



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

Geoff Raw
Chief Executive Officer
Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Your reference:
Our reference:

01 February 2023

Dear Geoff,

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 Brighton & Hove City Council

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) 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 19th January 2022 Brighton & Hove City Council made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for sites within Brighton & Hove City Council ("the Article 4 direction"), to come into force on 1st February 2023.

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 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.

Modification will ensure that the Article 4 Direction is focused on protecting the most significant office provision in the centre of Brighton and areas of commercial activity where the permitted development right would have a wholly unacceptable adverse impact. It includes offices, town centres, local centres and local parades, which provide essential employment and retail provision for residents and visitors.

These modifications will ensure that the Article 4 Direction boundary for areas within Brighton & Hove City Council 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 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 Brighton & Hove 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 Brighton & Hove City Council.



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 Brighton & Hove City Council on 19th January 2022 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 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 Brighton & Hove City Council under Article 4 of the General Permitted Development Order on 19th January 2022 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. The Article 4 direction relates to sites in Brighton & Hove City Council.

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 Brighton & Hove City Council, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined in red on the attached plans being:
 - Map 1: whole of Brighton & Hove City Council
 - Plan 1: Land identified in Map 1 at a larger scale (Central Brighton: The Lanes, North Street and West Street)
 - Plan 2: Land identified in Map 1 at a larger scale (Central Brighton: Western Road)
 - Plan 3: Land identified in Map 1 at a larger scale (Central Brighton: North Laine and Queens Road)
 - Plan 4: Land identified in Map 1 at a larger scale (New England Quarter and London Road)
 - Plan 5: Land identified in Map 1 at a larger scale (Preston Road)

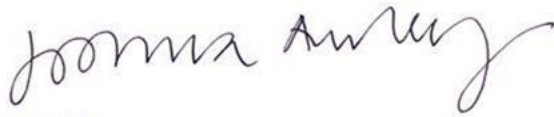
- Plan 6: Land identified in Map 1 at a larger scale (St James Street, Edward Street Quarter and Circus Street)
 - Plan 7: Land identified in Map 1 at a larger scale (Lewes Road)
 - Plan 8: Land identified in Map 1 at a larger scale (Hove Town Centre)
 - Plan 9: Land identified in Map 1 at a larger scale (Boundary Road and Station Road)
 - Plan 10: Land identified in Map 1 at a larger scale (Beaconsfield Road)
 - Plan 11: Land identified in Map 1 at a larger scale (Brunswick Town)
 - Plan 12: Land identified in Map 1 at a larger scale (Eldred Avenue)
 - Plan 13: Land identified in Map 1 at a larger scale (Fiveways and Hollingbury Place)
 - Plan 14: Land identified in Map 1 at a larger scale (Old London Road and Ladies Mile Road)
 - Plan 15: Land identified in Map 1 at a larger scale (Longridge Avenue)
 - Plan 16: Land identified in Map 1 at a larger scale (Lustrells Vale)
 - Plan 17: Land identified in Map 1 at a larger scale (Mill Lane)
 - Plan 18: Land identified in Map 1 at a larger scale (Portland Road and Richardson Road)
 - Plan 19: Land identified in Map 1 at a larger scale (Rottingdean High Street)
 - Plan 20: Land identified in Map 1 at a larger scale (Seven Dials)
 - Plan 21: Land identified in Map 1 at a larger scale (St George's Road)
 - Plan 22: Land identified in Map 1 at a larger scale (The Grenadier)
 - Plan 23: Land identified in Map 1 at a larger scale (Warren Way and Warren Road)
 - Plan 24: Land identified in Map 1 at a larger scale (Whitehawk Road)
 - Plan 25: Land identified in Map 1 at a larger scale (Cowley Drive)
 - Plan 26: Land identified in Map 1 at a larger scale (Goldstone Villas and Hove Park Villas)
 - Plan 27: Land identified in Map 1 at a larger scale (Islingword Road)
 - Plan 28: Land identified in Map 1 at a larger scale (Old Shoreham Road and Sackville Road)
 - Plan 29: Land identified in Map 1 at a larger scale (Preston Drive)
 - Plan 30: Land identified in Map 1 at a larger scale (Valley Road)
 - Plan 31: Land identified in Map 1 at a larger scale (Victoria Terrace)
 - Plan 32: Land identified in Map 1 at a larger scale (Woodland Parade)
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 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

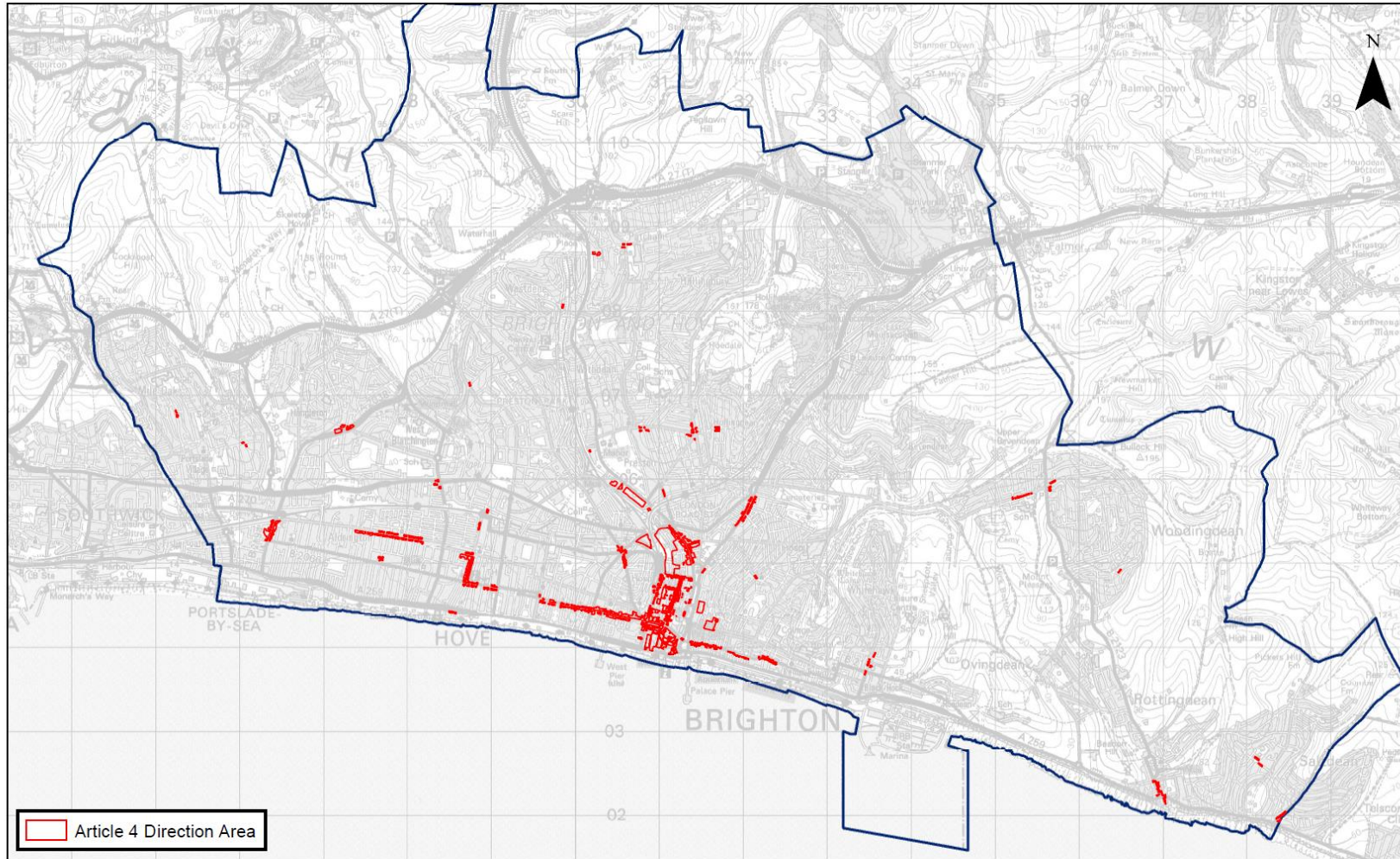
On: 01 February 2023

A handwritten signature in black ink, reading "Joanna Averley". The signature is written in a cursive style with a large, sweeping initial 'J'.

Joanna Averley
Chief Planner

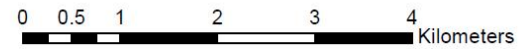
Map 1: whole of Brighton and Hove City Council

Brighton & Hove Article 4 Direction Area, November 2022



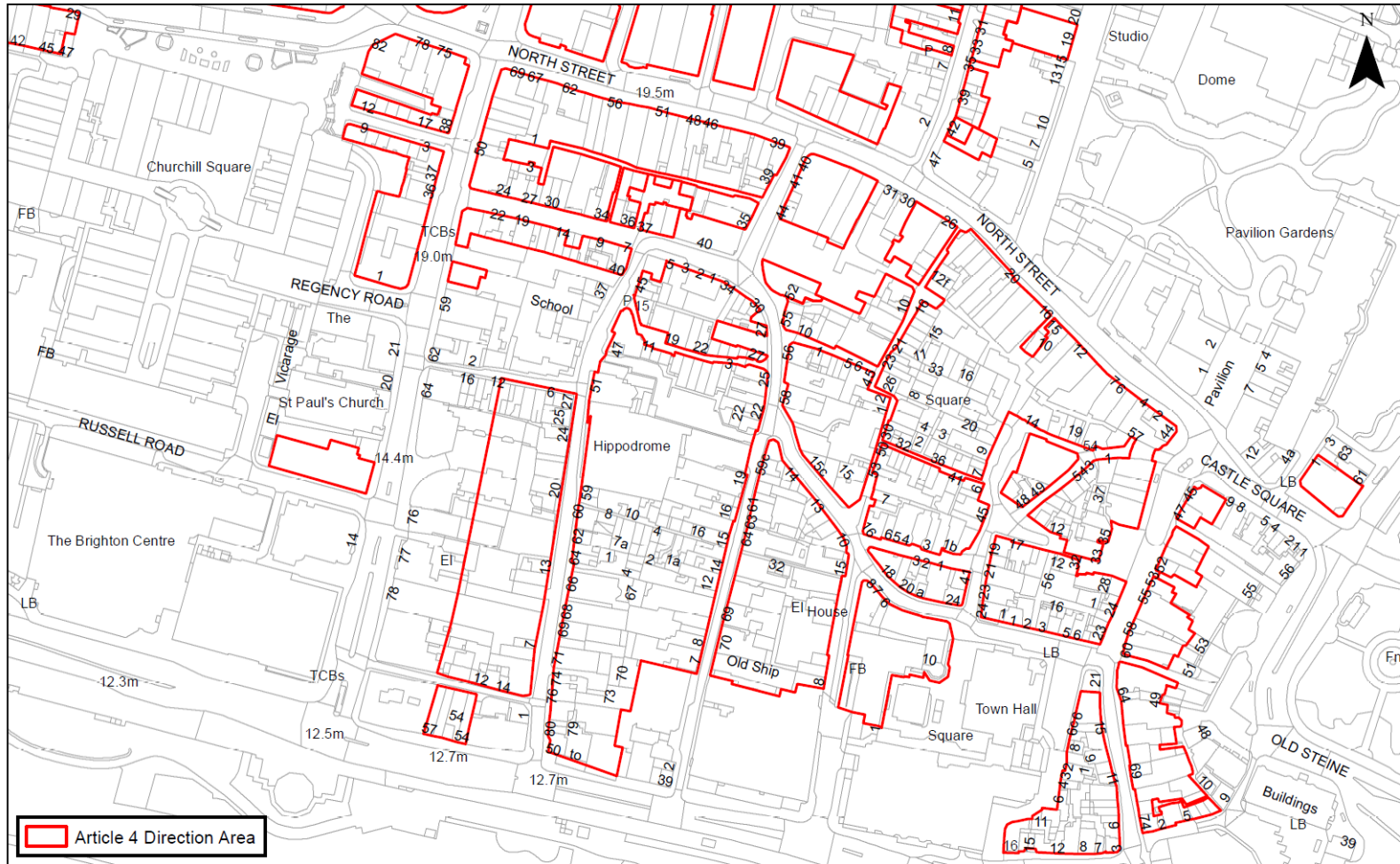
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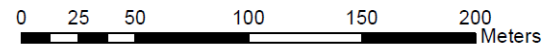
Plan 1: Land identified in Map 1 at a larger scale (Central Brighton: The Lanes, North Street and West Street)

