



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

Stephen Biggs
Acting Head of Paid Service
Islington Council
Islington Town Hall
Upper Street
London
N1 2UD

Your reference:
Our reference:

6 October 2023

Dear Stephen,

Re. Modification of Article 4 direction in relation to Part 3, Class MA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington

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 30th August 2022, the London Borough of Islington made a non-immediate direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for sites within the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington ("the Article 4 direction"). The Article 4 direction was confirmed and came into force on 31st August 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 that 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.

In the light of further information received from the landowner of Angel Gate, Goswell Road, London, EC1V 2PT, the London Borough of Islington accepts that it is necessary for it to consider afresh whether an Article 4 direction is appropriate in respect of the site known as Angel Gate. It therefore considers that a modification is required to remove the site from the Article 4 direction. On the evidence now before him, the Secretary of State is of the view that the boundary should be modified in accordance with the direction attached to this letter, to ensure that the Article 4 direction applies to the smallest geographical area possible.

This modification will ensure that the Article 4 direction boundary for areas within the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington are justified by robust evidence and comply with national planning policy.

Decision

The Secretary of State has decided to modify the Article 4 direction to exclude the site known as Angel Gate and thereby 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 1(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 1(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 come into force.

The Secretary of State notes that the London Borough of Islington may make new Article 4 directions in future if justified by further evidence. Any new directions will be considered by the Secretary of State following notification by the London Borough of Islington.

A handwritten signature in black ink, appearing to read 'Joanna Averley', written over a horizontal line.

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 the London Borough of Islington on 30th August 2022 in relation to development consisting of Class MA change of use from commercial, business and service (Class E) use to residential (Class C3) for parts of the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington

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 the London Borough of Islington under Article 4 of the General Permitted Development Order on 30th August 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 Part A, Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of Part C, 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 parts of the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington.

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, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined in red on the attached maps of the Central Activities Zone and Central Activities Zone Fringe in the King's Cross area within the London Borough of Islington, being the same as the land described in the Second Schedule of the Article 4 direction, with the exclusion of the site known as Angel Gate at Goswell Road, London, EC1V 2PT:
 - Map 1: north-west
 - Map 2: north-east
 - Map 3: south-west

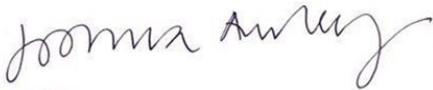
- Map 4: south-east
5. For the avoidance of doubt, any land outside the areas outlined is not covered by this Direction.

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: 6 October 2023

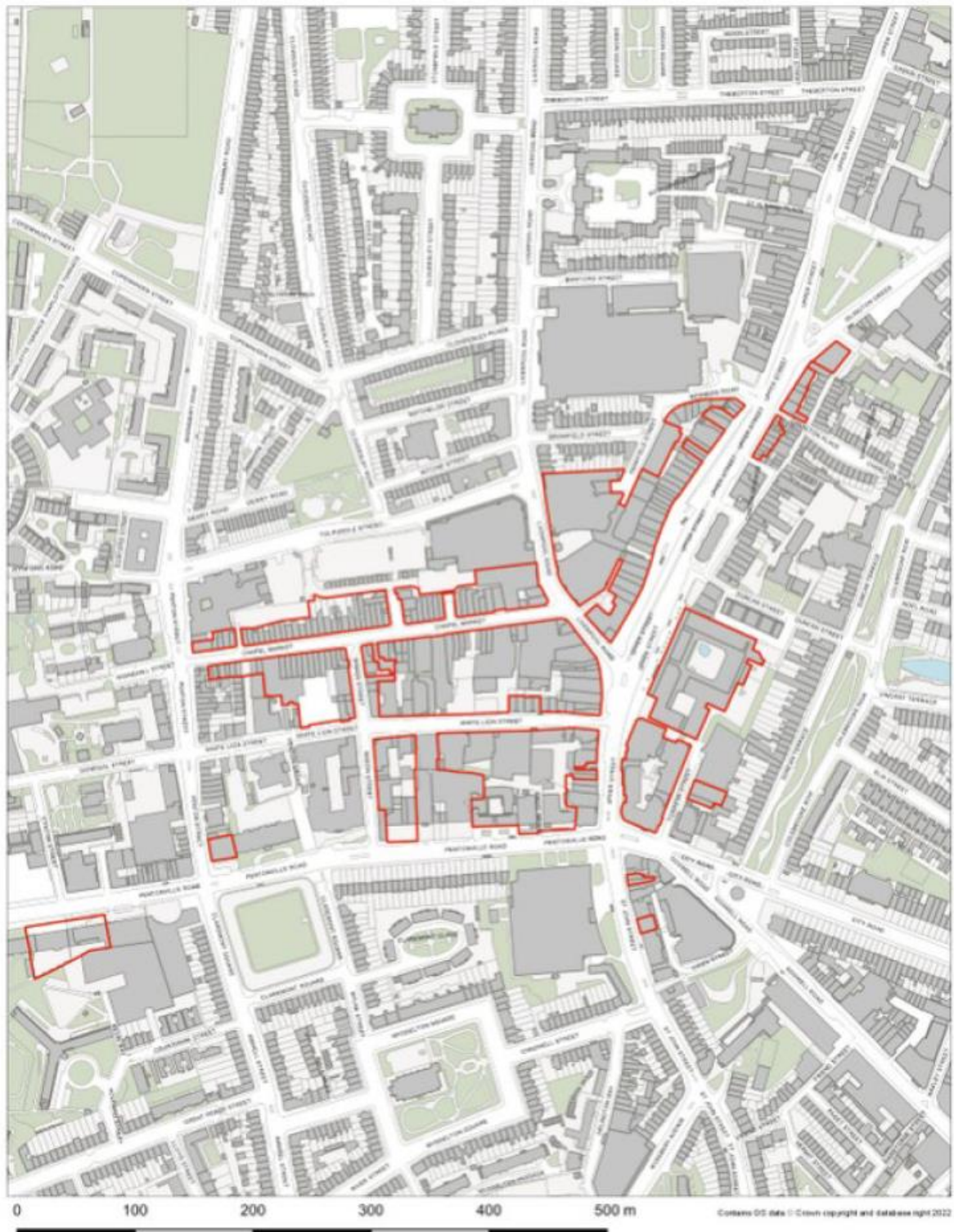
A handwritten signature in cursive script, appearing to read 'Joanna Averley', written in dark ink.

