



## Department for Communities and Local Government

Mr Richard Grove  
Interim Planning Policy Manager  
Broxbourne Borough Council  
Borough Offices  
Bishops' College  
Churchgate  
Cheshunt  
Waltham Cross  
Hertfordshire EN8 9XB

Please ask for: Jez Donovan  
Tel: 0303 4448067  
Email: jez.donovan@communities.gsi.gov.uk  
Your ref: CH/  
Our ref: NPCU/A4D/W1905/72860

Via email: [rdg.projects@broxbourne.gov.uk](mailto:rdg.projects@broxbourne.gov.uk)

Date: 10 October 2014

Dear Mr Grove

### **MODIFICATION OF ARTICLE 4 DIRECTION IN RELATION CLASS J OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

#### **Background**

1. As you are aware, with effect from 30<sup>th</sup> May 2013 Class J was inserted into Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order").
2. Class J provides that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of that Schedule.
3. On 3<sup>rd</sup> October 2013 the Broxbourne Borough Council made a direction under Article 4(1) of the 1995 Order disapplying Class J for 11 specified areas ("the Article 4 direction"). The Article 4 direction came into force on 3<sup>rd</sup> October 2014.

## Considerations and reasons

4. In considering the Article 4 direction the Secretary of State has had regard to national policy on Article 4 directions. Paragraph 200 of the National Planning Policy Framework provides that–

*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).*

5. Para. 050 of the planning guidance provides that the Secretary of State does not have to approve Article 4 directions and will only intervene where there are clear reasons for doing so. The Secretary of State considers there are clear reasons justifying his intervention.
6. Permitted development rights which allow offices to convert to residential use have been an important stimulator to the macro UK economy. Figures published in May 2014 by Knight Frank demonstrate that prior approval applications have been secured for over 3.2 million square feet of office conversions. Despite this positive progress, developers face uncertainty whenever local planning authorities issue non-immediate Article 4 directions. This is particularly the case when prior approval has been granted by a local planning authority but a developer has not completed development before a non-immediate Article 4 direction comes into force.
7. The prior approval process set out in paragraph J.2 of Part 3 of Schedule 2 to the 1995 Order gives Broxbourne Borough Council an opportunity to consider the impacts of the change of use in particular cases. We consider, therefore, it is unreasonable for the Council to disapply the permitted development right by the Article 4 direction in relation to premises which have secured prior approval before the direction comes into force.

## Decision

8. 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 maps and to exclude any offices premises which have secure prior approval before 3<sup>rd</sup> October 2014 and we attach a direction to that effect.

## Procedural issues

9. For the purposes of Article 5(16) of the 1995 Order we hereby notify you of the modification of the Article 4 direction.
10. You must publicise the attached notice in accordance with the provisions of Article 5(1) to (3) of the 1995 Order (as required by Article 5(17)). Please let us know when and where the notices are to be published – we assume, given the numbers involved, it may be impracticable to serve the owners and occupiers of the buildings / land affected and accordingly only local advertisement and site display is required pursuant to Article 5(1)(a) and (b) and 5(2). We would

suggest the same process is followed as was followed for the notice of making the direction.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Jagpal', with a stylized, cursive script.

**Ranuka Jagpal**  
**Head of National Planning Casework Unit**



# **DIRECTION UNDER THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

## **Modification of the Article 4 direction made by the Broxbourne Borough Council on 3<sup>rd</sup> October 2013 in relation to development consisting of office to residential change of use**

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by article 5(13) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and of all other powers enabling him in that behalf, makes the following direction:

### **Interpretation**

1. In this Direction—

“1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995 (as amended); and

“Article 4 direction” means the Direction made by the Broxbourne Borough Council under Article 4 of the 1995 Order on 3<sup>rd</sup> October 2013 in respect of development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 from a use falling within Class B1(a) (offices) of that Schedule, namely development which is permitted by Class J of Part 3 of Schedule 2 to the 1995 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 development on land throughout the borough of Broxbourne it shall apply only to the areas specified in this Direction
4. The specified areas are the areas shown on the attached plans marked: Maps 1 to 9.
5. The Direction as so modified also excludes any buildings or land in relation to which before 3<sup>rd</sup> October 2014 either prior approval under paragraph J.2 of Part 3 of Schedule 2 to the 1995 Order has been given, or a determination been made that such prior approval is not required, or where 56 days have expired following the date on which the application was received without the authority notifying the applicant as to whether prior approval is given or refused.

