

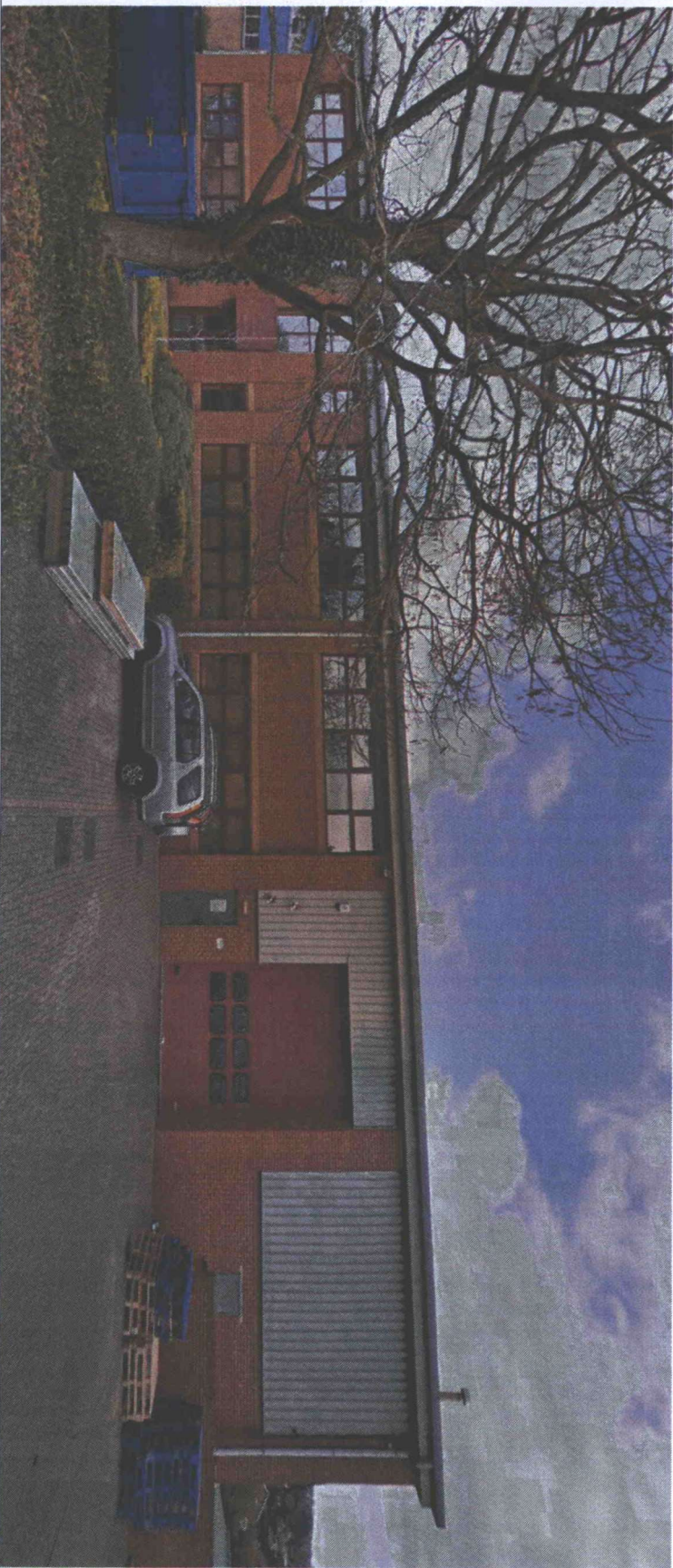
05 SEP 2022



## Representations

Against the introduction of Article 4(1) Directions

1a River Park  
Industrial Estate,  
Billet Lane,  
Berkhamsted,  
Hertfordshire  
HP4 1HL.



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1.1

**Introduction.**

The Local Planning Authority, Dacorum Borough Council has issued an Article 4(1) Direction relating to the property at 1a River Park Industrial Estate, Billet Lane, Berkhamsted, Hertfordshire HP4 1HL.