Article 4 Direction Area Plan 1. Central Brighton: The Lanes, North Street and West Street



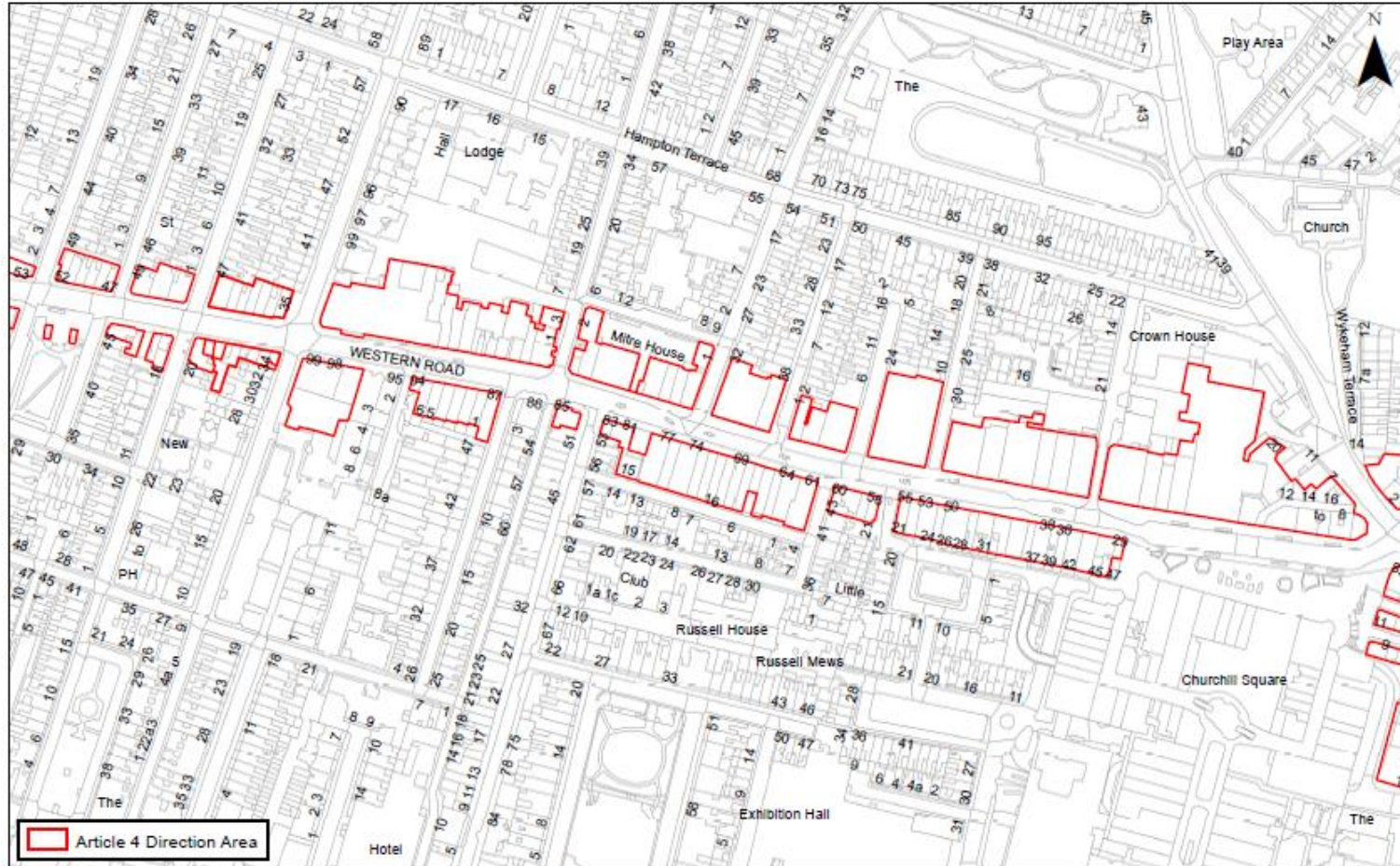
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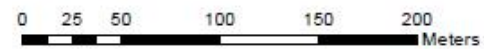
Plan 2: Land identified in Map 1 at a larger scale (Central Brighton: Western Road)

Article 4 Direction Area Plan 2. Central Brighton: Western Road



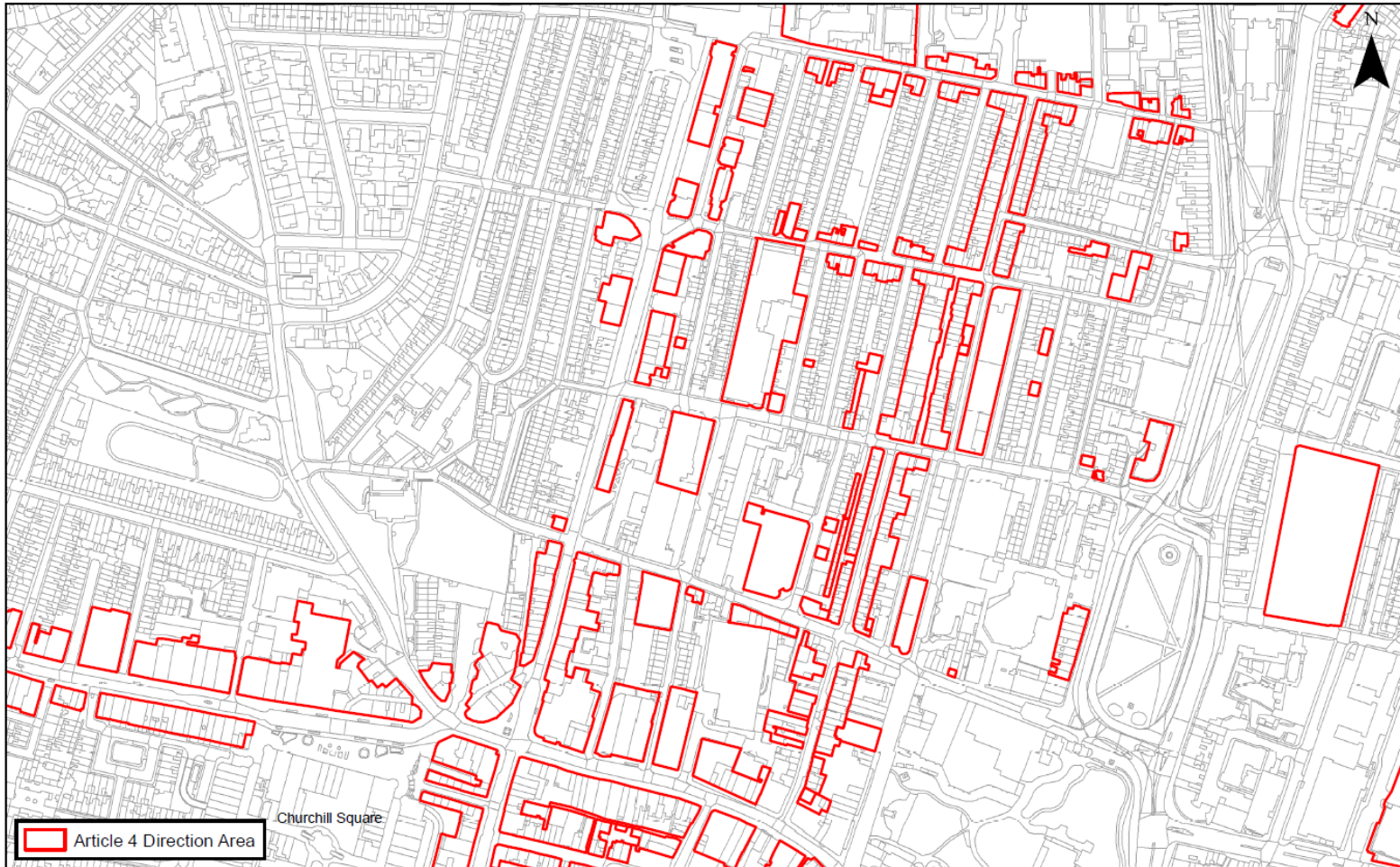
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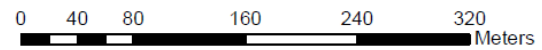
Plan 3: Land identified in Map 1 at a larger scale (Central Brighton: North Laine and Queens Road)

Article 4 Direction Area Plan 3. Central Brighton: North Laine and Queen's Road



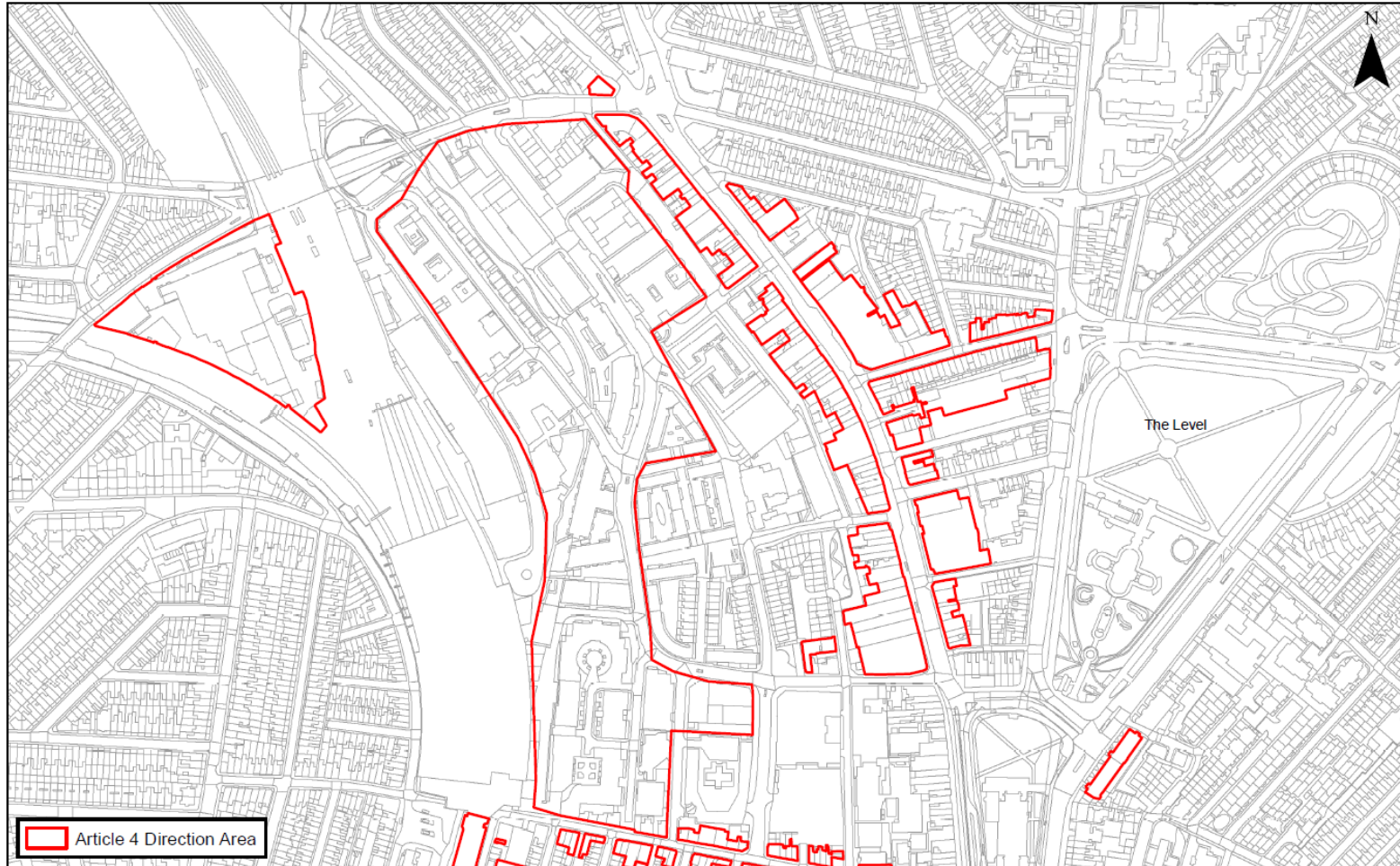
Scale: 1:4,000

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Plan 4: Land identified in Map 1 at a larger scale (New England Quarter and London Road)