### **Entry into force**

6. This direction comes into force in accordance with article 5(18) of the 1995 Order.

Signed for and on behalf of the Secretary of State for Communities and Local Government

on 10<sup>th</sup> October 2014



**Ranuka Japal**

Map 1 – Volker Fitzpatrick site

Map 2 – Merck Sharp Dohme site

Map 3 – Hoddesdon Business Park

Map 4 – Turnford Place

Map 5 – Cheshunt Business Park

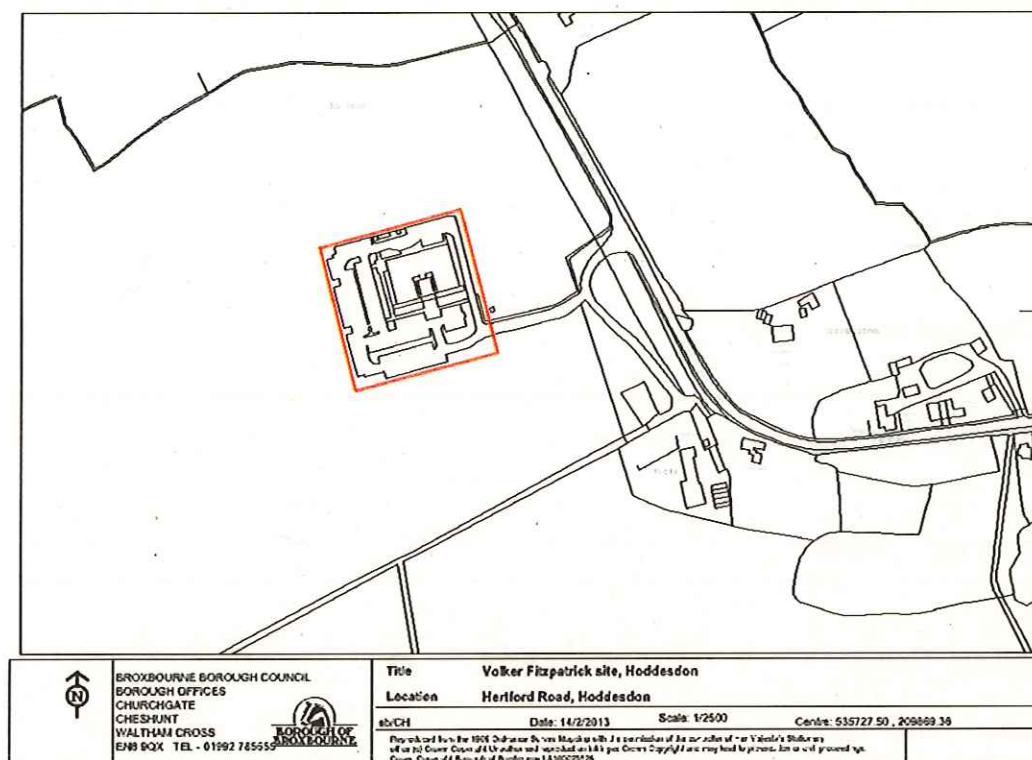
Map 6 – News International printworks site

