



## Department for Levelling Up, Housing & Communities

**The Rt Hon Greg Clark MP**  
*Secretary of State for Levelling up  
Housing & Communities*

***Department for Levelling Up,  
Housing and Communities***

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22 July 2022

Dear Mark

### **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 London Borough of Richmond upon Thames**

#### **Background**

As you are aware, with effect from 1<sup>st</sup> 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.

On 30<sup>th</sup> July 2021 the London Borough of Richmond upon Thames made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for 67 sites within the London Borough of Richmond upon Thames ("the Article 4 direction"). The Article 4 direction was confirmed on 22<sup>nd</sup> June 2022 and will come into force on 31<sup>st</sup> July 2022.

#### **Consideration and Reasons**

In considering the Article 4 direction I have 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. I consider that there are clear reasons justifying my 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 dwellings 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. I am 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 clusters of commercial and, where appropriate, other activity where the permitted development right would have a wholly unacceptable adverse impact. It covers core locations with town centres, important local centres and parades and employment and industrial areas across the borough.

These modifications will ensure that the Article 4 Direction boundary for areas within the London Borough of Richmond upon Thames is justified by robust evidence and complies with national planning policy.

## **Decision**

I have decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached map and I 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.

With every good wish,

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive style with a large, sweeping initial "G" and a distinct "Clark" following.

**Rt Hon Greg Clark MP**  
Secretary of State for Levelling Up, Housing & Communities

**DIRECTION UNDER THE TOWN AND COUNTRY  
PLANNING (GENERAL PERMITTED DEVELOPMENT)  
(ENGLAND) ORDER 2015**

Modification of the Article 4 direction made by the London Borough  
of Richmond upon Thames on 30<sup>th</sup> July 2021 in relation to  
development consisting of Class MA change of use from  
commercial, business and service (Class E) use to  
residential (Class C3).

The Secretary of State for Levelling Up, Housing and Communities, in exercise of the powers conferred by paragraph 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 the London Borough of Richmond upon Thames under Article 4 of the General Permitted Development Order on 30<sup>th</sup> 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 (commercial, business and service) of Schedule 3 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.

**Direction**

2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
2. Instead of the Article 4 direction applying to land described in the Second Schedule of that direction, comprising 67 sites within the London Borough of Richmond upon Thames, it shall only apply to the land specified in this Direction.
3. The specified land is the areas outlined in red on the attached plan being:

Site 01: Castle Business Village, Mount Mews and Thames Street, Hampton

Site 02: Kempton Gate Business Park, Kingsway Business Park and Oldfield Road, Hampton

Site 03: 72-74 Oldfield Road, Hampton

Site 04: 92-100 & 68-82 (even) Station Road, Hampton

Site 05: 70-76 (even) Milton Road, Station Approach (1-3, 4, 7, 8 & 9) and 27-37 (odd) Ashley Road, Hampton

Site 06: 28b, 33-41 & 49a (odd) Priory Road and 62 Tudor Road, Hampton

Site 07: 11-30 (consecutive) Tangley Park Road, Hampton Nursery Lands, Hampton

Site 08: Hampton Hill including St Clare Business Park and Hampton Hill Business Park

