



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

Stephen Evans
Chief Executive
Norwich City Council
City Hall
St Peter's Street
Norwich
NR2 1NH

Your reference:
Our reference:

10 February 2023

Dear Stephen Evans,

Re. Modification of Article 4 Direction in relation to Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the City of Norwich

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), Part A 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.

On 28th July 2021 Norwich City Council made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Class MA from offices (Class E(g)(i)) for various sites within The City of Norwich ("the Article 4 direction"). The Article 4 direction was confirmed by the Council on 16th December 2021 and came into force on 29 July 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 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.

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 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 office locations within the City of Norwich where the permitted development right would have a wholly unacceptable adverse impact. It covers significant office locations within central Norwich.

These modifications will ensure that the Article 4 Direction boundary for areas within the City of Norwich 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.

The Secretary of State notes that Norwich City Council may make a new Article 4 direction in future if justified by further evidence. Any new direction will be considered by the Secretary of State following notification by the Norwich City Council.

A handwritten signature in dark ink, appearing to read 'Joanna Averley', is centered on the page.

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 Norwich City Council on 28th July 2021 in relation to development consisting of Class MA change of use from office (Class E(g)(i)) use to residential (Class C3)

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); and

"Article 4 direction" means the Direction made by Norwich City Council under Article 4 of the General Permitted Development Order on 28th July 2021 in respect of 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) (offices for operational or administrative function), Part A 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, namely development which is permitted by Class MA as inserted into Part 3 of Schedule 2 to the General Permitted Development Order. The Article 4 direction relates to sites in the City of Norwich.

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 land described in the Second Schedule to that direction, comprising sites within the City of Norwich, it shall apply only to the land specified in this Direction.
4. The specified land is the areas shaded red on the attached map.
5. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas shaded.

Entry into force

6. 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 February 2023

A handwritten signature in black ink, reading 'Joanna Averley'. The signature is written in a cursive style with a large 'J' and a long, sweeping tail on the 'y'.

Joanna Averley
Chief Planner

Map showing Article 4 Direction coverage

