



Department for Levelling Up,  
Housing & Communities

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Paul Shackley  
Chief Executive  
Rushmoor Borough Council  
Farnborough Road  
Farnborough  
Hampshire  
GU14 7JU

Your reference:  
Our reference:

04 July 2023

Dear Paul Shackley,

**Re. Modification of Article 4 Direction in relation to Classes M, MA and N of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the Borough of Rushmoor**

**Background**

As you are aware, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order") contains classes of development involving changes of use for which planning permission is granted.

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. Class M permits development consisting of a change of use of a building in certain uses (laundrette, betting office, pay day loan shop, hot food takeaway) to a use within Class C3 (dwellinghouses). Class N permits development consisting of a change of use of a building and any land within its curtilage from specified sui generis uses (an amusement arcade or centre, or a casino) to Class C3 (dwellinghouses).

On 4<sup>th</sup> March 2022, Rushmoor Borough Council made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Classes M, MA and N at various sites within three town/district centres in the Borough of Rushmoor ("the Article 4 direction"). The Article 4 Direction was confirmed by the Council on 16th February 2023 and came into force on 6th March 2023.

## 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 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. Similarly, the Classes M and N permitted development rights also provide opportunities for high street regeneration and support housing delivery, and these permitted development rights too include a number of limitations and conditions, including seeking the approval of the local planning authority over prescribed matters.

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 directions apply only to the smallest geographical area possible. I am therefore of the view that the boundaries 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 important Class E commercial floorspace within the Borough of Rushmoor where the permitted development right would have a wholly unacceptable adverse impact. It covers important Class E and other commercial floorspace within three town or district centres within the Borough.

These modifications will ensure that the Article 4 Direction boundaries for areas within the Borough of Rushmoor are justified by robust evidence and comply with national planning policy.

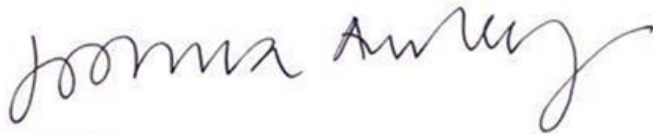
### **Decision**

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



**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 Rushmoor Borough Council on 4<sup>th</sup> March 2022 in relation to development consisting of Class M – change of use of certain uses to dwellinghouses (Class C3); Class MA – change of use from commercial, business and service (Class E) use to dwellinghouses (Class C3); and Class N – change of use of specified sui generis uses to dwellinghouses (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 to 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);

"Use Classes Order" means the Town and Country Planning (Use Classes) Order 1987 (as amended); and

"Article 4 direction" means the Direction made by Rushmoor Borough Council under Article 4 of the General Permitted Development Order on 4<sup>th</sup> March 2022 in respect of development permitted by:

- Class M of Part 3 of Schedule 2 to the General Permitted Development Order, namely a change of use of a building in certain uses (launderette, betting office, pay day loan shop, hot food takeaway, or a mixed use combining use as a dwellinghouse with a launderette, betting office or pay day loan shop) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses),
- Class MA of Part 3 of Schedule 2 to the General Permitted Development Order, namely 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 Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, and
- Class N of Part 3 of Schedule 2 to the General Permitted Development Order, namely a change of use of a building and any land within its curtilage from specified sui generis uses (an amusement arcade or centre, or a casino) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).

The Article 4 direction relates to sites within the Borough of Rushmoor.

## **Direction**

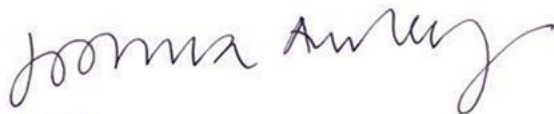
2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. Instead of the Article 4 direction applying to land described in the Second Schedule to that direction, comprising sites within the Borough of Rushmoor, it shall apply only to the land specified in this Direction.
4. The specified land is the areas edged and hatched red on the attached maps, relating to the following sites:
  - Aldershot Town Centre
  - Farnborough Town Centre
  - North Camp District Centre
5. For the avoidance of doubt, this Article 4 Direction does not apply to any land outside the areas edged and hatched red.

