



**Consultation Statement**

**for**

**North Hertfordshire District Council**

**Article 4 Direction**

**August 2019**

## **What was consulted upon?**

North Hertfordshire District Council (the Council) has made and subsequently having considered consultation responses now confirmed a non-immediate Article 4 Direction to remove the permitted development rights allowed under *Schedule 2 Part 3 Class O* and *Schedule 2 Part 3 Class PA* of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (GPD0). These apply to the employment areas as defined by the emerging North Hertfordshire District Plan 2011-2031.

## **Why has the Council introduced this Article 4?**

The Council has introduced an Article 4 Direction with the purpose of restricting 'permitted development rights' which allow for offices and light industrial buildings to be converted into housing accommodation without the express need for planning permission. The Council's Cabinet approved the making of this direction in January 2019.

The Government introduced additional permitted development rights in 2013 and 2016, initially for a temporary period only, to allow the conversion of offices and other commercial buildings into housing through a "prior approval" process. Under the prior approval process, it is only necessary to show that a proposal is acceptable with regard to transport and highways, contamination risks, flood risk and noise impact. Should proposals be acceptable, they then have approval to convert the building.

Under this process the council are unable to consider other matters such as whether the site is in an area protected for commercial activities, the building is vacant, the standard of living accommodation or whether any affordable housing will be provided. The prior approval process can lead to the displacement of existing businesses and the Council considers that proposals to convert commercial premises into housing in key areas for employment should require the submission of a planning application.

The Council wishes to manage such developments in defined employment areas. This will ensure that business occupiers are not displaced where their accommodation is viable for its continued use. It is essential that planned developments identified in the Development plan are not potentially undermined.

## **Legislation**

The Legislative process for consulting on and adopting an Article 4 Direction is set out in the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (GPD0).

Article 4 of the Order provides Local Planning Authorities (LPAs) with the power to remove certain permitted development rights that are set out in the Order. The procedure for publishing and confirming an Article 4 Direction is set out in Schedule 3 of the Order.

It is stated that the Council must, as soon as practicable after an Article 4 Direction has been made, notify those affected by:

- Local advertisement,
- Site display at no fewer than two locations within the area to which the direction relates,

- Serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates unless the number of owners or occupiers with the affected area makes individual service impracticable.

The notice must:

- Include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction,
- Specify that the direction is made under Article 4(1) of the Order,
- Name a place where a copy of the direction, and a copy of the maps defining the areas to which they relate, or the sites to which they relate, as the case may be, may be seen at all reasonable hours,
- Specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the LPA; and,
- Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than two years after the date referred to above.

The Council must send a copy of the Article 4 Direction and notice, together with any map defining the area to which it relates to the Secretary of State on the same day that the notice of the direction is first published.

In deciding whether to confirm a direction made under Article 4(1), the LPA must take into account any representations received during the consultation period. It cannot confirm an Article 4 Direction until 28 days after the last notices have been served and published.

On confirmation of the Article 4 Direction, the LPA has to inform the Secretary of State and also publicise this in a notice in a manner consistent with the notification of the Article 4 Direction being made.

#### **Steps the Council has taken to publicise the Article 4 Direction**

The council notified on the made Article 4 Direction as soon as practicable by:

- Local advertisement in the Royston Crow and The Comet on 20 June 2019 (Appendix 1),
- Site display at no fewer than two locations within the various areas to which the direction relates on 19/20 June 2019 (Appendix 2);
- Writing to all of the addresses situated in the areas affected by the Article 4 Direction on 19 June 2018. A large number of units are in the employment areas in North Hertfordshire (as defined by both the existing and emerging Local Plan), however, the Council still considered it appropriate to serve individual notices on each owner/occupier of premises (Appendix 3);
- Sending a copy of the Article 4 Direction, notices and maps of the affected area to the Secretary of State on 11 June 2019. The covering letter can be seen in Appendix 4; and,
- Making it available on the Council website on 11 June 2019.

Representations were invited concerning the Article 4 Direction between 20 June 2019 and 11 July 2019.

## **Response to the consultation**

During the consultation period (20 June 2019 to 11 July 2019) a total of one representation was received. The representation was an objection to introducing a non-immediate Article 4 Direction to withdraw Class O permitted development rights for the Old Charlton Road, Hitchin employment area. The objections were received from Powerhaus Consultancy acting on behalf of Bellborough Ltd. A summary of the representation together with a response to the issues raised is found later in this report. The Council received no response from the Secretary of State.