Article 4 Direction Area Plan 4. New England Quarter and London Road



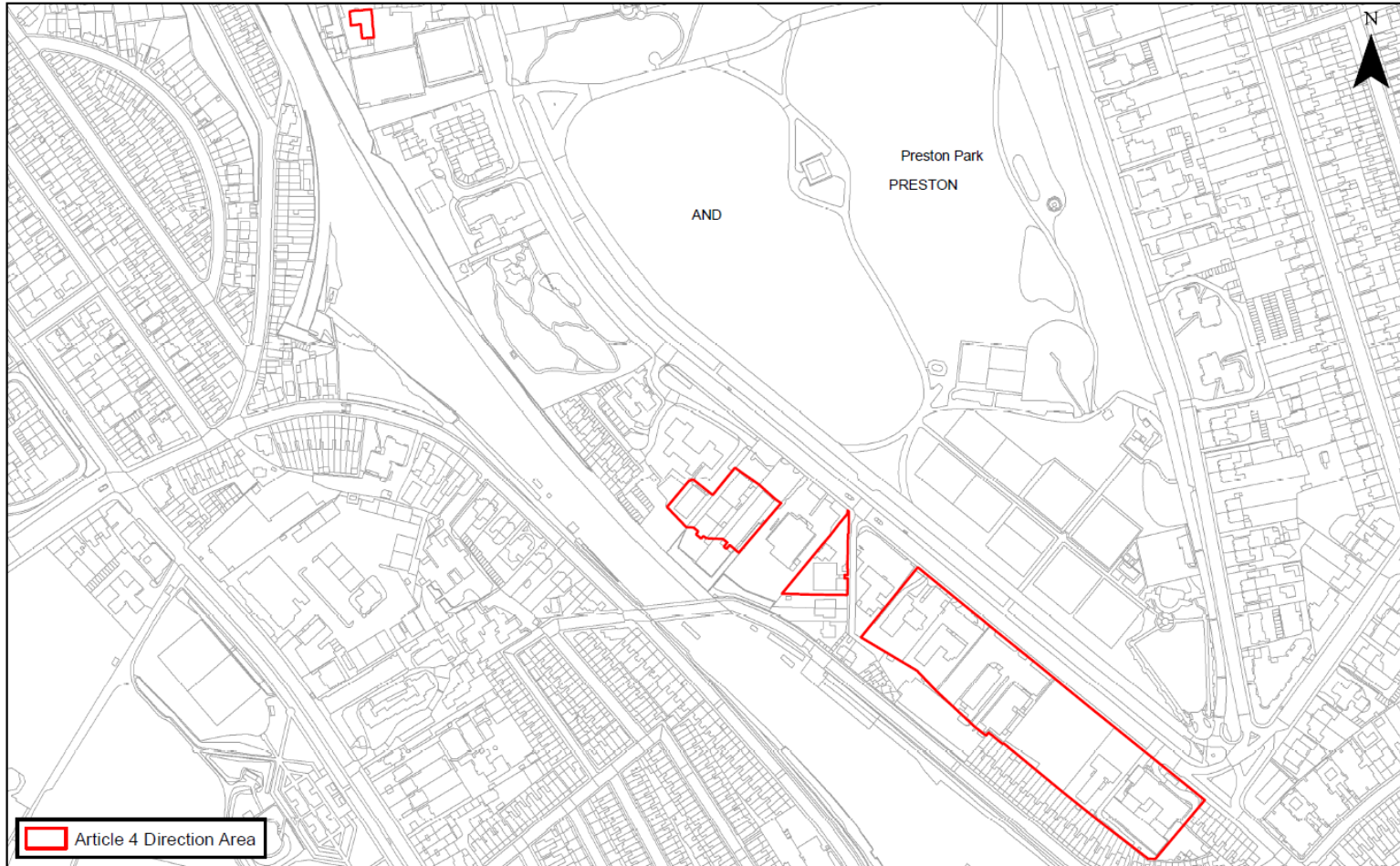
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Meters

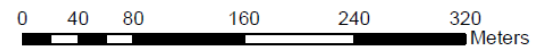
Plan 5: Land identified in Map 1 at a larger scale (Preston Road)

Article 4 Direction Area Plan 5. Preston Road



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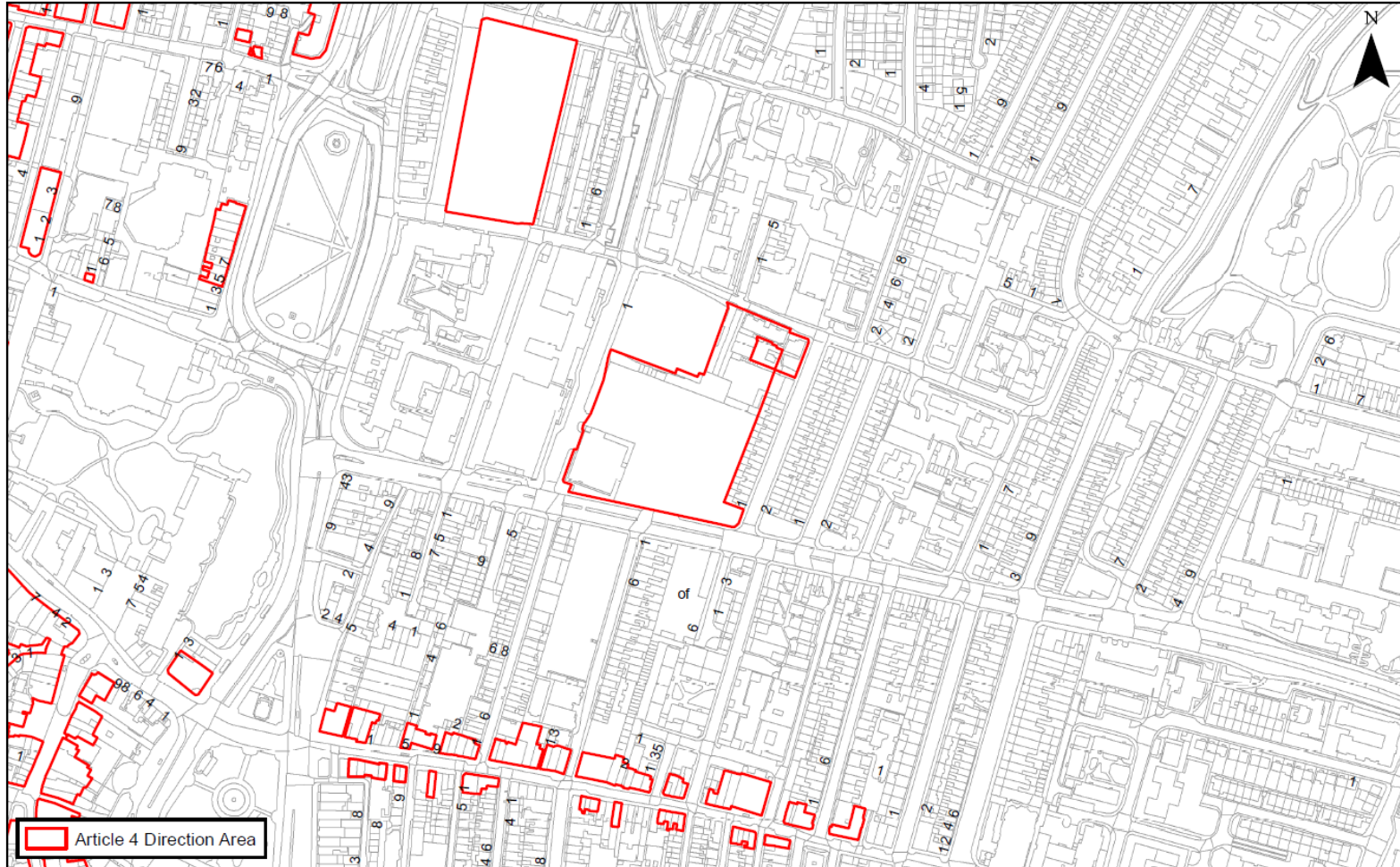
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Plan 6: Land identified in Map 1 at a larger scale (St James Street, Edward Street Quarter and Circus Street)

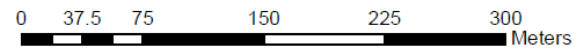
Article 4 Direction Area

Plan 6. St James's Street, Edward Street Quarter and Circus Street



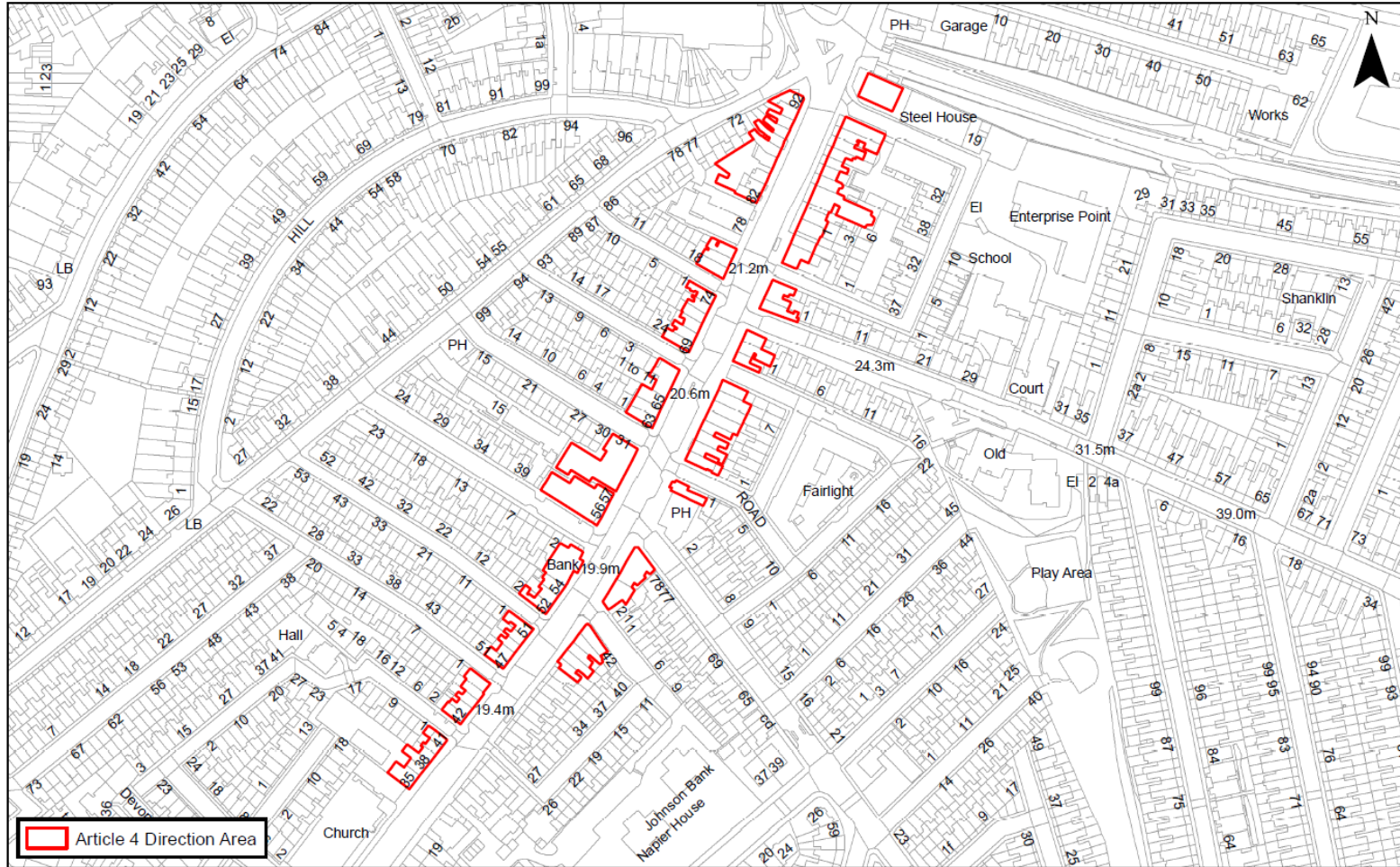
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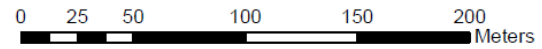
Plan 7: Land identified in Map 1 at a larger scale (Lewes Road)