## **Entry into force**

6. This Direction comes into force in accordance with paragraph 1(18) of Schedule 3 to the General Permitted Development Order.

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

On: 04 July 2023

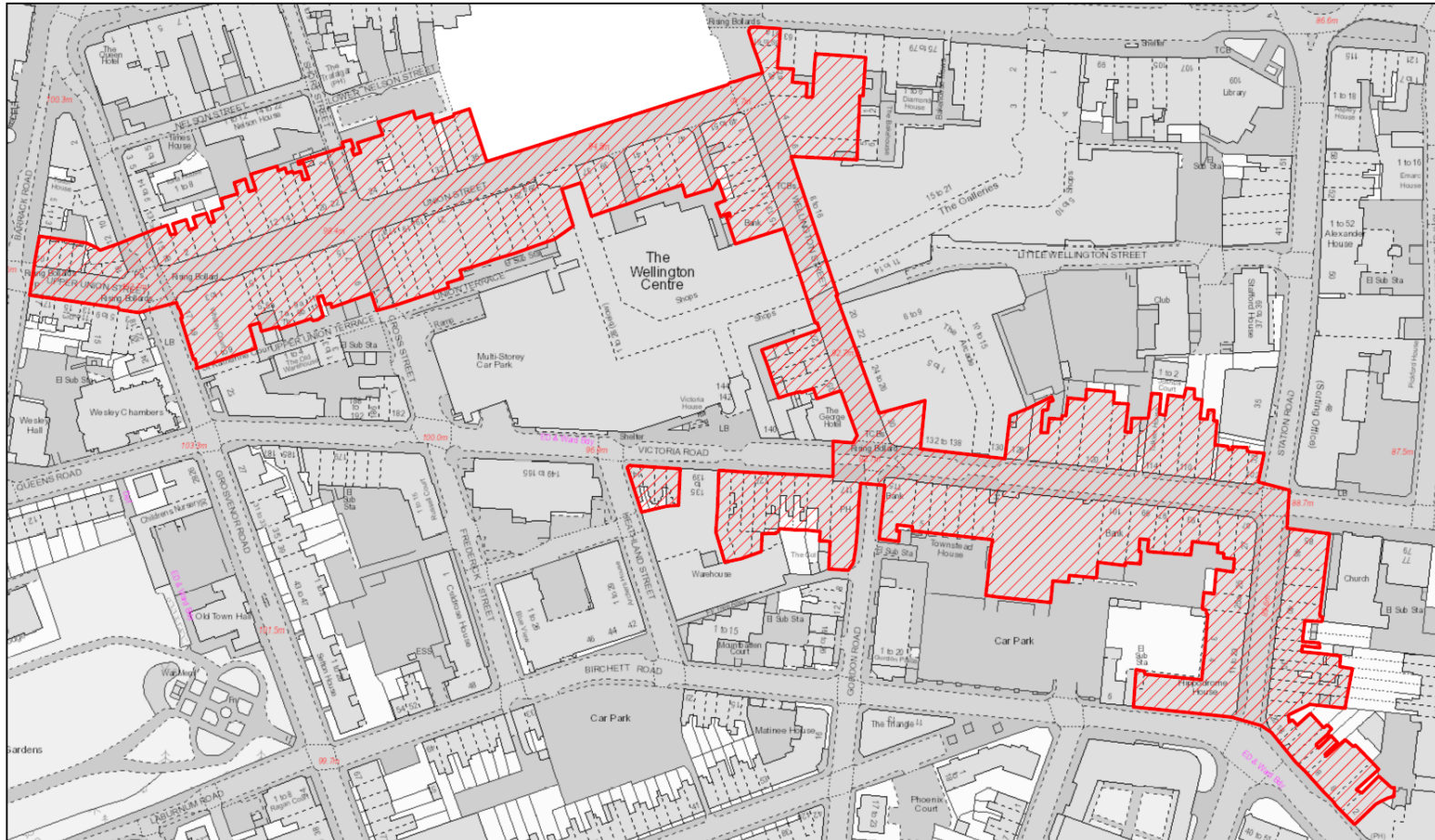


**Joanna Averley**  
Chief Planner