## Assessment of Representations

Site	Agent/ Objector	Issue	Response
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	1. The Council has not evidenced why Class O permitted development rights should be removed for the area and why the loss of B1(a) use would particularly harm the employment land supply in Hitchin.	1. Emerging Local Plan policy SP3 seeks to safeguard locally important employment sites throughout the plan period until 2031. North Hertfordshire's Employment Land Review concludes that the site can be regarded as an attractive site future office development serving Hitchin town centre. The protection of office development at this site was deemed as important. In order to give emerging Policy SP3 its required strength, designated employment areas should not be threatened by permitted development over which the Council has limited control. A loss of Employment Space in Hertfordshire (February 2019) report commissioned by Hertfordshire LEP (produced by Lambert Smith Hampton) states that 4,683m <sup>2</sup> of office space was lost via permitted development rights to residential between 2013/14 and 2017/18.
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	2. The draft Local Plan (Submission 2016) has not yet been found sound and may not be so.	2. Large amounts of employment areas in the emerging District Plan are already currently employment or business use allocations in the adopted plan; should emerging policies not be found sound such land use allocations would remain. The site at Old Charlton Road is currently designated as business use in adopted policy. The Inspector examining the Local Plan has written to North Hertfordshire District Council following the consultation on the proposed main modifications required to make the plan sound and at the time of writing no significant concerns over the employment policies, particularly SP3, have been raised. The Council believes its employment policies best serve the District's employment needs over the plan period.

Site	Agent/ Objector	Issue	Response
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	<p>3. Evidence produced by Brazier Freeth indicating:</p> <ul style="list-style-type: none"> <li>• The occupational office demand in Hitchin and surrounding markets is dropping;</li> <li>• Hitchin's office space services existing occupiers and does not attract newcomers to the area;</li> <li>• No demand for large office space in Hitchin;</li> <li>• Reconfiguration of two units on site is such that they could not be sub-divided for multiple tenants due to low level of rents achievable.</li> </ul>	<p>3. The representation clearly states that the earliest lease that expires on the properties owned by Bellborough Ltd is February 2022 with 49,396ft<sup>2</sup> of office space let until April 2027, demonstrating that there is evidence for employment use on the site well into the plan period. North Hertfordshire's Employment Land Review supports the safeguarding of the office use on this site. In responding to the pre-submission consultation of the emerging Local Plan, the Hertfordshire LEP voiced concerns that insufficient employment land was allocated in Hitchin; bearing that in mind it is essential that allocated employment land is properly safeguarded. The Article 4 Direction does not preclude a future conversion or redevelopment of the premises. It simply requires that any such change is subject to a planning application and supported by any necessary and relevant evidence at that time.</p>
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	<p>4. The employment area is located in a location that is wholly sustainable.</p>	<p>4. The location may be sustainable for residential development, however, as an employment site, the site benefits from strong access to local amenities. The site was not promoted as a possible housing allocation</p>
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	<p>5. The evidence base for the emerging Local Plan is out of date and does not reflect the current office market trends.</p>	<p>5. As discussed above, the Inspector examining the emerging North Hertfordshire District plan has raised no substantial concerns over the Plan's employment polices or the supporting evidence base.</p>

Site	Agent/ Objector	Issue	Response
Old Charlton Road, Hitchin	PowerHaus Consultancy on behalf of Bellborough Ltd	6. North Hertfordshire housing needs are currently not being met.	6. The Article 4 Direction does not stop any buildings from being converted to residential use; however, it would require the submission of a planning application for such a conversion to take place upon the confirmation of the Article 4 Direction. Any such planning application submitted to the Council for B1(a) to C3 will be judged on its individual merits.

## **Next Steps**

In publicising the confirmation of the Article 4 Direction, the same steps will be undertaken as those that were made for the making of the Article 4 Direction. The respondents that responded to the consultation will be informed specifically.

## **Appendices**

Appendix 1: Advert of Article 4 Direction placed in the Comet on 20 June 2019

Appendix 2: Example Notices of the Article 4 Direction on display

Appendix 3: Letter sent to the owners/occupiers of buildings affected by the Article 4 Direction