Article 4 Direction Area Plan 7. Lewes Road



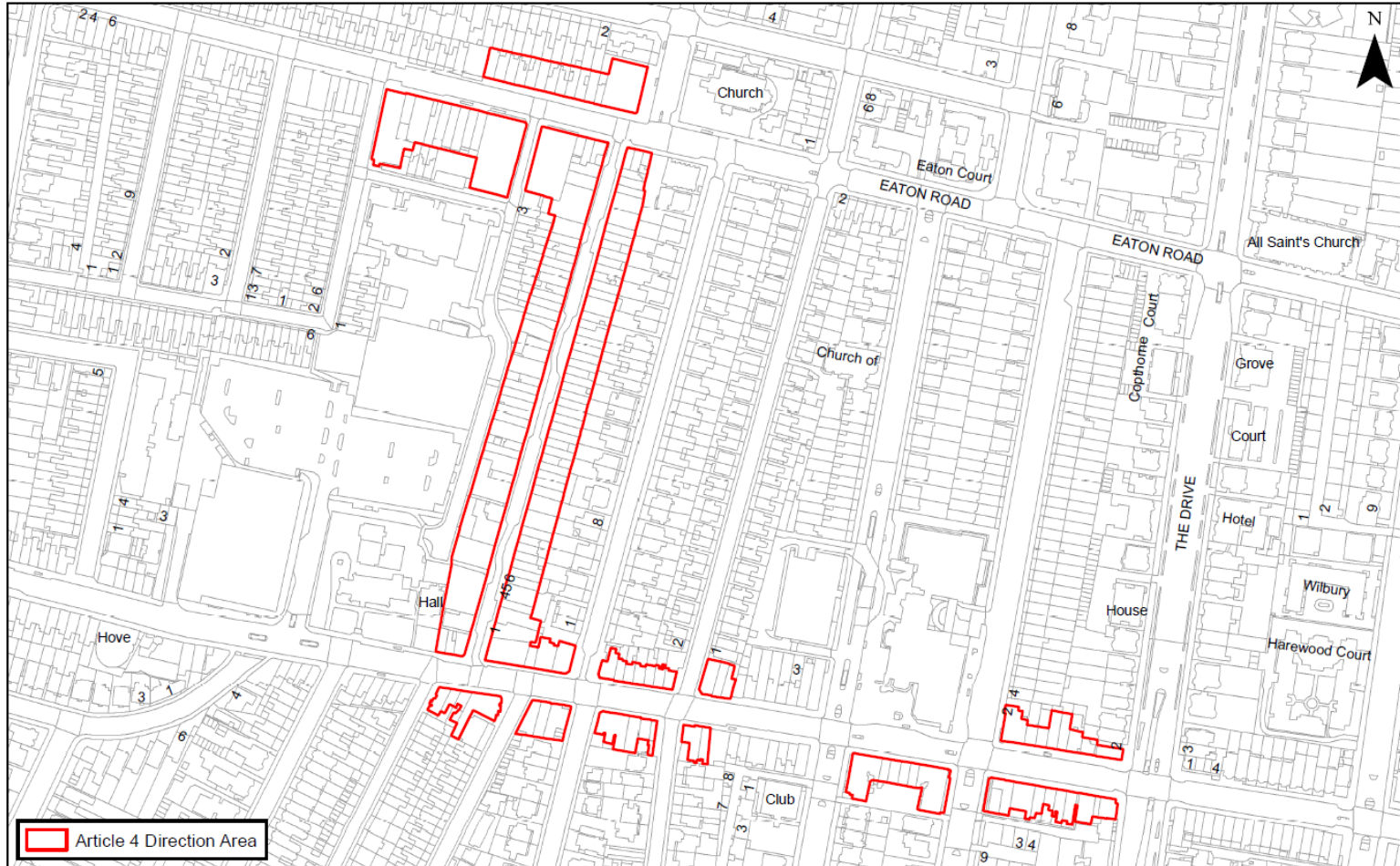
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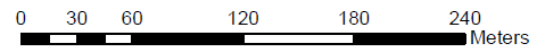
Plan 8: Land identified in Map 1 at a larger scale (Hove Town Centre)

Article 4 Direction Area Plan 8. Hove Town Centre



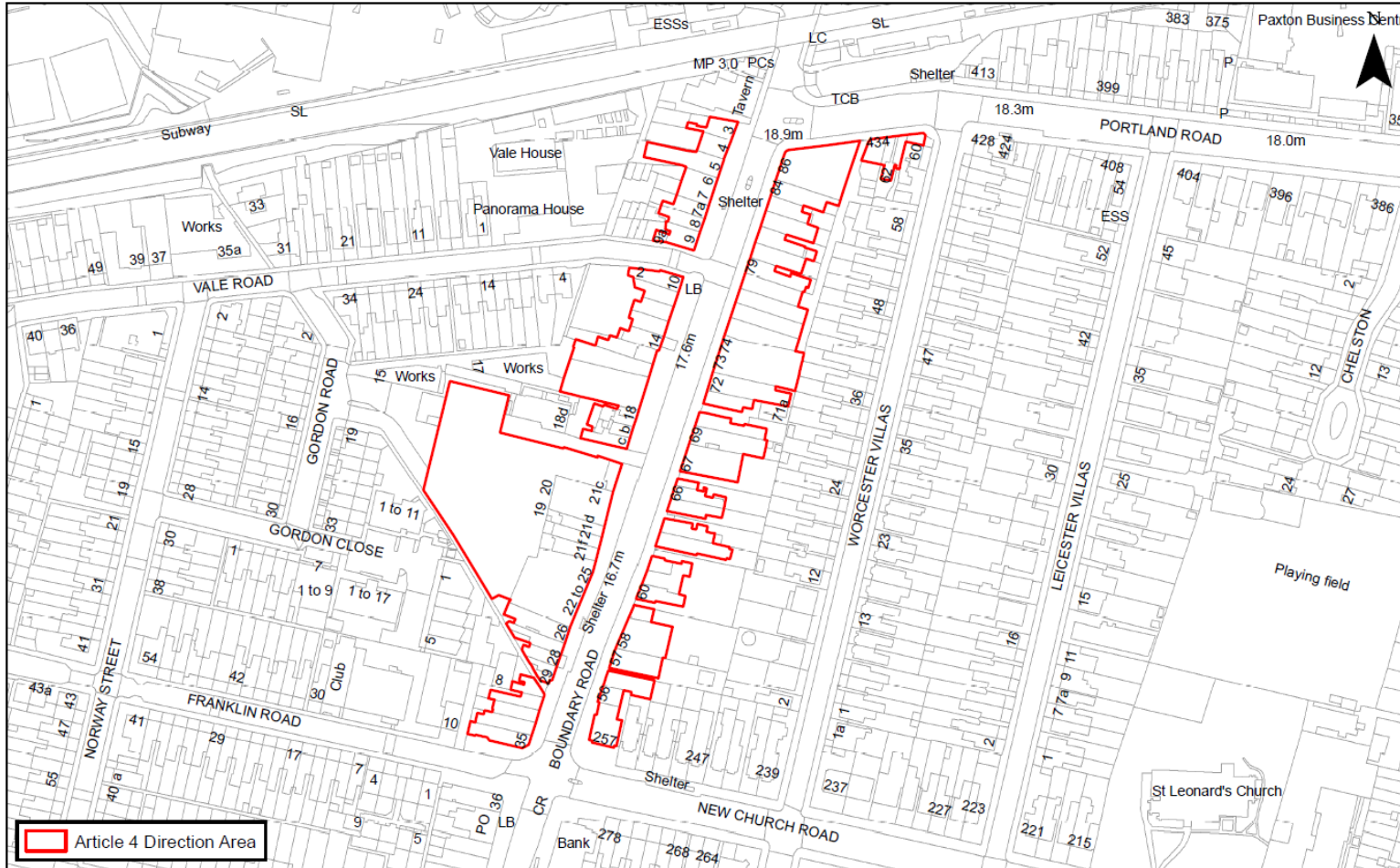
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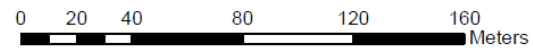
Plan 9: Land identified in Map 1 at a larger scale (Boundary Road and Station Road)

Article 4 Direction Area Plan 9. Boundary Road/Station Road



Scale: 1:2,000

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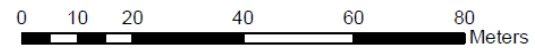
Plan 10: Land identified in Map 1 at a larger scale (Beaconsfield Road)

Article 4 Direction Area Plan 10. Beaconsfield Road



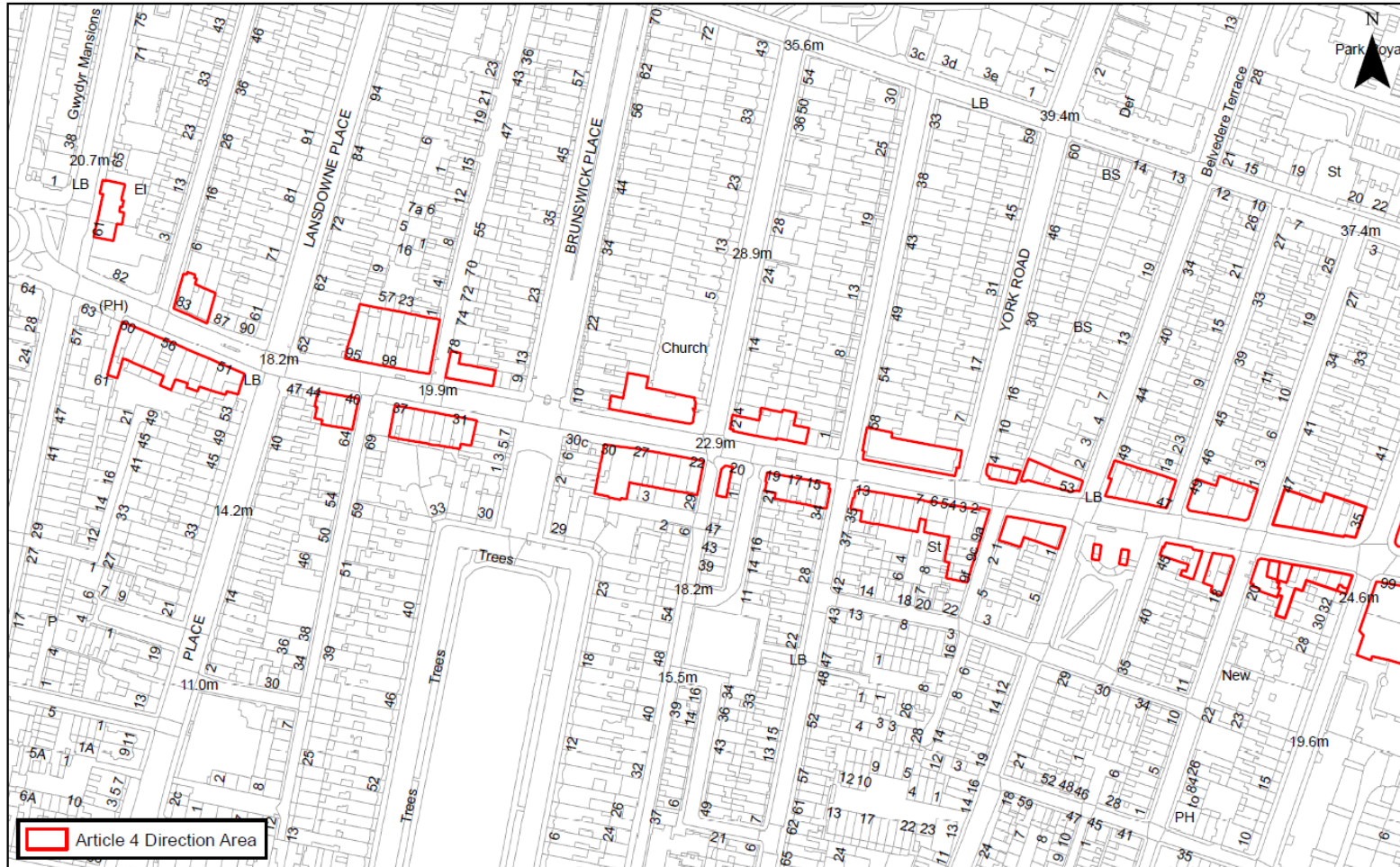
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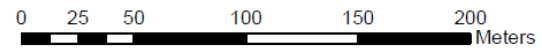
Plan 11: Land identified in Map 1 at a larger scale (Brunswick Town)

Article 4 Direction Area Plan 11. Brunswick Town



Scale: 1:2,500

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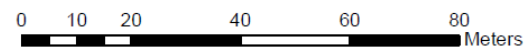
Plan 12: Land identified in Map 1 at a larger scale (Eldred Avenue)