Maps showing Article 4 Direction coverage

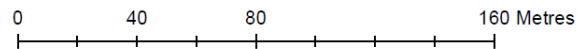


# Aldershot Town Centre



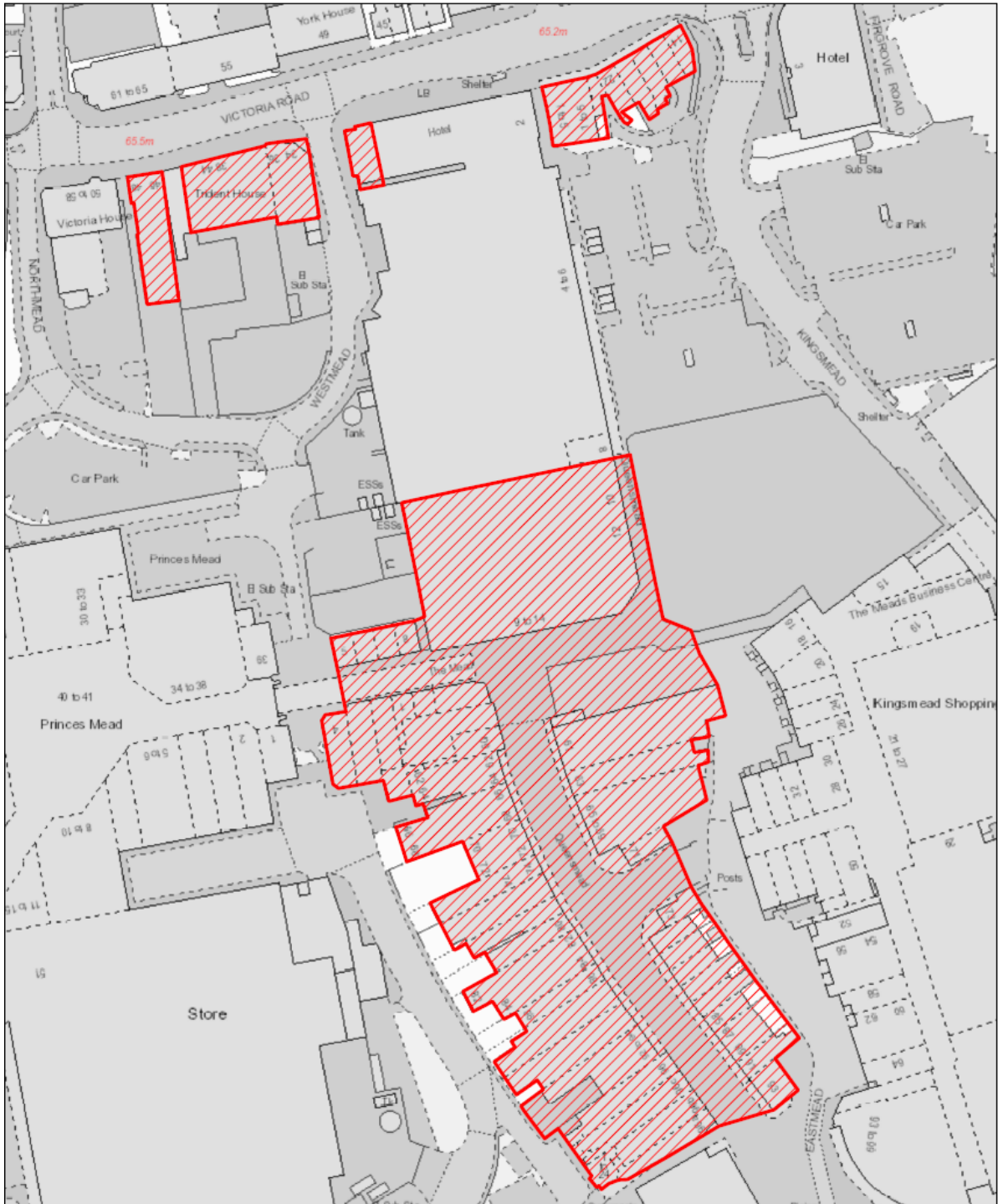
### Legend

 Area to which Article 4 Direction applies



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2023 Ordnance Survey 100024264



