



Department for Levelling Up,
Housing & Communities

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Housing and Communities**
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Jackie Yates
Chief Executive
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Your reference:
Our reference:

10 October 2023

Dear Jackie Yates,

Re. Modification of Article 4 Direction in relation to Classes M, MA and N of Part 3 of Schedule 2; and Classes ZA, AA and AB of Part 20 of Schedule 2 of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the Borough of Reading

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. Class M permits development consisting of a change of use of a building in certain uses (laundrette, betting office, pay day loan shop, hot food takeaway) to dwellinghouses. Class N permits development consisting of a change of use of a building and any land within its curtilage from specified sui generis uses (an amusement arcade or centre, or a casino) to dwellinghouses.

Class ZA of Part 20 of Schedule 2 to the General Permitted Development Order, permits development consisting of the demolition of a building which was in use as a single purpose-built block of flats or the demolition of a detached building which was in use as an office, research and development or light industrial use, or any combination of these uses, on 12 March 2020, and its replacement with a purpose built detached block of flats or a purpose built detached dwellinghouse, with a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987. Classes AA and AB of Part 20 allow for the construction of new dwellinghouses on detached and terrace buildings respectively that are in commercial or mixed use.

On 10th November 2021, Reading Borough Council made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Classes, M, MA, N of Part 3 of Schedule 2; and, Classes ZA, AA and AB of Part 20 of Schedule 2 of the General Permitted Development Order for various sites within The Borough of Reading ("the Article 4 direction"). The Article 4 direction was confirmed by the Council on 31st October 2022 and came into force on 15th November 2022.

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 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. Similarly, the Classes M and N permitted development rights also provide opportunities for high street regeneration and support housing delivery, and these permitted development rights also include a number of national safeguards.

The Class ZA permitted development right provides new opportunities for the demolition and replacement of vacant, detached buildings used as blocks of flats, offices, for research and development or in light industrial use, with purpose-built flats or a dwellinghouse, and Classes 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 and also include a number of safeguards.

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 the Article 4 direction applies only to the smallest geographical area possible. The Secretary of State is 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 areas of commercial activity within the Borough of Reading, and locations where the permitted development rights would have a wholly unacceptable adverse impact. It covers various locations across the Borough.

These modifications will ensure that the Article 4 Direction boundary for areas within the Borough of Reading are justified by robust evidence and comply with national planning policy.

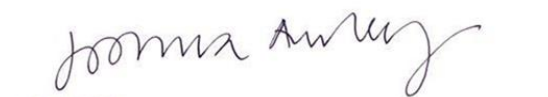
Decision

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 we 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.

A handwritten signature in blue ink, appearing to read 'Joanna Averley', is written over a horizontal line.

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 Reading Borough Council on 10th November 2021 in relation to development under Classes M, MA and N of Part 3 of Schedule 2; and Classes ZA, AA and AB of Part 20 of Schedule 2 of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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);

"Use Classes Order" means the Town and Country Planning (Use Classes) Order 1987 (as amended; and

"Article 4 direction" means the Direction made by Reading Borough Council under Article 4 of the General Permitted Development Order on 10th November 2021 in respect of development permitted by:

- Class M of Part 3 of Schedule 2 to the General Permitted Development Order, namely a change of use of a building in certain uses (laundrette, betting office, pay day loan shop, hot food takeaway, or a mixed use combining use as a dwellinghouse with a laundrette, betting office or pay day loan shop) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses);
- Class MA of Part 3 of Schedule 2 to the General Permitted Development Order, namely 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 Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order;
- Class N of Part 3 of Schedule 2 to the General Permitted Development Order, namely a change of use of a building and any land within its curtilage from specified sui generis uses (an amusement arcade or centre, or a casino) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses);
- Class ZA of Part 20 of Schedule 2 to the General Permitted Development Order, namely the demolition of a building comprising a single purpose-built detached block of flats, or a single detached building comprising premises in a use falling within offices, or research and development of products and processes or light industrial appropriate in a residential area, or any combination of those uses, and its replacement

with a purpose built block of flats or a purpose built detached dwellinghouse, together with prescribed operational development;

- Class AA of Part 20 of Schedule 2 to the General Permitted Development Order, namely the construction of up to two additional storeys of new dwellinghouses on detached buildings in specified commercial or sui generis uses (as a shop, financial and professional services, restaurants and cafes or offices, or as a betting office, pay day loan shop or launderette) or in a mixed use combining those uses or a use within Class C3 (dwellinghouse) of Schedule 1 to the Use Classes Order, together with prescribed works and operations.
- Class AB of Part 20 of Schedule 2 of the General Permitted Development Order, namely the construction of up to two new dwellinghouses on terrace buildings in specified commercial or sui generis uses (as a shop, financial and professional services, restaurants and cafes or offices, or as a betting office, pay day loan shop or launderette) or in a mixed use combining those uses or a use within Class C3 (dwellinghouse) of Schedule 1 to the Use Classes Order, together with prescribed works and operations.

The Article 4 direction relates to sites in the Borough of Reading.

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 the land described in the Second Schedule to that direction, it shall apply only to the land specified in this Direction and only in the manner described in paragraph 5.
4. The specified land is the areas shaded grey on the attached maps numbered 1 -39, divided into categories A to G.
5. In each category of area shaded grey, the permitted development right(s) to be removed is specified in the table below:

Area (as shown on attached Maps to this Direction numbered 1 - 39)	Permitted development right(s) removed
A	Part 3, Class MA; Part 3, Class M; Part 3, Class N; Part 20, Class AA; Part 20, Class AB
B	Part 3, Class MA; Part 3, Class M; Part 3, Class N
C	Part 3, Class MA
D	Part 3, Class MA; Part 3, Class M
E	Part 3, Class MA; Part 3, Class M; Part 20, Class AA; Part 20, Class AB
F	Part 3, Class MA; Part 20, Class AA; Part 20, Class AB

G	Part 3, Class MA; Part 20, Class ZA; Part 20, Class AA; Part 20, Class AB
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6. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas shaded.

Entry into force

7. 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: 10 October 2023



Joanna Averley
Chief Planner