Map 7 – Park Plaza North

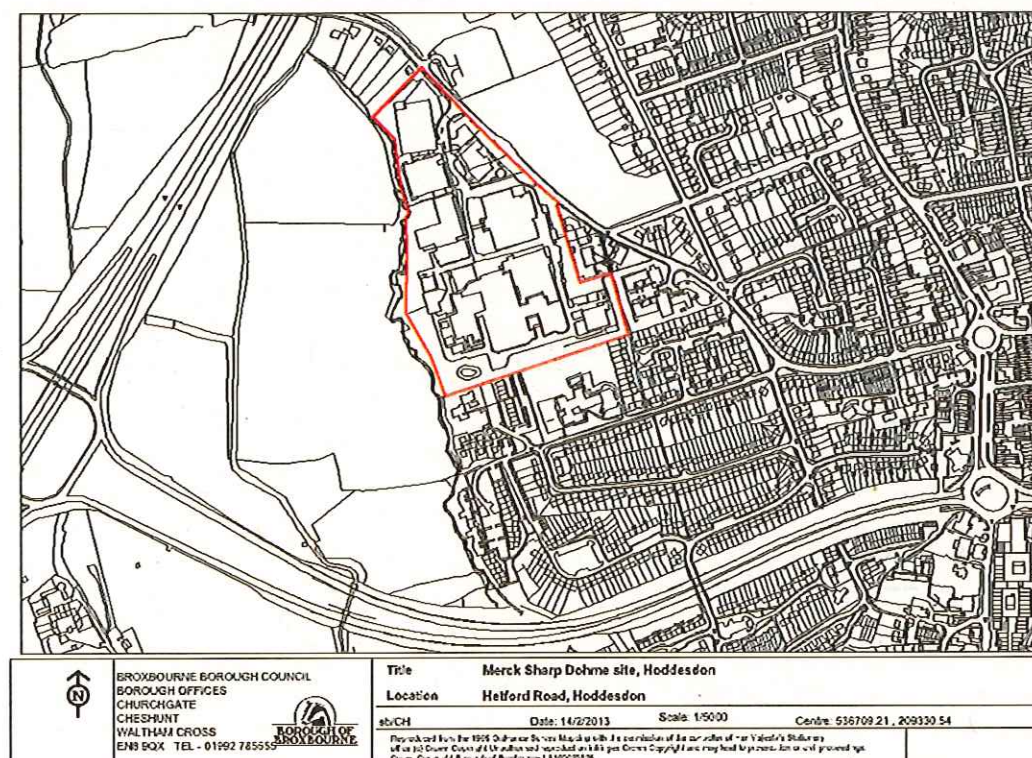
Map 8 – Albany House

Map 9 – Waltham Cross Business Park

**Map 1: Volker Fitzpatrick site, Hertford Road, Hoddesdon**

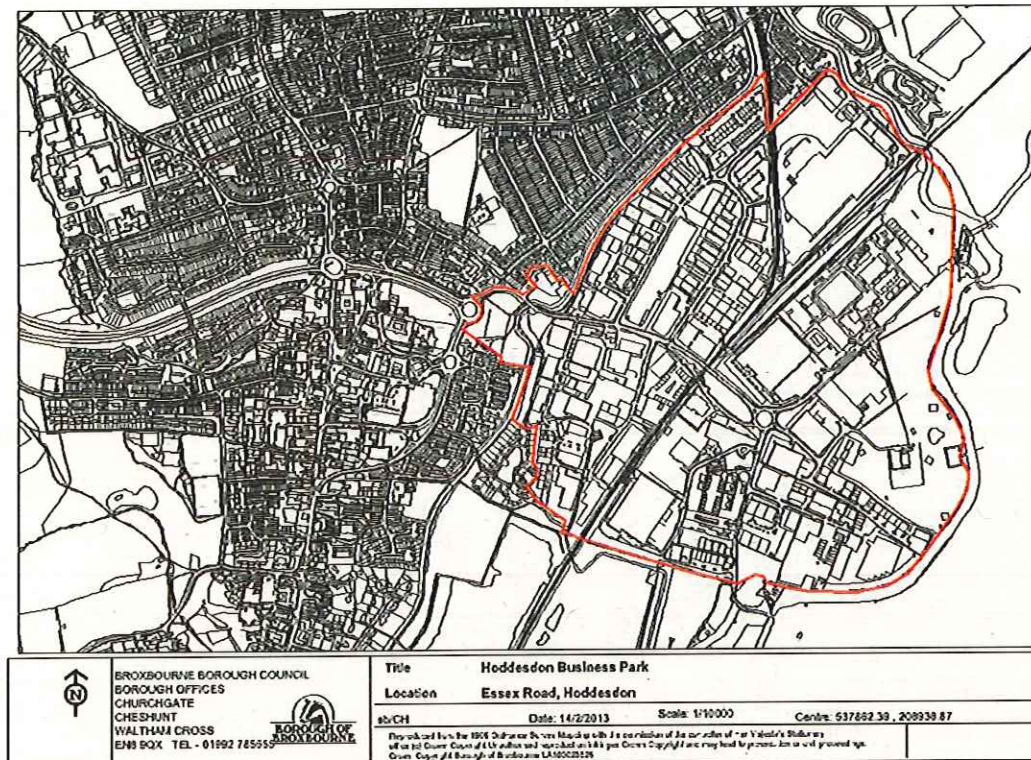


