



Department for Levelling Up,  
Housing & Communities

**Department for Levelling Up,  
Housing and Communities**  
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London SW1P 4DF

Ka Ng  
Chief Executive  
Welwyn Hatfield Borough Council  
Council Offices  
Campus East  
Welwyn Garden City  
AL8 6AE

Your reference:  
Our reference:

18 October 2022

Dear Ka Ng,

**Re. Modification of Article 4 Direction in relation to Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the town of Hatfield within the borough of Welwyn Hatfield**

### **Background**

As you are aware, with effect from 31<sup>st</sup> August 2020 Class A was inserted into Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order").

Class A permits development consisting of the construction of up to two additional storeys on detached blocks of flats in a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 to provide new dwellinghouses, with a use falling within the same use class.

On 7<sup>th</sup> July 2021 Welwyn Hatfield Borough Council made a direction under Article 4(1) of the General Permitted Development Order disapplying Class A for the town of Hatfield within the borough of Welwyn Hatfield ("the Article 4 direction"). The Article 4 direction was confirmed on 28<sup>th</sup> June 2022 and came into force on 7<sup>th</sup> 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 that there are clear reasons justifying intervention in the Article 4 Direction.

The Class A permitted development right provides new opportunities for the intensification of areas through the addition of new homes on top of existing detached, residential buildings, to support housing delivery and economic recovery. The permitted development right includes a number of national safeguards: all new residential units delivered through the permitted development right must meet nationally described space standards; the extended building cannot be more than 7 metres higher than the original building, or 30 metres in total; and, there are prior approvals for, amongst other things, the external appearance of the new building, the impact on the amenity of the existing building and neighbouring premises and fire safety measures.

The Article 4 direction, as made, does not take a sufficiently targeted approach in the assessment of the need to protect local amenity or the well-being of the area. 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 the areas of Hatfield where it is necessary to protect the setting and views of heritage assets, including the Grade I listed Hatfield House.

These modifications will ensure that the Article 4 Direction boundary for Hatfield within the borough of Welwyn Hatfield is justified by robust evidence and complies with national planning policy.

## **Decision**

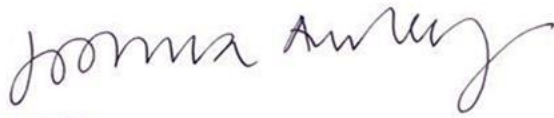
The Secretary of State has decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached maps and I attach a direction to that effect.

## **Procedural issues**

For the purposes of paragraph 1(13) and (16) of Schedule 3 of the General Permitted Development Order I 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.

Yours sincerely

A handwritten signature in blue ink that reads "Joanna Averley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

**Joanna Averley**  
Chief Planner

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

**Modification of the Article 4 direction made by Welwyn Hatfield Borough Council on 7<sup>th</sup> July 2021 in relation to development consisting of Class A addition of up to two storeys on detached blocks of flats to provide new dwellinghouses**

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 Welwyn Hatfield Borough Council under Article 4 of the General Permitted Development Order on 7<sup>th</sup> July 2021 in respect of development consisting of the construction of up to two additional storeys on detached blocks of flats in residential use, falling within Class C3 (dwellinghouses) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987, to provide new dwellinghouses for residential use, falling within the same use, Class C3 (dwellinghouses), namely development which is permitted by Class A as inserted into Part 20 of Schedule 2 to the General Permitted Development Order. The Article 4 direction relates to the town of Hatfield within the borough of Welwyn Hatfield.

## **Direction**

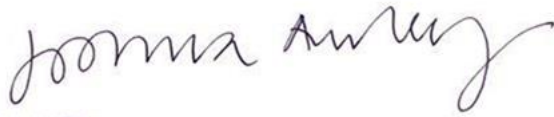
2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. Instead of the Article 4 direction applying to land described in the Second Schedule to that direction, comprising the town of Hatfield within the borough of Welwyn Hatfield, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined on the attached map being part of the town of Hatfield.
5. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas outlined.

