



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

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

Sajida Bijle
Managing Director
Hertsmere Borough Council
Elstree Way
Borehamwood
Herts
WD6 1WA

Your reference:
Our reference:

14 June 2023

Dear Sajida Bijle,

Re. Modification of Article 4 Directions in relation to Part 1, Class AA; Part 20, Class AC and Part 20, Class AD of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) for sites in Radlett, Hertsmere.

Background

In August 2020, Class AA was inserted into Part 1 of Schedule 2 of the GPDO. This allowed for the enlargement of a dwellinghouse by construction of additional storeys. Class AC of Part 20 of Schedule 2 of the GPDO allows for the construction of new dwellinghouses on terrace buildings in use as dwellinghouses; and Class AD of Part 20 of Schedule 2 of the GPDO allows for the construction of new dwellinghouses on detached buildings in use as dwellinghouses.

On 25th May 2022, Hertsmere Borough Council made three directions under article 4(1) of the GPDO (the “Article 4 Directions”) in relation to ten groups of sites in Radlett, Hertsmere to disapply the following permitted development rights at those sites:

- Part 1, Class AA of Schedule 2 of the GPDO
- Part 20, Class AC of Schedule 2 of the GPDO
- Part 20, Class AD of Schedule 2 of the GPDO

Two of the Article 4 directions have been confirmed by the Council and came into force on 25th May 2023.

Consideration and Reasons

Following identification of errors within the text of the Article 4 Directions, Hertsmere Borough Council requested on 30th November 2022 that the Secretary of State exercise his power under paragraph 1(13) of schedule 3 of the GPDO to modify two of the Article 4 Directions in order to correct those errors.

The errors identified were:

- Within paragraph 2, the Article 4 directions incorrectly refer to 'Part 1, Class AC – new dwellinghouses on terrace buildings in use as dwellinghouses' whereas the correct reference is 'Part 20, Class AC – new dwellinghouses on terrace buildings in use as dwellinghouses'.
- Within paragraph 3, The Article 4 directions incorrectly refer to 'Part 1, Class AD – new dwellinghouses on detached buildings in use as dwellinghouses' whereas the correct reference would be 'Part 20, Class AD – new dwellinghouses on detached buildings'.
- Within paragraph 3, the Article 4 directions incorrectly refer to 'Class AC' whereas the correct reference would be 'Class AD'.

Hertsmere Borough Council re-made the third Article 4 direction on 22nd March 2023, as the Council considered that wider changes were required to this Article 4 direction, and in doing so also corrected the errors within the text of the original direction. This Article 4 direction will come into force no earlier than 30th March 2024 if confirmed by the Council.

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 it is necessary to modify the other two Article 4 directions to ensure that that the text errors are corrected and the relevant description is accurate.

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 two Article 4 directions.

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 these directions 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 these directions in the same manner as for the original form of the directions. In due course, please confirm when and where the notice is published or served so we the date the directions come into force.



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 Hertsmere Borough Council on 25th May 2022 in relation to development under Part 1, Class AA of Schedule 2; Part 20, Class AC of Schedule 2; and, Part 20, Class AD of Schedule 2 of the General Permitted Development Order (2015) (as amended).

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 Hertsmere Borough Council under Article 4 of the General Permitted Development Order on 25th May 2022 in respect of development under Part 1, Class AA of Schedule 2– enlargement of a dwellinghouse by construction of additional storeys, and incorrectly citing Part 1, Class AC of Schedule 2, and, Part 1, Class AD of Schedule 2 of the General Permitted Development Order (2015) (as amended). This Article 4 Direction relates to:

- Numbers 2, 3, 4, 5 and 6, 7, 8, 9, 10, 11 and 12 Theobald Street, Radlett;
- Numbers 40, 50, 52, 54, 56, 58, 60, 62 and 64 Williams Way, Radlett;
- Numbers 1, 2, 3, 4, 5, 6 and 7 Faggots Close, Radlett;
- Numbers 1, 26 and 51 Craigweil Avenue, 45, 47 and 88 Newberries Avenue and 19 and 32 Williams Way, Radlett; and
- Numbers 75, 77, 79 and 81 Newberries Avenue, Radlett.

All as shown edged/coloured in red on the Plan attached to that Article 4 direction.

Direction

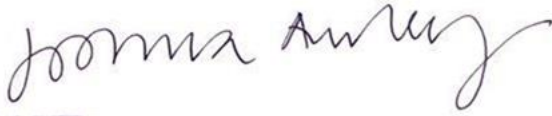
2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. In paragraphs 2 and 3 of the First Schedule, the references to ‘Part 1’ are substituted with ‘Part 20’.
4. In paragraph 3 of the First Schedule, the reference to ‘Class AC’ is substituted with ‘Class AD’.

Entry into force

5. 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: 14 June 2023

A handwritten signature in black ink, reading "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 Hertsmere Borough Council on 25th May 2022 in relation to development under Part 1, Class AA of Schedule 2; Part 20, Class AC of Schedule 2; and, Part 20, Class AD of Schedule 2 of the General Permitted Development Order (2015) (as amended).

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 Hertsmere Borough Council under Article 4 of the General Permitted Development Order on 25th May 2022 in respect of development under Part 1, Class AA of Schedule 2- enlargement of a dwellinghouse by construction of additional storeys; Part 20, Class AC of Schedule 2; and, Part 20, Class AD of Schedule 2 of the General Permitted Development Order (2015) (as amended). This Article 4 Direction relates to:

- Numbers 35 and 37 Gills Hill Lane, Radlett as shown edged/coloured in red on the Plan attached to that Article 4 Direction.

Direction

2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. In paragraphs 2 and 3 of the First Schedule, the references to 'Part 1' are substituted with 'Part 20'.
4. In paragraph 3 of the First Schedule, the reference to 'Class AC' is substituted with 'Class AD'.

Entry into force

5. 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

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