Article 4 Direction Area Plan 12. Eldred Avenue



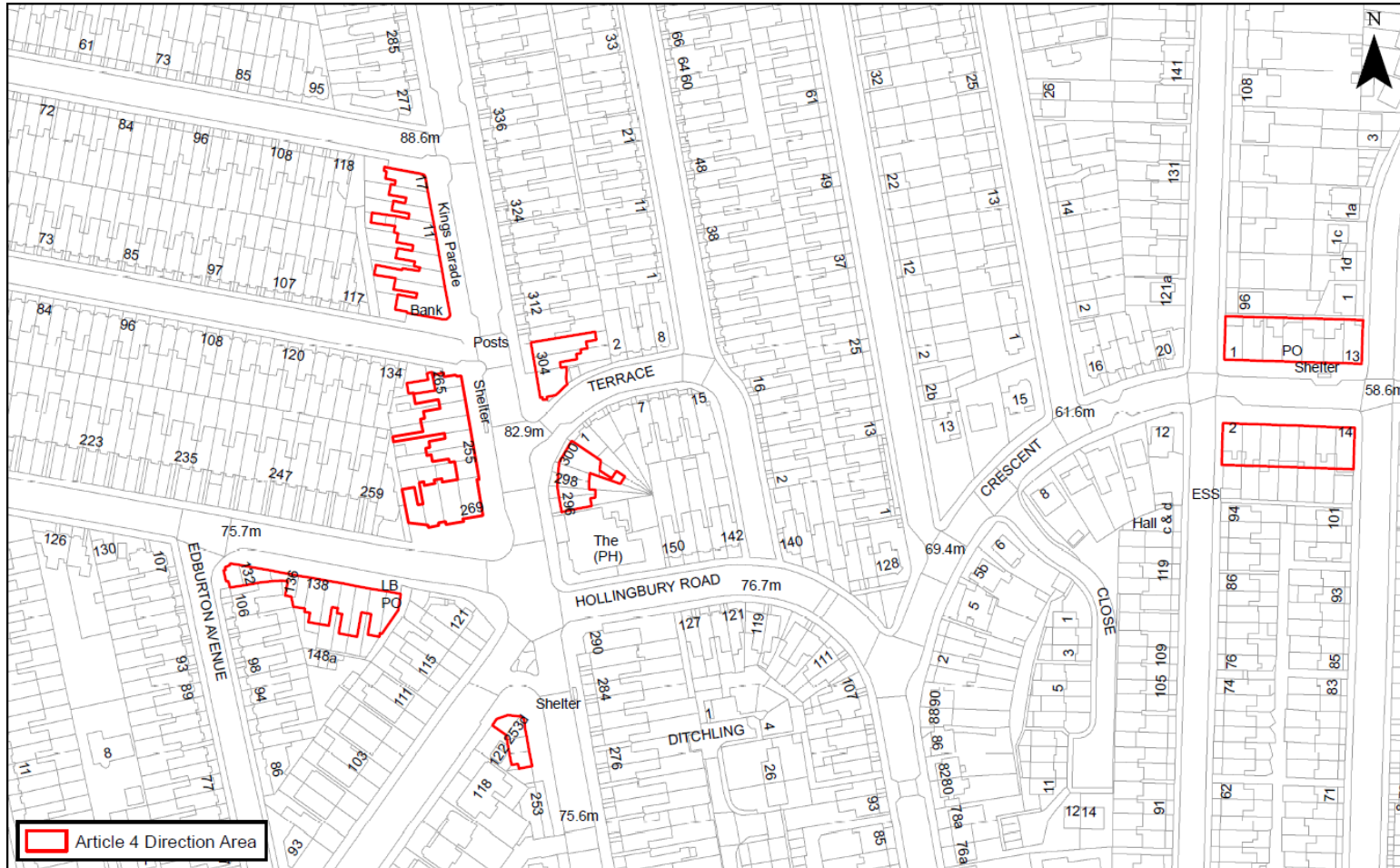
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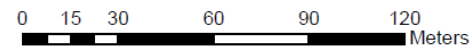
Plan 13: Land identified in Map 1 at a larger scale (Fiveways and Hollingbury Place)

Article 4 Direction Area Plan 13. Fiveways and Hollingbury Place



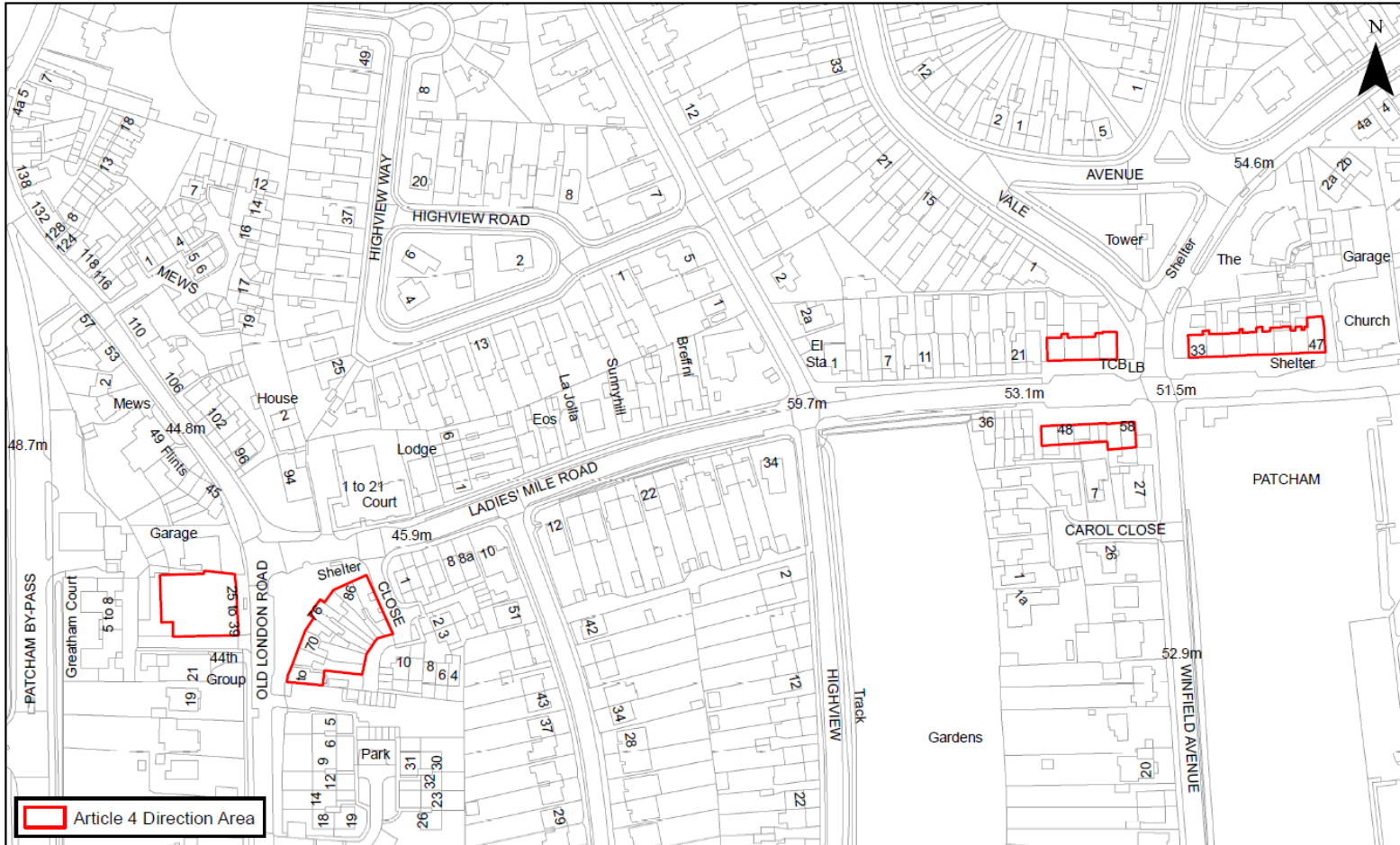
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Plan 14: Land identified in Map 1 at a larger scale (Old London Road and Ladies Mile Road)

Article 4 Direction Area Plan 14 Old London Road and Ladies Mile Road



Scale: 1:2,000

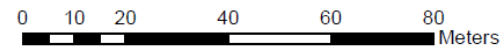
Plan 15: Land identified in Map 1 at a larger scale (Longridge Avenue)

Article 4 Direction Area Plan 15 Longridge Avenue



Scale: 1:1,100

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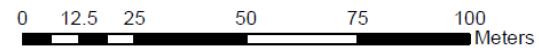
Plan 16: Land identified in Map 1 at a larger scale (Lustrells Vale)

Article 4 Direction Area Plan 16. Lustrells Vale



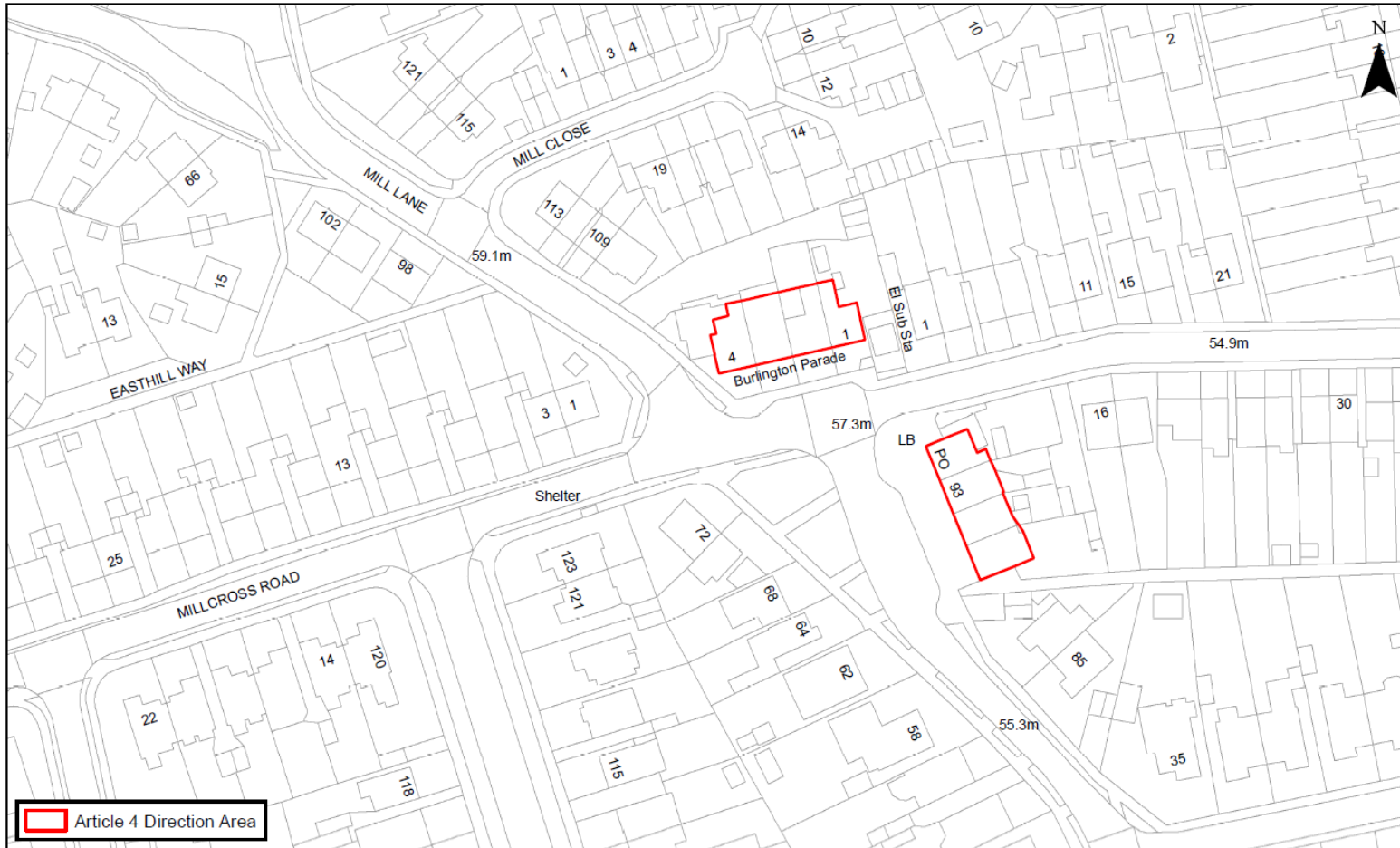
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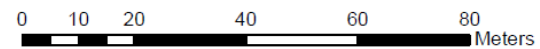
Plan 17: Land identified in Map 1 at a larger scale (Mill Lane)