Joanna Averley
Chief Planner

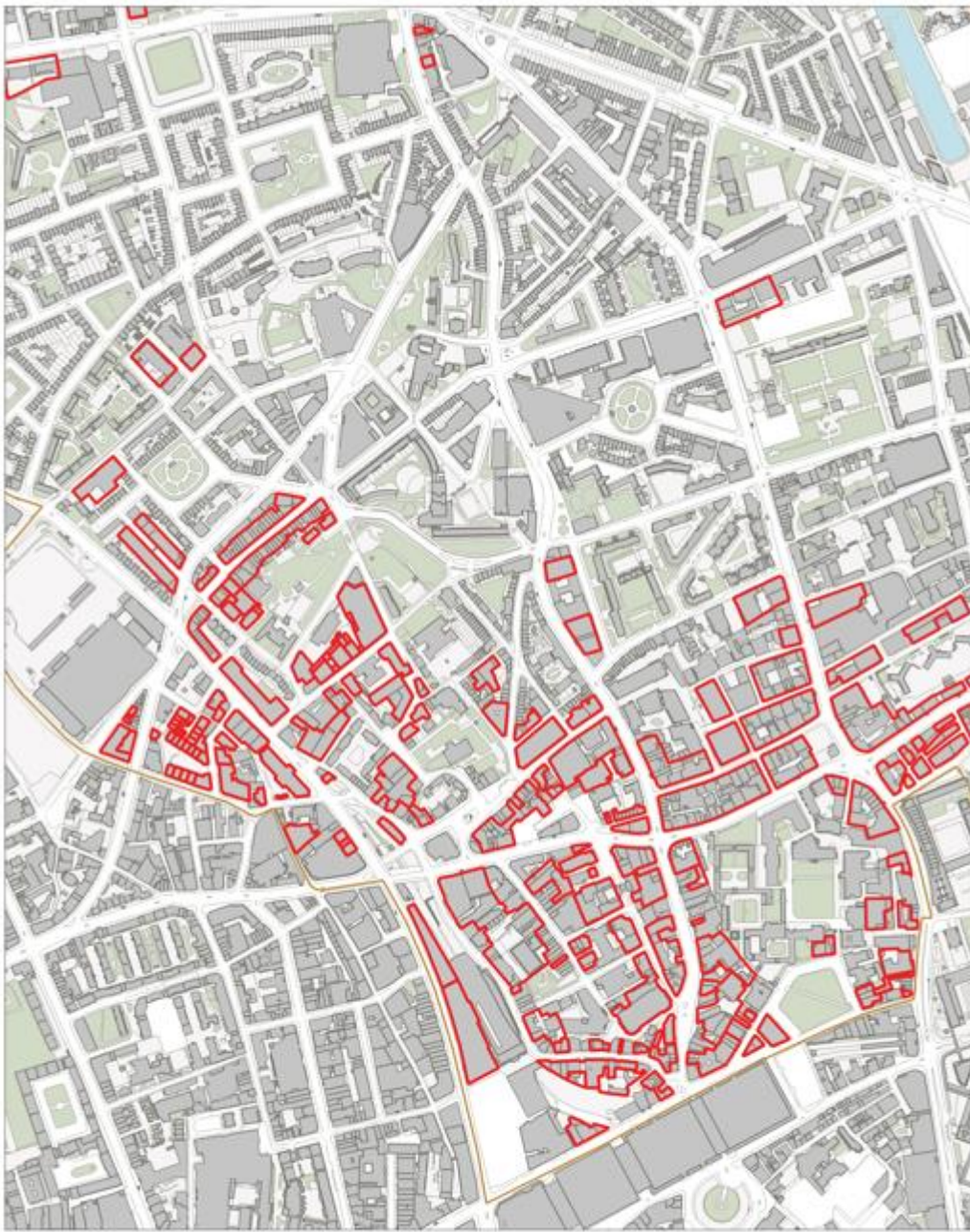
Map 1: north-west



Map 2: north-east



Map 3: south-west



0 100 200 300 400 500 m

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Article 4 Direction Class MA (Class E to residential)

CAZ and CAZ Fringe

Map 4: south-east