## **Entry into force**

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

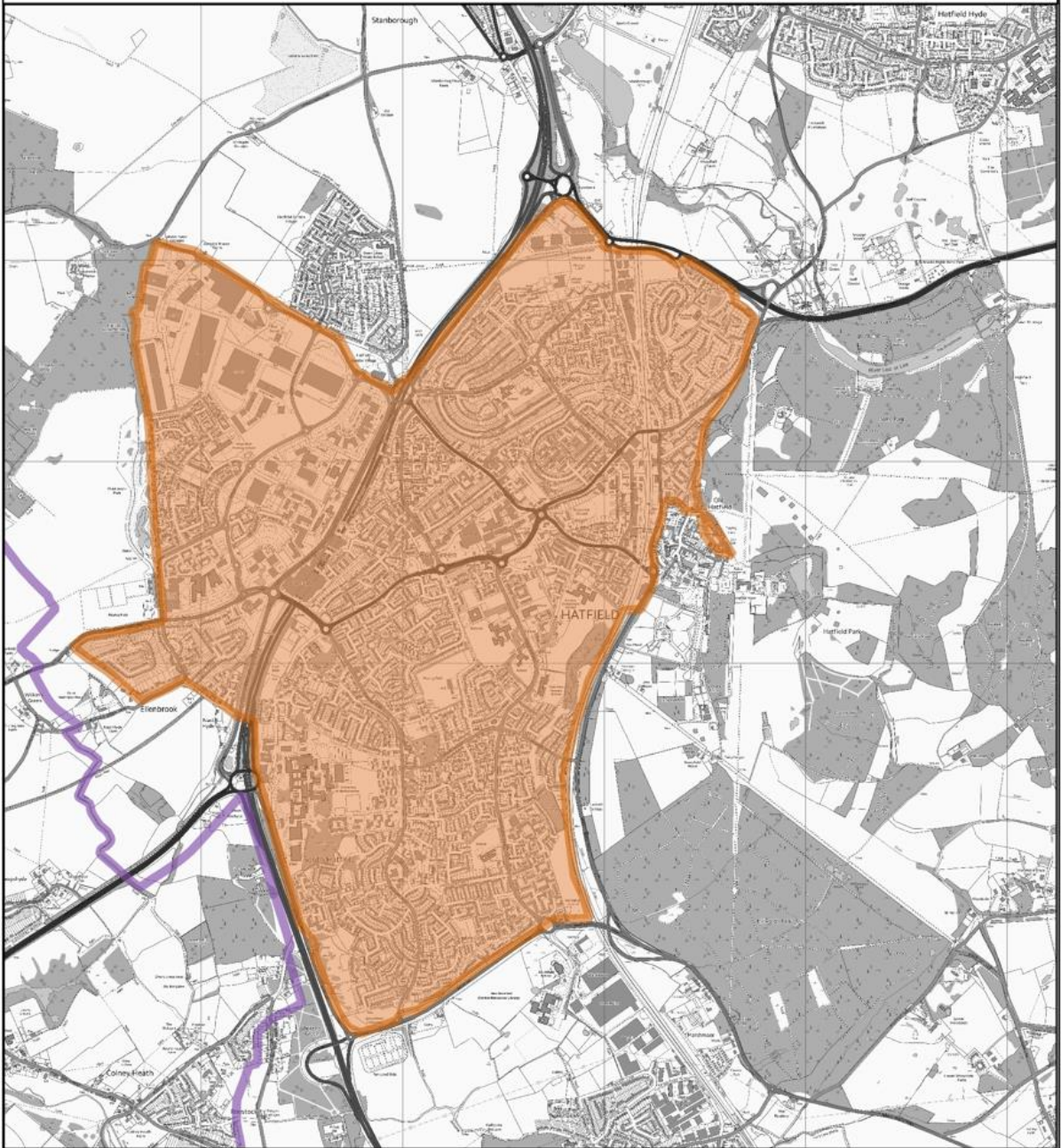
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

On: 18 October 2022

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

**Joanna Averley**  
Chief Planner

## Additional Storeys Article 4 Direction - Hatfield



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