Article 4 Direction Area Plan 17. Mill Lane



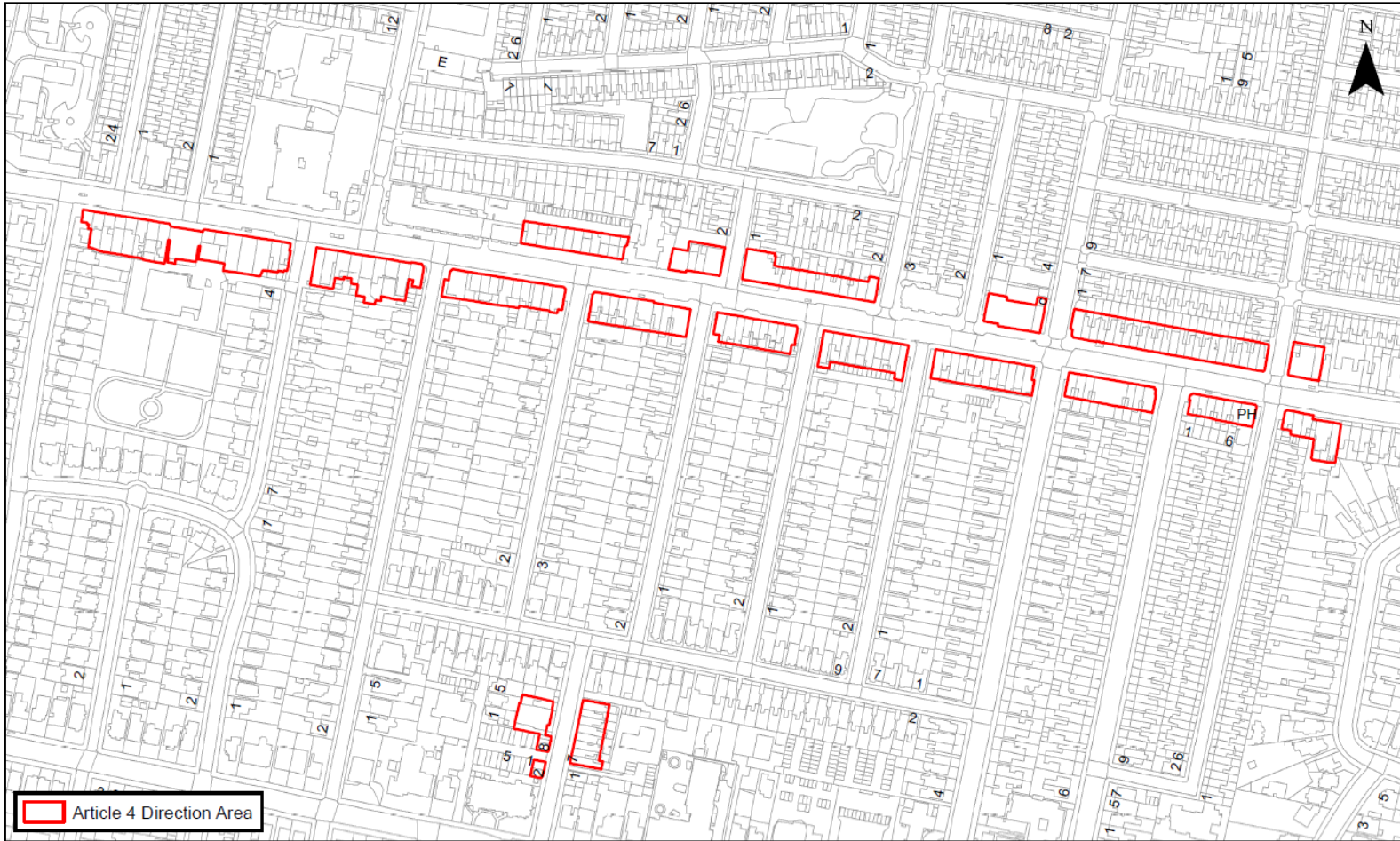
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Plan 18: Land identified in Map 1 at a larger scale (Portland Road and Richardson Road)

Article 4 Direction Area Plan 18. Portland Road and Richardson Road



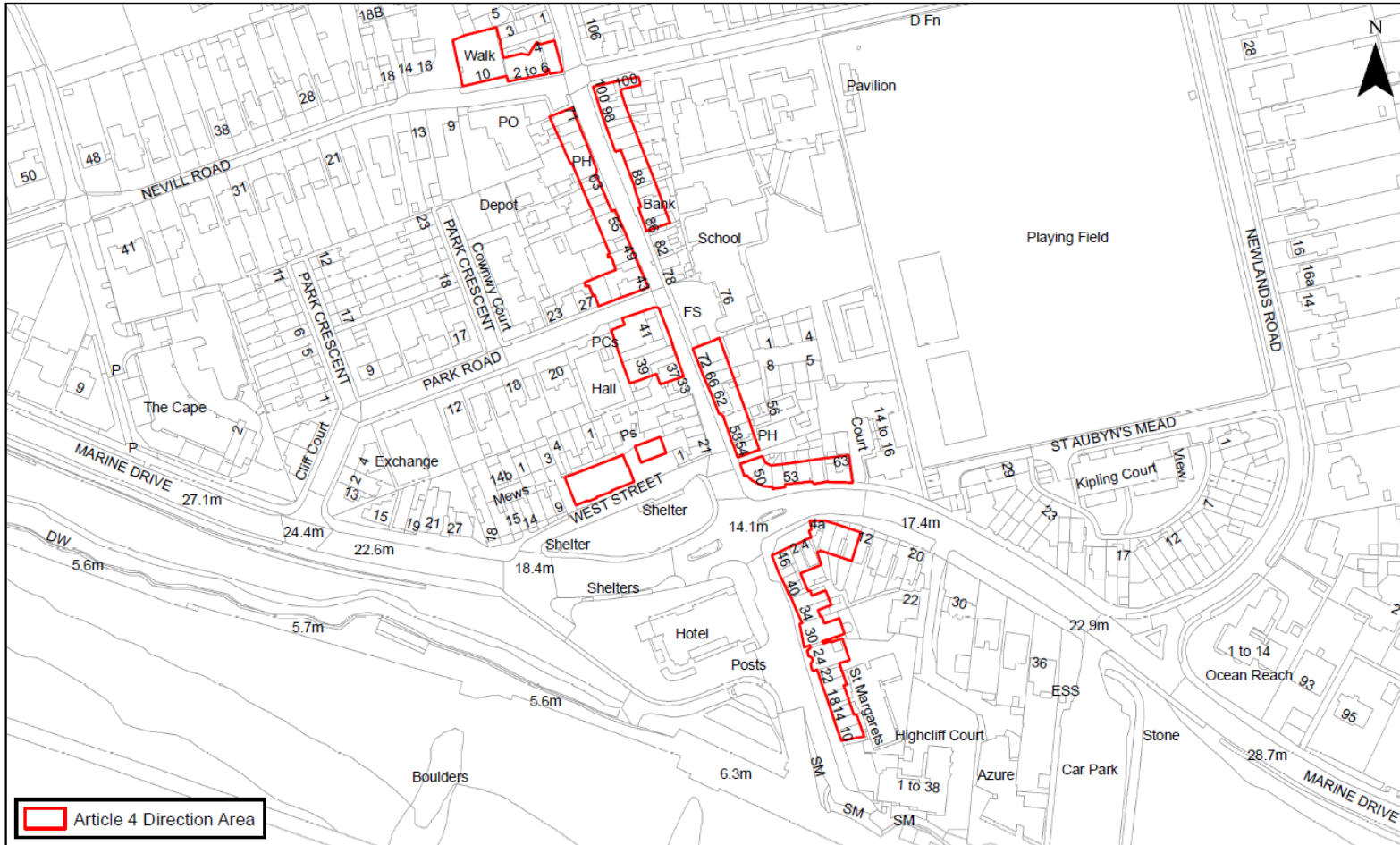
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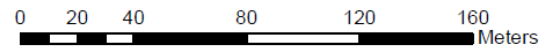
Plan 19: Land identified in Map 1 at a larger scale (Rottingdean High Street)

Article 4 Direction Area Plan 19. Rottingdean High Street



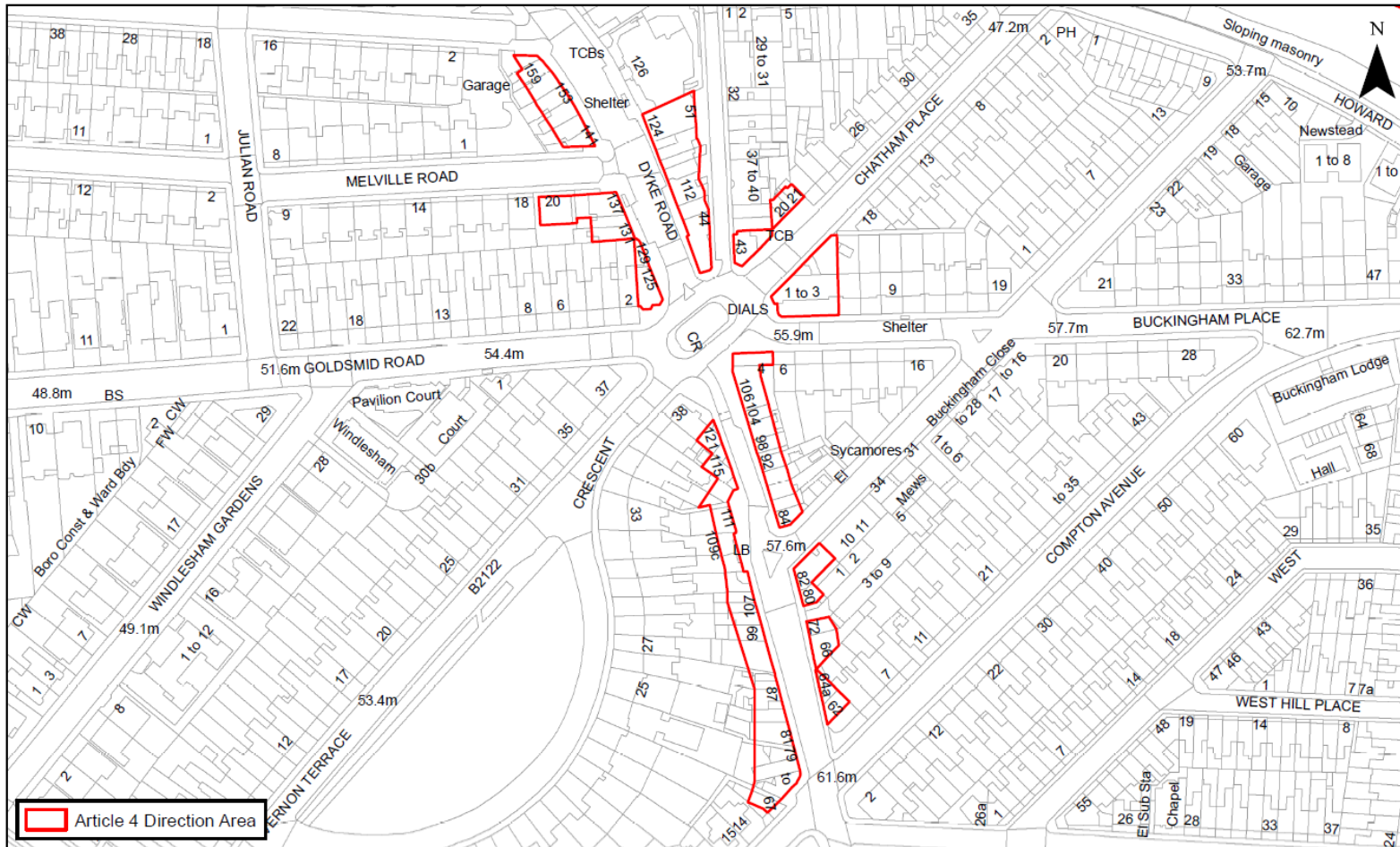
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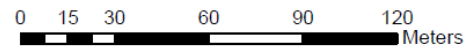
Plan 20: Land identified in Map 1 at a larger scale (Seven Dials)