**Map 2: Merck Sharp Dohme site, Hertford Road, Hoddesdon**

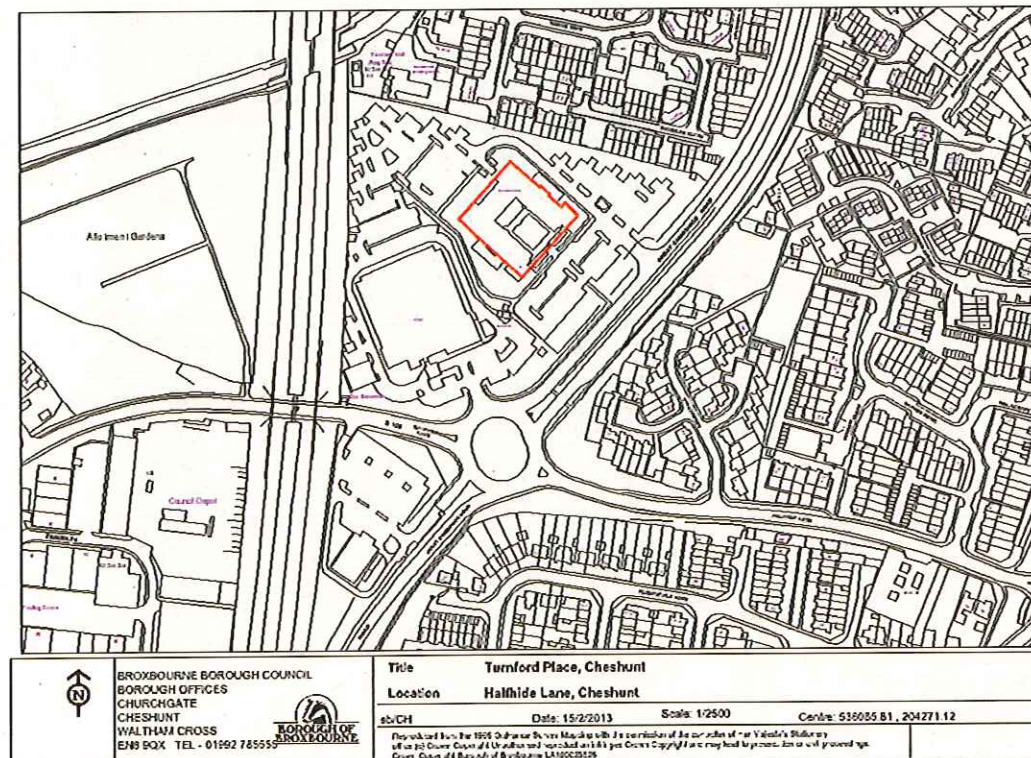




### Map 3: Hoddesdon Business Park

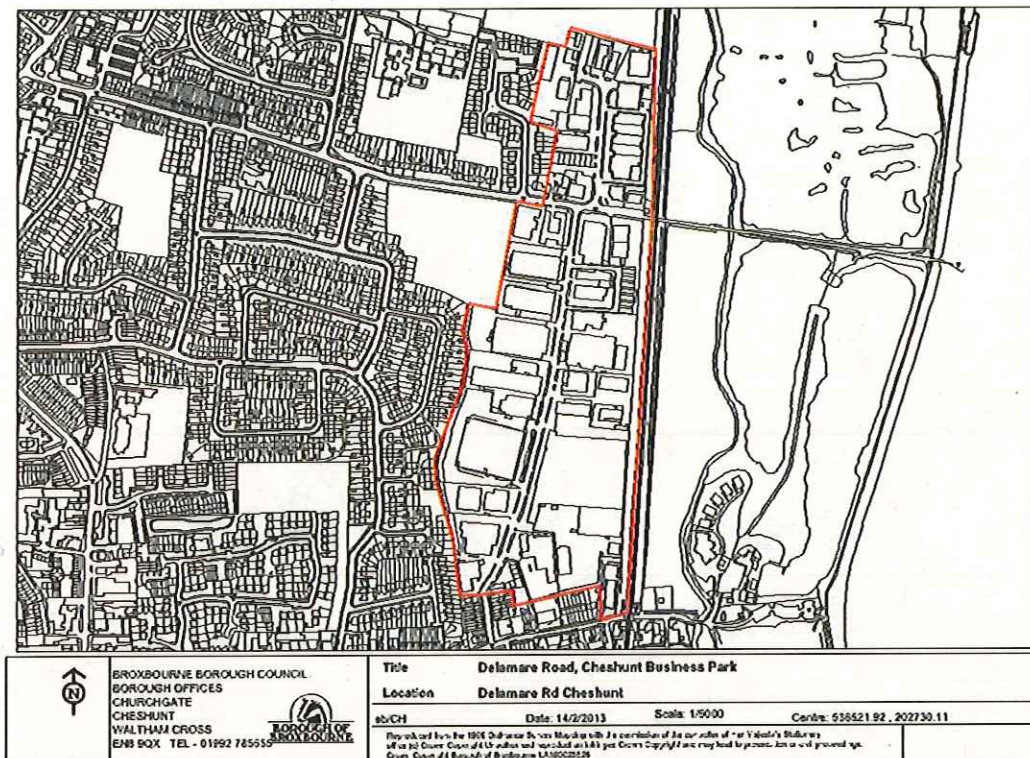