This Article 4(1) Direction relates to the removal of Permitted Development Rights in relation to 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) (office) of the Schedule of Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C3 (dwellinghouses) of Schedule 1, being development comprised within Class MA of Part 3 of Schedule to that Order.

1.2

**MAPS - Showing context.**



**AERIAL VIEW - Showing context.**





<p>2.1 <u>Permitted Development Rights.</u></p> <p>On 10th September 2008 the Conservative Government announced details of their changes to the Permitted Development Regime for Householders which came into force on 1st October 2008 - 2015.</p> <p><b>The Town and Country Planning (General Permitted Development) (England) Order 2015</b> (the "GPDO 2015") came into force on 15 April 2015, and was introduced by Statutory Instrument 2015 No. 596.</p> <p>This revoked the previous legislation</p> <p>Since it came into force, the GPDO 2015 has been amended by a number of subsequent statutory instruments, including SI 2016 No. 332, SI 2016 No. 1040, SI 2017 No. 391, SI 2017 No. 619, SI 2018 No. 343, SI 2019 No. 907, SI 2020 No. 330, SI 2020 No. 412, and SI 2020 No. 632.</p> <p><b><u>Operation of the GPDO 2015</u></b></p> <p>Article 4 sets out that the Secretary of State or the local planning authority may make a direction (referred to as an <b>Article 4 direction</b>) restricting certain permitted development rights.</p> <p>Schedule 1 Part 1 defines "article 2(3) land", which includes land which is a national park, an Area of Outstanding Natural Beauty, a conservation area, The Broads, or a World Heritage Site.</p> <p><b><u>Article 4(1) directions.</u></b></p> <p>Local planning authorities are able to remove permitted development rights to protect the character of a particular area by issuing an article 4 direction. Typically article 4 directions are used where the character of an area of acknowledged importance could be threatened by a particular type of development.</p>	<p>2.2 <b>The Town and Country Planning (General Permitted Development) (England) Order 2015 SCHEDULE 3 Procedures for Article 4(1) directions.</b></p> <p><i>1 – (9) In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period specified in accordance with subparagraph (4)(d).</i></p> <p><i>1 – (13) ...and the Secretary of State may, subject to paragraphs 2(3) and (4), make a direction cancelling or modifying any direction under article 4(1) made by a local planning authority at any time before or after its confirmation.</i></p> <p><b><u>Evidence for Proposed Article 4 Direction relating to permitted development rights for new residential dwellings</u></b> <b>September 2021</b></p> <p><i>"1.3.6 The most recent version of the National Planning Policy Framework (NPPF), July 2021, sets out the circumstances in which an Article 4 direction can or should be considered in paragraph 53.</i></p> <p><i>"The use of Article 4 directions to remove national permitted development rights should:</i></p> <ul style="list-style-type: none"> <li>• <i>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)</i></li> <li>• <i>in other cases, be limited to situations where an Article 4 direction is necessary to protect local</i></li> </ul>	<p><i>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)</i></p> <ul style="list-style-type: none"> <li>• <i>in all cases, be based on robust evidence, and apply to the smallest geographical area possible."</i></li> </ul> <p>1.3.7 It is therefore clear that an Article 4 direction needs to be accompanied by evidence which clearly shows why it is necessary, and which justifies the extent of the area. .... The phrase "wholly unacceptable adverse impacts" presents a high bar for controlling changes of use to residential.</p> <p>1.3.9. PPG further comments on the use of directions as follows:</p> <p><i>"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. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:</i></p> <ul style="list-style-type: none"> <li>• <i>a wide area (eg those covering the entire area of a local planning authority, National Park or Area of Outstanding Natural Beauty)</i></li> <li>• <i>cases where prior approval powers are available to control permitted development ..."</i></li> </ul> <p>1.3.10 In summary, therefore, there needs to be robust evidence to support an Article 4 direction that clearly identifies the potential harm and why it is necessary to protect local amenity or the wellbeing of the area. ....</p>
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Section 3.0

Arguments against Article 4(1)