Article 4 Direction Area Plan 20. Seven Dials



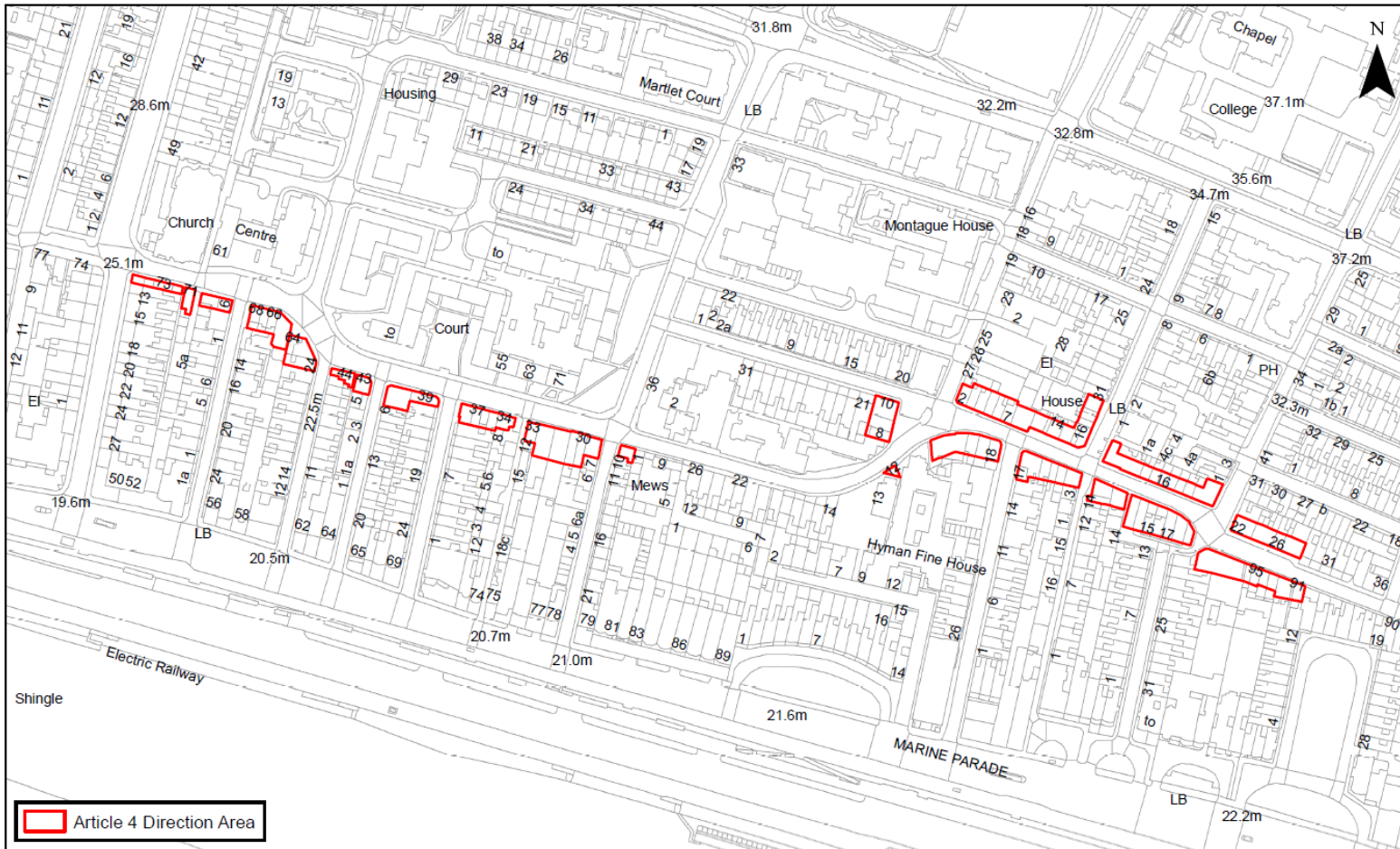
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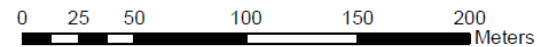
Plan 21: Land identified in Map 1 at a larger scale (St George's Road)

Article 4 Direction Area Plan 21. St George's Road



Scale: 1:2,500

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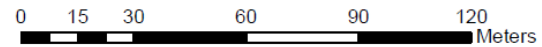
Plan 22: Land identified in Map 1 at a larger scale (The Grenadier)

Article 4 Direction Area Plan 22. The Grenadier



Scale: 1:1,500

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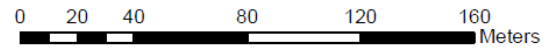
Plan 23: Land identified in Map 1 at a larger scale (Warren Way and Warren Road)

Article 4 Direction Area Plan 23. Warren Way and Warren Road



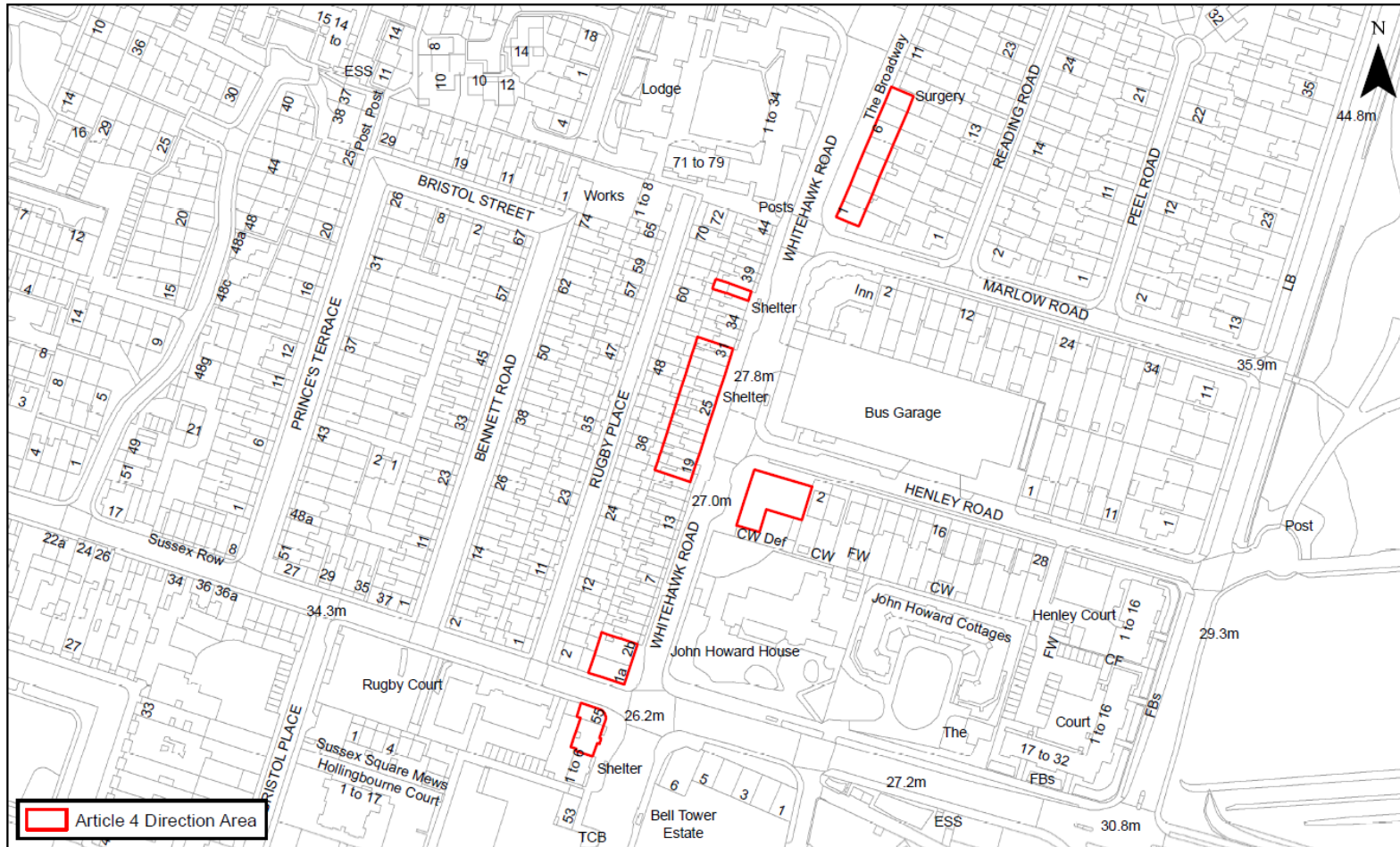
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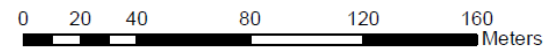
Plan 24: Land identified in Map 1 at a larger scale (Whitehawk Road)

Article 4 Direction Area Plan 24. Whitehawk Road



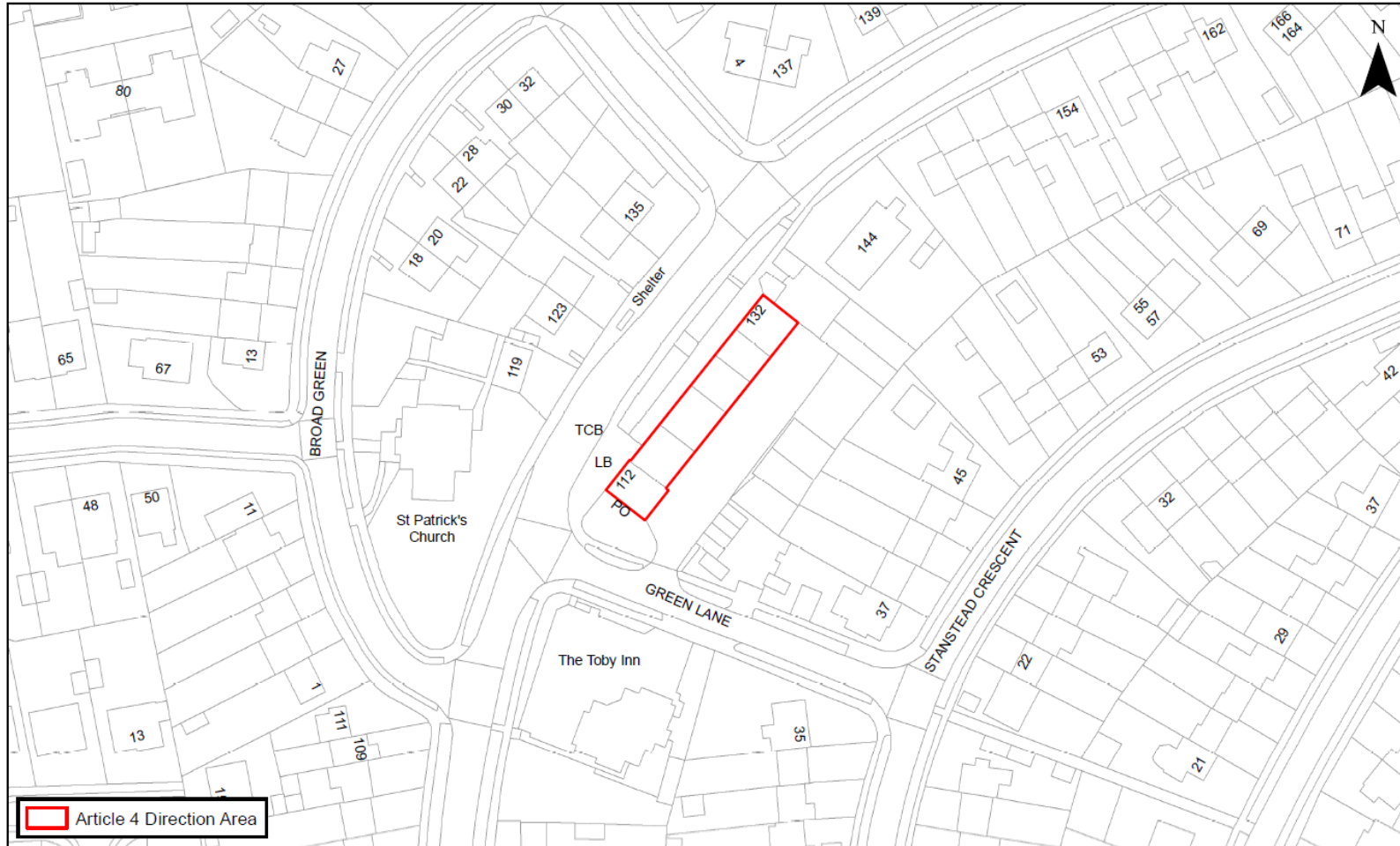
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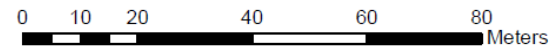
Plan 25: Land identified in Map 1 at a larger scale (Cowley Drive)

