



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling Up,
Housing and Communities**
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tony Zaman
Chief Executive
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Your reference:
Our reference:

9 February 2024

Dear Tony,

Re. Modification of Article 4 direction in relation to Classes AA and AB of Part 20 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 31st August 2020 Classes AA and AB were inserted into Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order").

Classes AA and AB allow for the construction of new dwellinghouses on, respectively, detached and terrace buildings that are in commercial or mixed use, and associated operational development.

On 26th July 2021 the London Borough of Hillingdon made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Classes AA and AB, as set out above, 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 30th July 2022.

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

- Strategic Industrial Locations
- Locally Significant Employment Locations
- Locally Significant Industrial Sites

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 AA and AB permitted development rights provide opportunities for the construction of new dwellinghouses on existing commercial or mixed use buildings. These permitted development rights support the delivery of new housing and economic recovery. They also include a number of safeguards.

The Article 4 direction, as made, does not take a sufficiently targeted approach in the assessment of the need to protect local amenity or the well-being of the area. 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 areas of the London Borough of Hillingdon where it is necessary to protect current and future operation of existing employment space, and the amenity and well-being of any new residents.

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 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
Department for Levelling Up, Housing and Communities