Appendix 4: Covering letter sent to the Secretary of State on 11 June 2019



PUBLIC NOTICES

Legal and Public Notices

<p style="text-align: center;"> <b>STAVANGER COUNCIL</b></p> <p style="text-align: center;"><b>TOWN AND COUNTRY PLANNING ACT 1990</b> <b>NOTICE OF APPLICATION FOR PLANNING PERMISSION</b></p> <p><b>THE FOLLOWING APPLICATION(S) AFFECTING THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA HAVE BEEN RECEIVED</b></p> <p>19/00360/FPH Oakfield Farm, Symonds Green First floor extension over existing detached garage to create granny annex</p> <p><b>THE FOLLOWING APPLICATION(S) AFFECTING THE SETTING OF A LISTED BUILDING HAVE BEEN RECEIVED</b></p> <p>19/00357/FP Chells Manor House, Chells Lane Erection of an oak framed detached office building</p> <p>Members of the public may inspect copies of the applications, plans and other submitted documents online at <a href="http://www.stavanger.gov.uk">www.stavanger.gov.uk</a> or can be viewed on the Council's computers at the Customer Service Centre, Danestrals between 9.00am and 5.00pm Monday to Friday. Assistance is available if required.</p> <p>Anyone who wishes to make representations about any of these applications should write to the Council at Council Offices Daneshill House Danestrals Stavanger by <b>11 July 2019</b> under the Local Government (Access to Information) Act 1985, any comments can only be taken into account if they are available for public inspection before the applications are determined and therefore they cannot be treated confidentially.</p> <p>For applications relating to household developments, in the event of an appeal against the refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about the application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.</p> <p><b>DATED : 20 June 2019</b> <b>SIGNED : Chris Berry</b> Assistant Director, Planning &amp; Regulation</p>	<p style="text-align: center;"><b>North Hertfordshire District Council:</b> <b>Article 4 Directions</b></p> <p style="text-align: right;"></p> <p>North Hertfordshire District Council has been given authorisation from its executive to introduce two Article 4 Directions to protect the District's employment areas as defined by Policy ETC1 in the emerging Local Plan (as proposed to be modified). The Article 4 Directions will withdraw permitted development rights which allow offices and light industrial buildings to be converted into housing without the need for planning permission. Permitted Development is effectively granted planning permission nationally by the Secretary of State by Order. New rights were introduced in 2013 that allowed the change of use of office buildings to residential use. The change of light industrial uses of up to 500m<sup>2</sup> to residential use was introduced in 2016. These changes of use take place through the prior approval process.</p> <p>The prior approval process can lead to the displacement of existing businesses as such the Council consider that proposals to convert commercial premises into housing should require the submission of a planning application at certain sites in the district to help protect certain key sites.</p> <p>The Article 4 Directions will take effect in 12 months enabling a period of public consultation to be undertaken and for any possible changes that are suggested to be considered. The Article 4 Direction will come into force, subject to confirmation by North Hertfordshire District Council, on 20 June 2020.</p> <p>An electronic copy of the Article 4 Directions, notice of the Directions, and maps of the affected areas can be found on the Council's website <a href="https://www.north-herts.gov.uk/">https://www.north-herts.gov.uk/</a>. Responses to the consultation can be submitted until 11 July 2019 via <a href="https://north-herts.jdi-consult.net/localplan/">https://north-herts.jdi-consult.net/localplan/</a>, by email to <a href="mailto:planning.policy@north-herts.gov.uk">planning.policy@north-herts.gov.uk</a> or by post to North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW.</p>
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## Appendix 2: Notice of the Article 4 Direction

### NORTH HERTFORDSHIRE DISTRICT COUNCIL

*Correspondence address:*

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59



#### **Town and Country Planning (General Permitted Development) Order 1995**

#### **Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2015**

#### **Notice of Direction made under Article 4(1) of the Order**

North Hertfordshire District Council has made a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended (“the General Permitted Development Order”).

The Direction relates to development comprising the change of use of a building from a use falling within Class B1(a) (light industrial) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, to a use falling within Class C3 (dwelling house) of that Order and removes permitted development rights under Class O of Part 3 to Schedule 2 of the General Permitted Development Order for this type of development from the date when the Direction comes into force.

Moreover, the Direction relates to development comprising the change of use of a building from a use falling within Class B1(c) (light industrial) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, to a use falling within Class C3 (dwelling house) of that Order and removes permitted development rights under Class PA of Part 3 to Schedule 2 of the General Permitted Development Order for this type of development from the date when the Direction comes into force.

The Article 4 Direction applies to the Employment Areas and the Employment Allocations defined by Policy ETC1 in the new Local Plan (as proposed to be modified). A copy of the Direction, including a map defining the areas covered, can be viewed at the North Hertfordshire District Council Offices, Gernon Road, Letchworth Garden City and on North Hertfordshire District Council’s website at <https://www.north-herts.gov.uk/>.