Site 09: 176, 206-208, 91 - 121 Stanley Road & Princes Works

Site 10: Teddington Town Centre including Waldegrave Road (parts of)  
Site 11: 100 & Crest House, Church Road and 95 Railway Road, Teddington  
Site 12: National Physical Laboratory and LGC Ltd, Hampton Road, Teddington  
Site 13: 189-207 (odd) and 150-158 (even) Waldegrave Road, Teddington  
Site 14: Hampton Wick including Lower Teddington Road (parts of)  
Site 15: 190-216 (even) Kingston Road, 1a St Marks Road, and 1-5 (consecutive) The Pavement, Bushy Park Road, Teddington  
Site 16: 149-161 (odd) Kingston Road, Teddington  
Site 17: 326-336 (even) Staines Road, Twickenham (Hospital Bridge Road)  
Site 18: 208-224 (even) Hampton Road, Twickenham (Fulwell)  
Site 19: Twickenham Town Centre  
Site 20: Twickenham Green including Briar Road, St George's Industrial Estate and Mereway Road Industrial Estate.  
Site 21: West Twickenham Cluster, south of River Crane  
Site 22: 39-45 (odd), 50-56 & 70-74 (even) Tower Road and 1-6 (even) Wellesley Parade, Strawberry Hill, Twickenham  
Site 23: Swan Island Industrial Estate, Twickenham  
Site 24: Whitton Town Centre  
Site 25: 300-322 (even) Nelson Road, Twickenham  
Site 26: 636, 646, 658-670 Hanworth Road and 221-247 (odd) and 222-226 (even) Powder Mill Lane, Whitton  
Site 27: Mill Farm Business Park, Millfield Road, Whitton  
Site 28: 97-105 (odd) Whitton Road, Twickenham  
Site 29: St Margarets including Twickenham Film Studios, Bridle Lane (part of) and Old Lodge Place (part of)  
Site 30: St Margarets Business Centre, 1-7 Drummond Place, Twickenham  
Site 31: 379-391 (odd) & 300 (even) St Margarets Road, Twickenham  
Site 32: 332-380, 402-422 and 383-391 (Lidl), 417-421 including 421A & 437-439 Richmond Road, East Twickenham  
Site 33: St George House, 76 Crown Road, East Twickenham  
Site 34: Richmond Town Centre  
Site 35: 319-23A (odd) and 36-56 (even), Friars Stile Road excluding the Marlborough Arms PH & including Foxton Mews  
Site 36: Kew Road (parts of) including 37-41 Kew Foot Road & Rosedale Studios, Rosedale Road, Richmond  
Site 37: 72 & 84 Lower Mortlake Road, Richmond  
Site 38: 203-223 Lower Mortlake Road, Richmond  
Site 39: Falstaff House, Bardolph Road and St Georges House, St Georges Road, Richmond  
Site 40: London House - 243-253 Lower Mortlake Road, Richmond  
Site 41: 1-13 (consecutive - part of) and 2, 17 Market Road (consecutive) and surrounds, Richmond  
Site 42: Kew Gardens Local Centre including Blake Mews  
Site 43: Sandycombe Road (parts of) & 1-7 South Avenue, Kew  
Site 44: 1 & 5-9 Mortlake Terrace and 16 Kew Green, Kew  
Site 45: The National Archives, Ruskin Avenue, Kew  
Site 46: Marlborough Trading Estate, 159 Mortlake Road, Kew  
Site 47: East Sheen Town Centre  
Site 48: Stag Brewery and surrounds & parts of Mortlake High Street  
Site 49: Tideway Yard, Mortlake High Street and 121 The Old Power Station, Mortlake  
Site 50: 2, 9 & 10 The Broadway and 9-11 White Hart Lane, Barnes  
Site 51: 42-64 & 75-77 White Hart Lane, Barnes  
Site 52: 42-44 Upper Richmond Road West & 149 & 153 White Hart Lane, Barnes  
Site 53: Barnes High Street  
Site 54: 49-85 (odd) Church Road, Barnes

Site 55: 46 to 100 (even) including properties to the rear of 74 & 64A and 125-171 (odd)  
Church Road

Site 56: 174-202 (even) Castelnau, Barnes

Site 57: 42-46 (even), Glenthams Road, Barnes

Site 58: Ham Parade including rear of 2-8 Dukes Avenue

Site 59: 4-14 (even) Back Lane, Ham

Site 60: 2-16 Ashburnham Road (even), 63-71 (odd) Ham Street including Ham Health Clinic  
& 50 Ashburnham Road

Site 61: 171-185 (odd) Ashburnham Road, Ham

Site 62: Sheen Road (part of) including Printworks House and 27 & 28 Dunstable Road,  
Richmond

4. For the avoidance of doubt, any land outside the red line boundaries of the attached plan is not covered by this Article 4 Direction.

### **Entry into force**

5. This Direction comes into force in accordance with paragraph 18 of Schedule 3 of the General Permitted Development Order.

Signed by the Secretary of State for Levelling Up, Housing and Communities

On: 22<sup>nd</sup> July 2022

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly slanted style.

**Rt Hon Greg Clark MP**  
Secretary of State for Levelling Up, Housing & Communities



## London Borough of Richmond upon Thames

The Plan referred to in this Direction made under Article 4 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 by the London Borough of Richmond upon Thames as modified by the Secretary of State for Levelling Up, Housing and Communities.