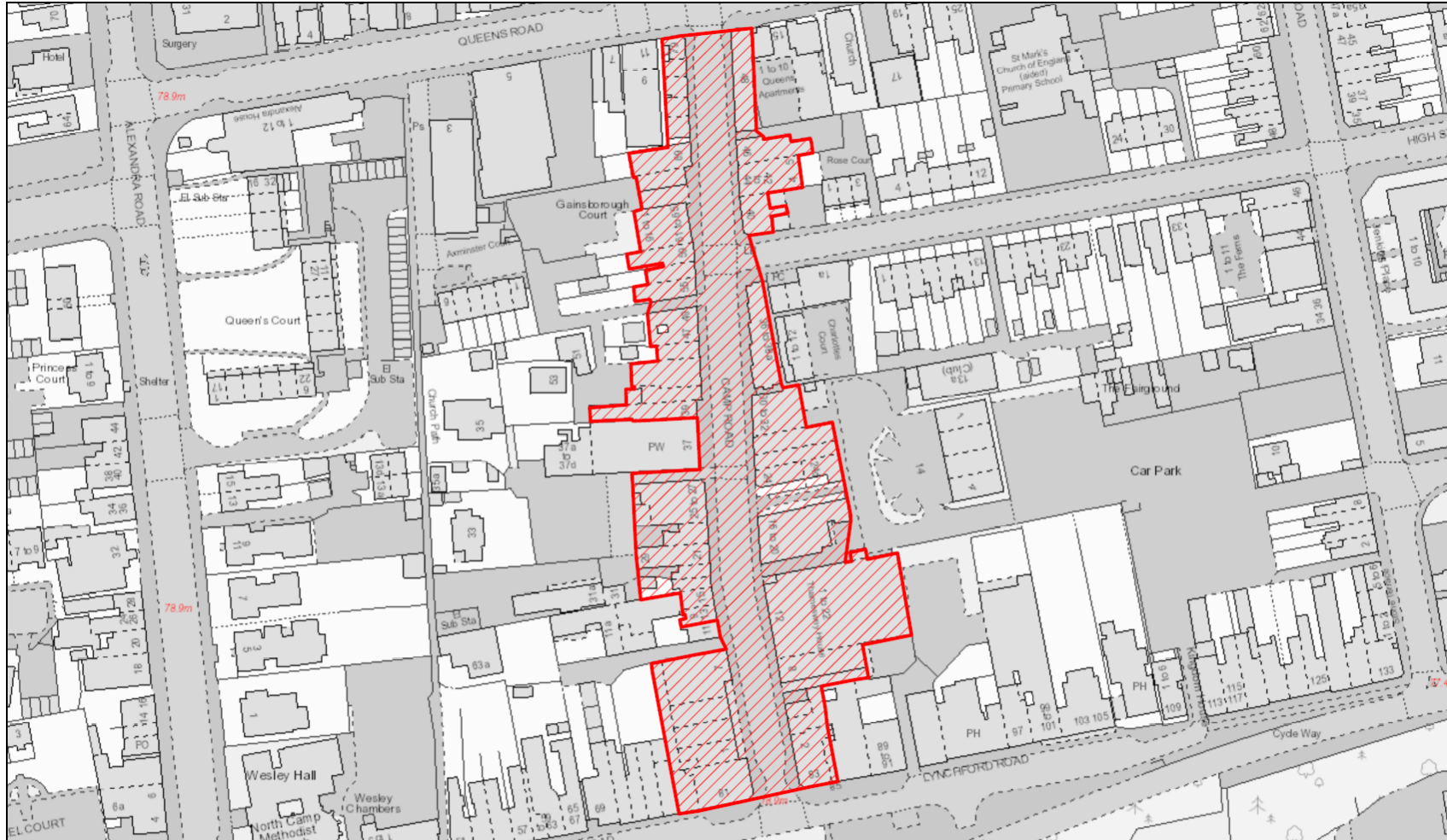


**Legend**

 Area to which Article 4 Direction applies



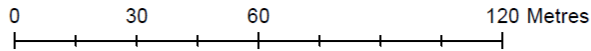
# North Camp District Centre



### Legend



Area to which Article 4 Direction applies



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