Article 4 Direction Area Plan 25. Cowley Drive



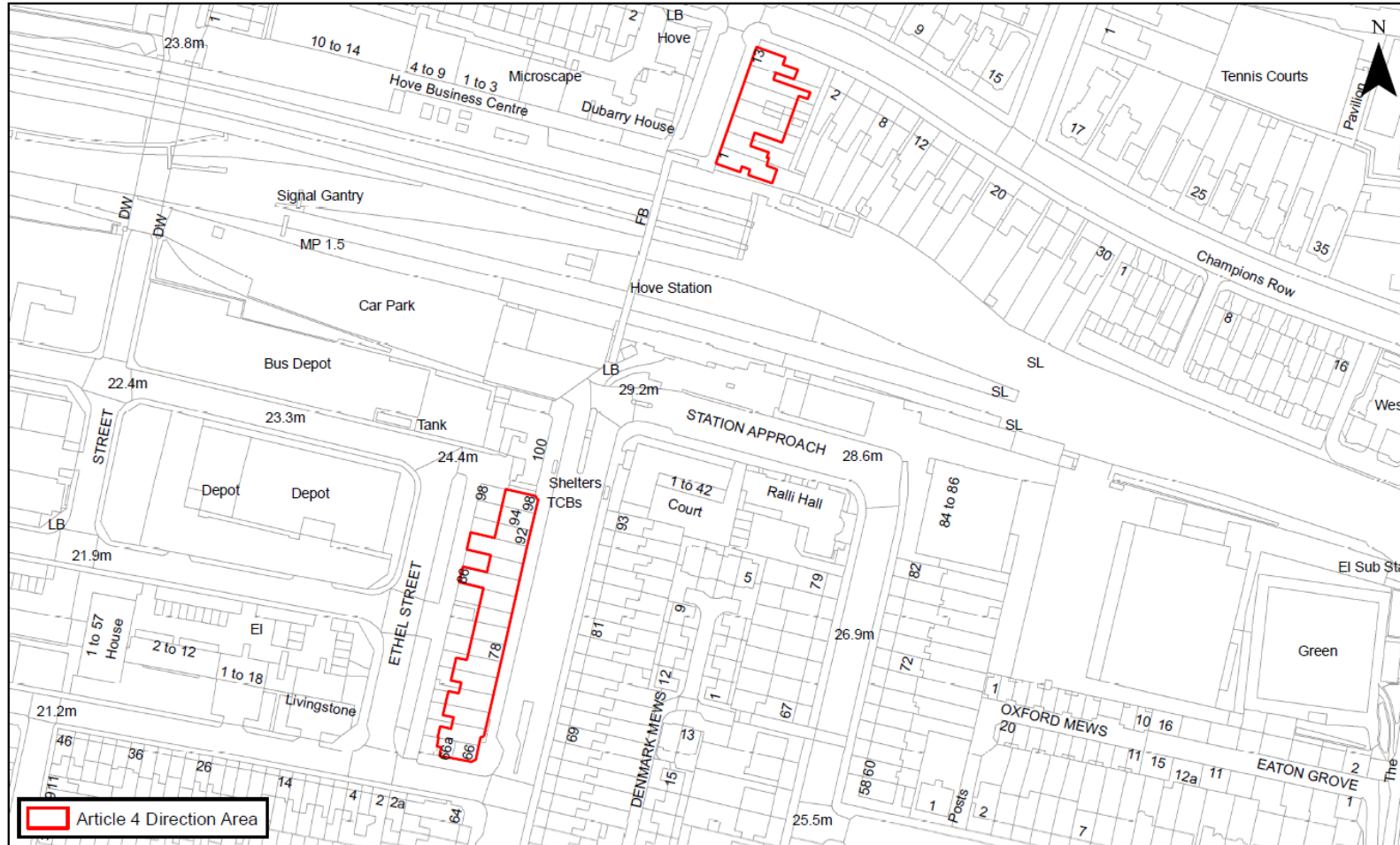
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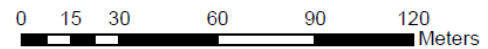
Plan 26: Land identified in Map 1 at a larger scale (Goldstone Villas and Hove Park Villas)

Article 4 Direction Area Plan 26. Goldstone Villas and Hove Park Villas



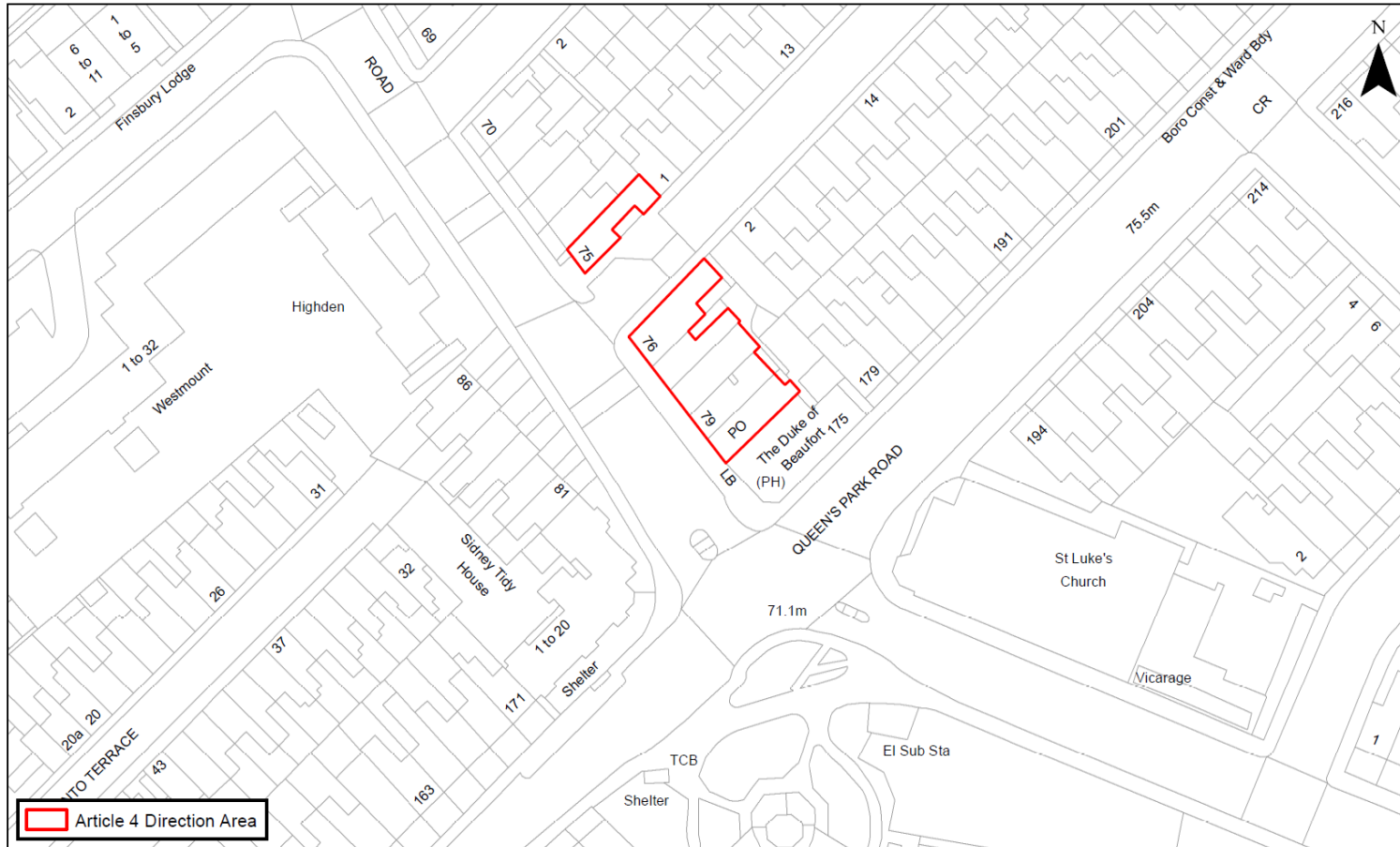
Scale: 1:1,750

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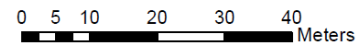
Plan 27: Land identified in Map 1 at a larger scale (Islingword Road)

Article 4 Direction Area Plan 27. Islingword Road



Scale: 1:800

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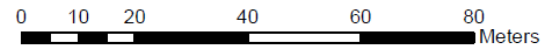
Plan 28: Land identified in Map 1 at a larger scale (Old Shoreham Road and Sackville Road)

Article 4 Direction Area Plan 28. Old Shoreham Road/Sackville Road



Scale: 1:1,000

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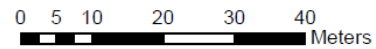
Plan 29: Land identified in Map 1 at a larger scale (Preston Drive)

Article 4 Direction Area Plan 29. Preston Drive



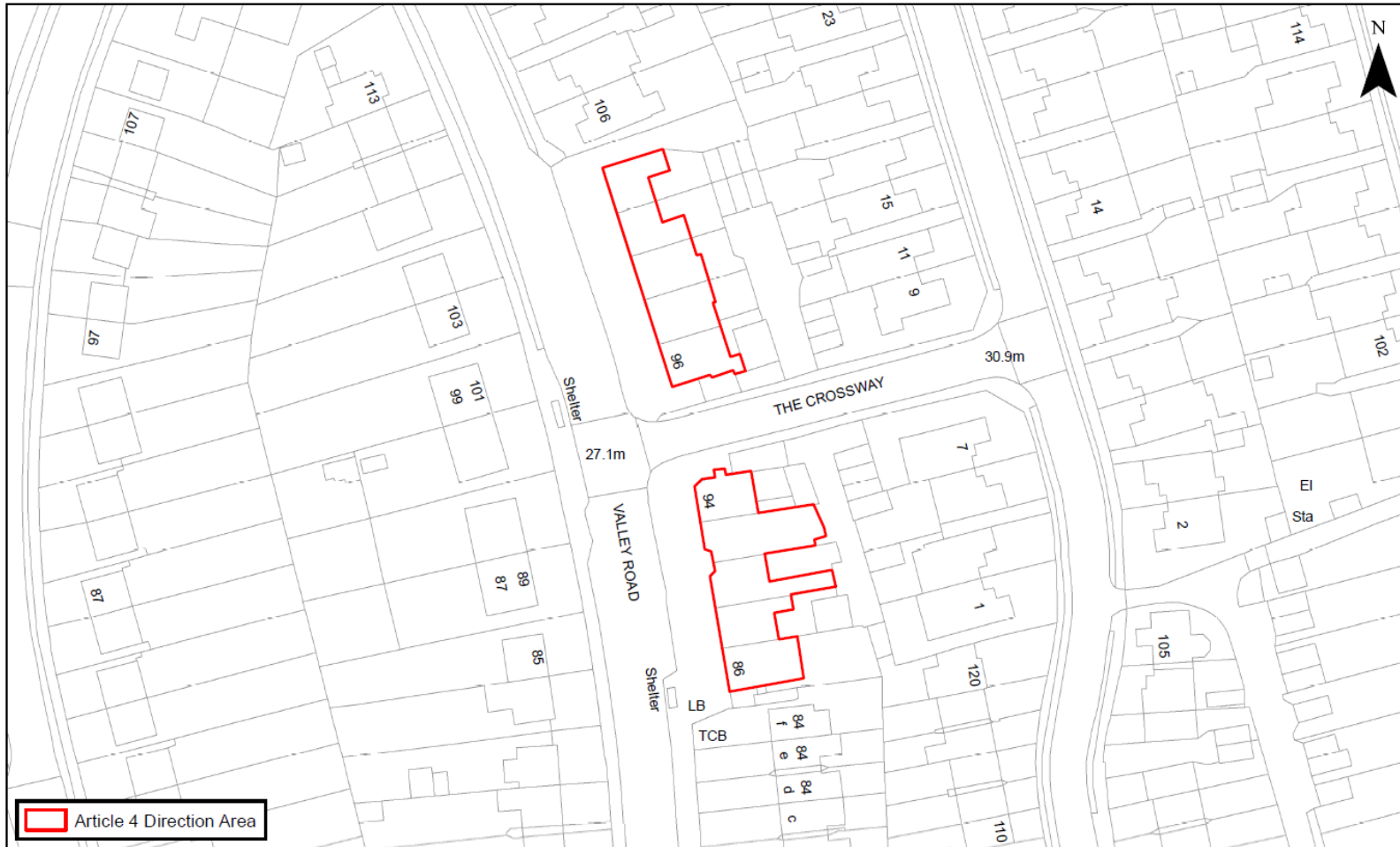
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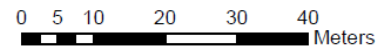
Plan 30: Land identified in Map 1 at a larger scale (Valley Road)

Article 4 Direction Area Plan 30. Valley Road



Scale: 1:800

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Plan 31: Land identified in Map 1 at a larger scale (Victoria Terrace)

Article 4 Direction Area Plan 31. Victoria Terrace



Scale: 1:800

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0 5 10 20 30 40 Meters

Plan 32: Land identified in Map 1 at a larger scale (Woodland Parade)

Article 4 Direction Area Plan 32. Woodland Parade



Scale: 1:800

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