### Map 4: Turnford Place, Great Cambridge Road, Cheshunt

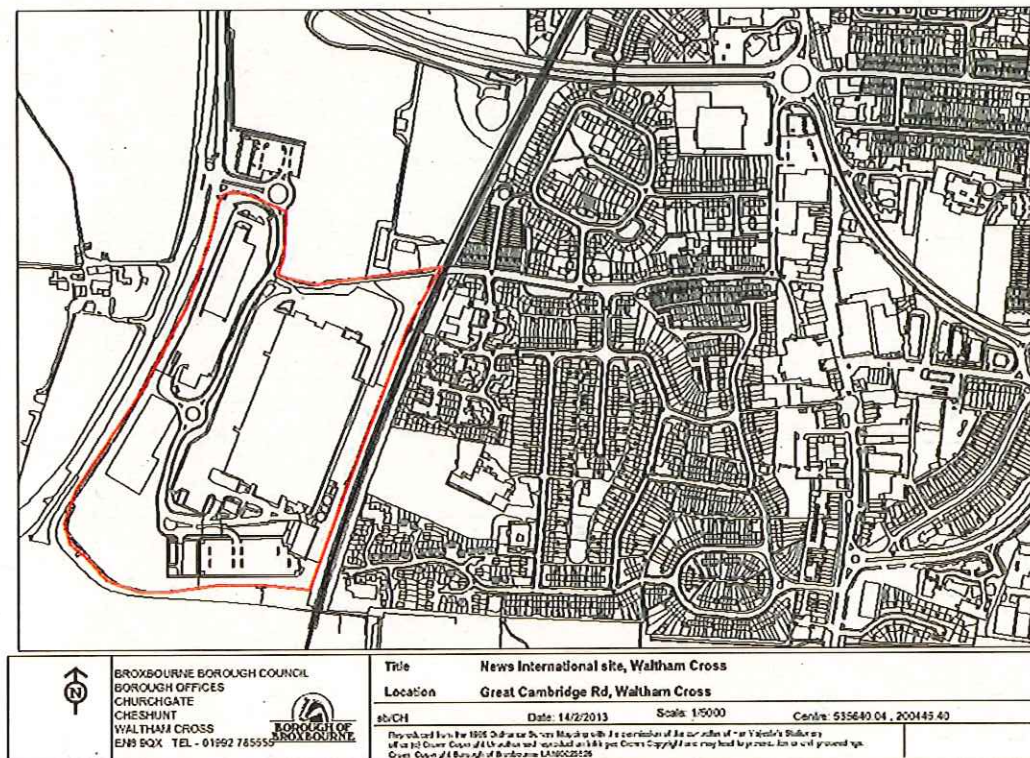




### Map 5: Delamare Road, Cheshunt Business Park



### Map 6: News International printworks