Representations concerning the Article 4 Direction may be made from 20 June 2019 to 11 July 2019, via our consultation portal at <https://north-herts.jdi-consult.net/localplan/>, by email to [planning.policy@north-herts.gov.uk](mailto:planning.policy@north-herts.gov.uk) or by post to North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW.

The Article 4 Direction will come into force, subject to confirmation by North Hertfordshire District Council, on 20 June 2020.

Nigel Smith (Strategic Planning Manager)

11 June 2019

## Appendix 3: Letter sent to the owners/occupiers of buildings affected by the Article 4 Direction

### NORTH HERTFORDSHIRE DISTRICT COUNCIL

*Correspondence address:*

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59



Address	Our Ref:	A4D001
	Contact Officer:	Jamie Alderson
	Direct Line:	01462 474366
	Email:	<a href="mailto:jamie.alderson@north-herts.gov.uk">jamie.alderson@north-herts.gov.uk</a>
	Date:	11 June 2019

Dear Sir,

North Hertfordshire District Council has been given authorisation from Cabinet to introduce two Article 4 Directions to protect the District's employment areas as defined by Policy ETC1 in the emerging Local Plan (as proposed to be modified).

The Article 4 Directions will restrict permitted development rights which allow offices and light industrial buildings to be converted into housing without the need for planning permission. Permitted Development is development which is allowed to take place without the need to apply to the District Council for planning permission. Permitted Development is effectively granted planning permission nationally by the Secretary of State by Order. New rights were introduced in 2013 that allowed the change of use of office buildings to residential use. The change of light industrial uses of up to 500m<sup>2</sup> to residential use was introduced in 2016. These changes of use take place through the prior approval process.

The prior approval process can lead to the displacement of existing businesses as such the Council consider that proposals to convert commercial premises into housing should require the submission of a planning application at certain sites in the district to help protect certain key sites.

The Article 4 Directions will take effect in 12 months enabling a period of public consultation to be undertaken and for any possible changes that are suggested to be considered. The Article 4 Direction will come into force, subject to confirmation by North Hertfordshire District Council, on 20 June 2020.

An electronic copy of the Article 4 Directions, notice of the Directions, and maps of the affected areas can be found on the Council's website <https://www.north-herts.gov.uk/>. Responses to the consultation can be submitted until 11 July 2019 via <https://north-herts.jdi-consult.net/localplan/>, by email to [planning.policy@north-herts.gov.uk](mailto:planning.policy@north-herts.gov.uk) or by post to North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW.

Yours Sincerely,

Jamie Alderson  
*Graduate Planning Officer*

North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

David Scholes  
Chief Executive

[www.north-herts.gov.uk](http://www.north-herts.gov.uk)



## Appendix 4: Covering letter sent to the Secretary of State on 11 June 2019

### NORTH HERTFORDSHIRE DISTRICT COUNCIL

*Correspondence address:*

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59



Rt Hon James Brokenshire MP  
Ministry of Housing, Community and  
Local Government  
2 Marsham Street  
London  
SW1P 4DF

Our Ref: A4D002  
Contact Officer: Jamie Alderson  
Direct Line: 01462 474366  
Email: [jamie.alderson@north-herts.gov.uk](mailto:jamie.alderson@north-herts.gov.uk)  
Date: 11 June 2019

Dear Rt Hon James Brokenshire MP,

North Hertfordshire District Council has been given authorisation from its executive to introduce a non immediate Article 4 Direction to protect the District's employment areas as defined by Policy ETC1 in the emerging Local Plan (as proposed to be modified).

In accordance with Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015; please find enclosed a copy of the; sealed Article 4 Direction, maps covering the areas to be affected by the Direction, and the notice of the Article 4 Direction.

North Hertfordshire District Council will be consulting on the Article 4 Direction in accordance with Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015, having written to the impacted addresses, for a 21 day period, between 20 June 2019 and 11 July 2019.

An electronic copy of the Article 4 Directions, notice of the Directions, and maps of the affected areas can be found on the Council's website <https://www.north-herts.gov.uk/>. Responses to the consultation can be submitted from 20 June 2019 until 11 July 2019 via <https://north-herts.jdi-consult.net/localplan/>, by email to [planning.policy@north-herts.gov.uk](mailto:planning.policy@north-herts.gov.uk) or by post to North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW.

Please do not hesitate to contact the Council to discuss this further should you deem it necessary to do so.

Yours sincerely,

Jamie Alderson  
*Graduate Planning Officer*

North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

David Scholes  
Chief Executive

[www.north-herts.gov.uk](http://www.north-herts.gov.uk)