<p>3.1 <b>Argument against Article 4(1)</b></p> <p>Permitted development rights should not be withdrawn without clear justification.</p> <p>The government has issued guidance on when and how to make an article 4 direction.</p> <p>The National Policy Framework states:</p> <p><i>“...local authorities should consider making article 4 directions only in those exceptional circumstances where the direction is necessary to protect local amenity or the well-being of the area.”</i></p> <p><i>Restrictions on changes of use from a non-residential to residential use should be limited to situations where the direction is necessary to prevent ‘wholly unacceptable adverse impacts’. In all cases, the direction should be based on robust evidence and apply to the smallest geographical area possible.”</i></p> <p><b>National Planning Policy Framework (July 2021)</b></p> <p>Paragraph 53 requires Article 4 Directions removing permitted development rights (e.g. allowing changes to residential) to be targeted, fully justified, restricted to the smallest geographical area possible and robustly evidenced.</p>	<p>3.2 <b>1a River Park Industrial Estate is:</b></p> <p><b>NOT A LISTED BUILDING, NOT WITHIN THE CURTLAGE OF A LISTED BUILDING, NOT WITHIN A CONSERVATION AREA, NOT A BUILDING OF STRATEGIC IMPORTANCE, NOT WITHIN A TOWN CENTRE.</b></p> <p>1a River Park Industrial Estate has no more importance than any of its neighbouring buildings. Yet, the immediate neighbouring buildings have not been issued with Article 4(1) direction.</p> <p>Its use is similar to all of its neighbouring buildings and yet 1a River Park Industrial Estate has been plucked out from the crowd for the removal of Permitted Development Rights.</p> <p>This is blatantly unfair treatment from the local planning authority.</p>	
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## Section 4.0 Conclusion

<p>4.1 <b><u>The Strategy of the planning department.</u></b></p> <p>The strategy of the local planning authority, Dacorum Borough Council, seems obvious.</p> <p>It is an underhanded strategy aimed at stripping the permitted Development Rights from particular properties without justification.</p> <p>The criteria by which they are choosing the buildings from which they intend to withdraw Permitted Development Rights is, to quote their representative, one which involves <i>“driving about and picking out nice buildings that might in the future be converted under PDRs.”</i> And went on to say <i>“You have a pretty building”</i></p> <p>The planning department are discouraged by the National Planning Framework from ringfencing large areas for the removal of Permitted Development Rights.</p> <p>So, instead, they have picked out various buildings within this area that, in their view, would be the most likely, at sometime in the future, to avail of Permitted Development Rights and are attempting to withdraw those rights without justification.</p> <p>If this procedure was duplicated throughout the Borough for all uses it would make a complete mockery of the policy that introduced Permitted Development Rights.</p> <p>The local planning department's attempt to withdraw Permitted Development Rights from 1a River Park Industrial Estate is not in accordance with the spirit or letter of the Permitted Development Regulations as set out in the Town and Country Planning (General Permitted Development) (England) Order.</p>	<p>4.2 <b><u>Not in accordance with the requirements for issuing Article 4(1) directions.</u></b></p> <p>The local planning department's attempt to arbitrarily remove Permitted Development Rights from randomly chosen buildings is not in accordance with the requirements for issuing Article 4(1) directions. (As set out on Page 4)</p>	<p>4.3 <b><u>Planning Class Designation Discrepancy.</u></b></p> <p>The letter of notification as issued by the local planning authority notifying the owner-occupier of the Article 4(1) direction refers to the building at 1a River Park Industrial Estate as having a Planning Use Classification of <b>E(g)(i) (offices).</b></p> <p>The building is used for the purpose of research &amp; development, processing and packaging of food</p> <p>The office area amounts to a small portion of the overall building and accommodates two people for administrative purposes.</p> <p>The Planning Use Classification for the building should be <b>E(g)(iii) Industrial Purposes.</b></p> <p>4.3.1 <b><u>Designation of the building as referenced on the Building Rates Documentation.</u></b></p> <p>In addition, the description of the building as referenced on the Building Rates documentation is <b>“Factories”</b> and <b>not Offices.</b></p> <p><b>In light of the points raised within this report we insist that the Article 4(1) direction should be cancelled immediately.</b></p>
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