site, Waltham Cross

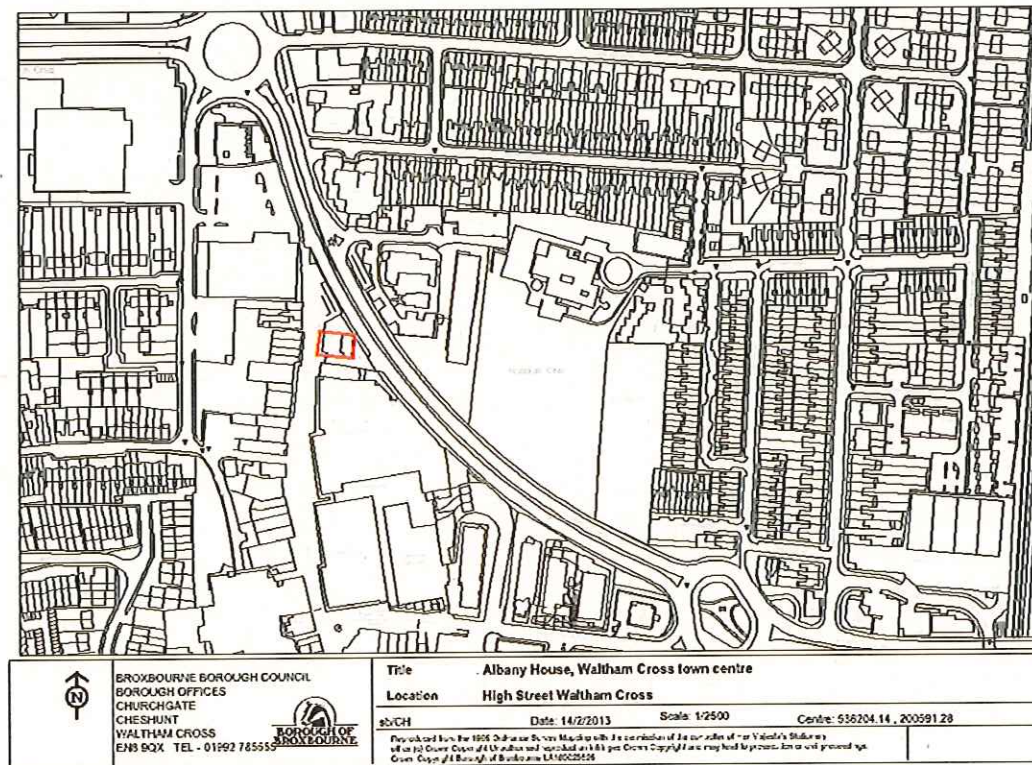




## Map 7: Park Plaza North, Waltham Cross



### Map 8: Albany House, Waltham Cross town centre





## Map 9: Waltham Cross Business Park

