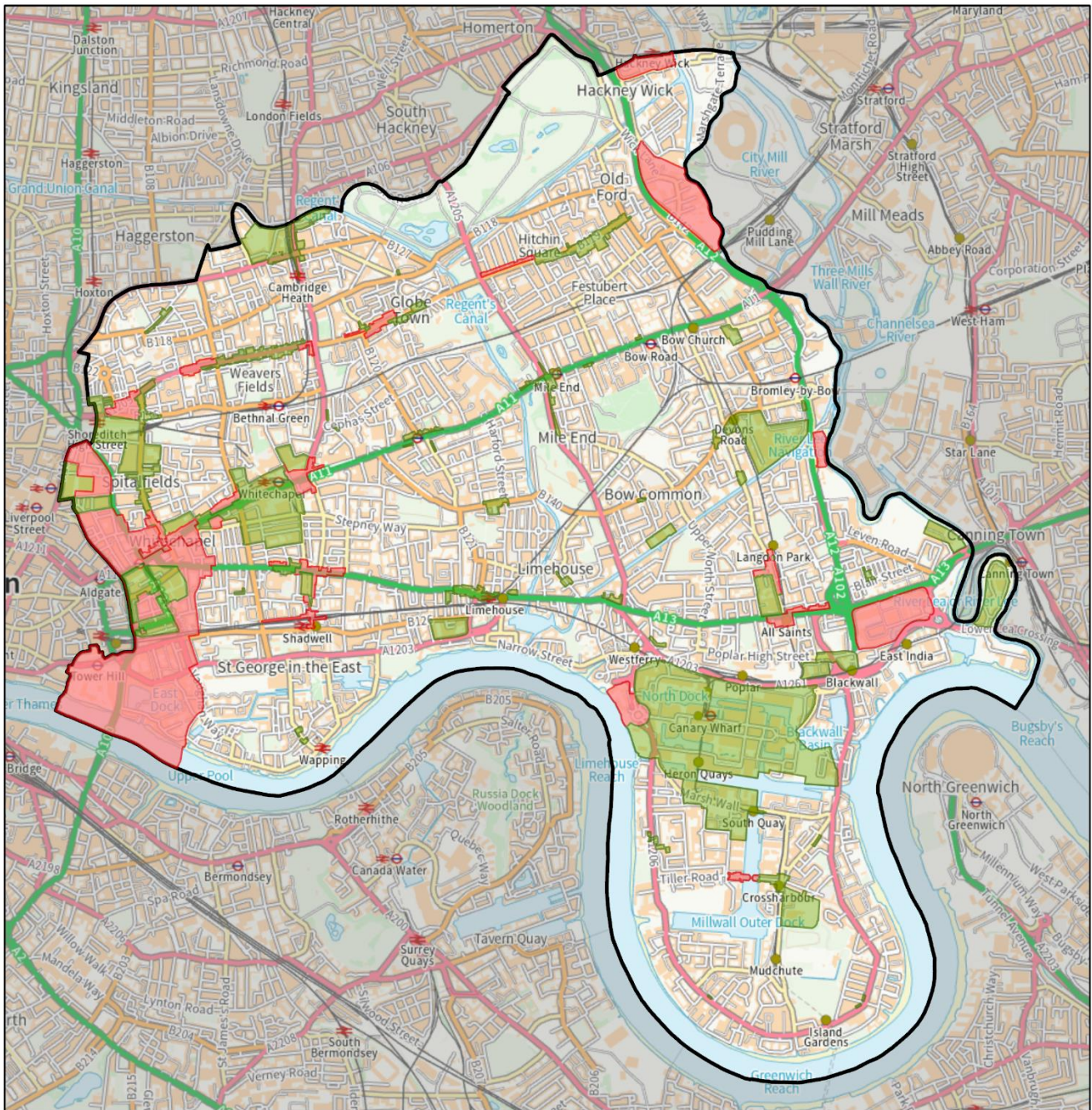
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

On: 14 June 2023

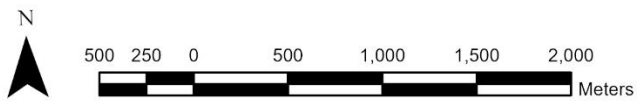
A handwritten signature in black ink, reading "Joanna Averley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Joanna Averley
Chief Planner

Article 4 Direction from September 2022



- Areas to Keep
- Areas to Remove
- Borough Boundary



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