



Department for Levelling Up,  
Housing & Communities

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Chief Planner

**Department for Levelling Up,  
Housing and Communities**  
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Donna Nolan  
Chief Executive  
Watford Borough Council  
Town Hall  
Watford  
WD17 3EX

Your reference:  
Our reference:

8 May 2024

Dear Donna Nolan,

**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 the Borough of Watford (Clarendon Road Primary Office Location)**

**Background**

As you are aware, with effect from 1<sup>st</sup> 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 to that Order.

On 31 May 2023, Watford Borough Council made an immediate direction, under Article 4(1) of the General Permitted Development Order disapplying Class MA for offices (Class E(g)(i)) at Clarendon Road Primary Office Location within the Borough of Watford ("the Article 4 direction"). The Article 4 direction was confirmed by the Council on 7 November 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, including that all new residential delivered through the permitted development right must meet nationally described space standards, 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. Such an approach is necessary to ensure that 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 direction attached to this letter.

This will ensure that the Article 4 Direction is focused on protecting important office floorspace at Clarendon Road Primary Office Location in the Borough of Watford where the permitted development right would have a wholly unacceptable adverse impact.

This modification will ensure that the Article 4 Direction boundary for the Clarendon Road Primary Office Location 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 map 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.

A handwritten signature in black ink, appearing to read 'Joanna Averley', written in a cursive style.

**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 Watford Borough Council on 31<sup>st</sup> May 2023 in relation to development consisting of Class MA change of use from office (Class E(g)(i)) 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 Watford Borough Council under Article 4 of the General Permitted Development Order on 31<sup>st</sup> May 2023, 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(g)(i) (offices for operational or administrative function) 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 to 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 within the Clarendon Road Primary Office Location within the Borough of Watford.

### **Direction**

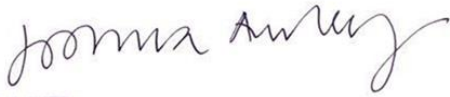
2. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
3. Instead of the Article 4 direction applying to land described in the Schedule and the map attached to that direction, comprising sites within the Clarendon Road Primary Office Location within the Borough of Watford, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined and shaded green on the attached map.
5. For the avoidance of doubt, this Direction does not apply to any land outside the areas outlined and shaded green on the attached map.

### **Entry into force**

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

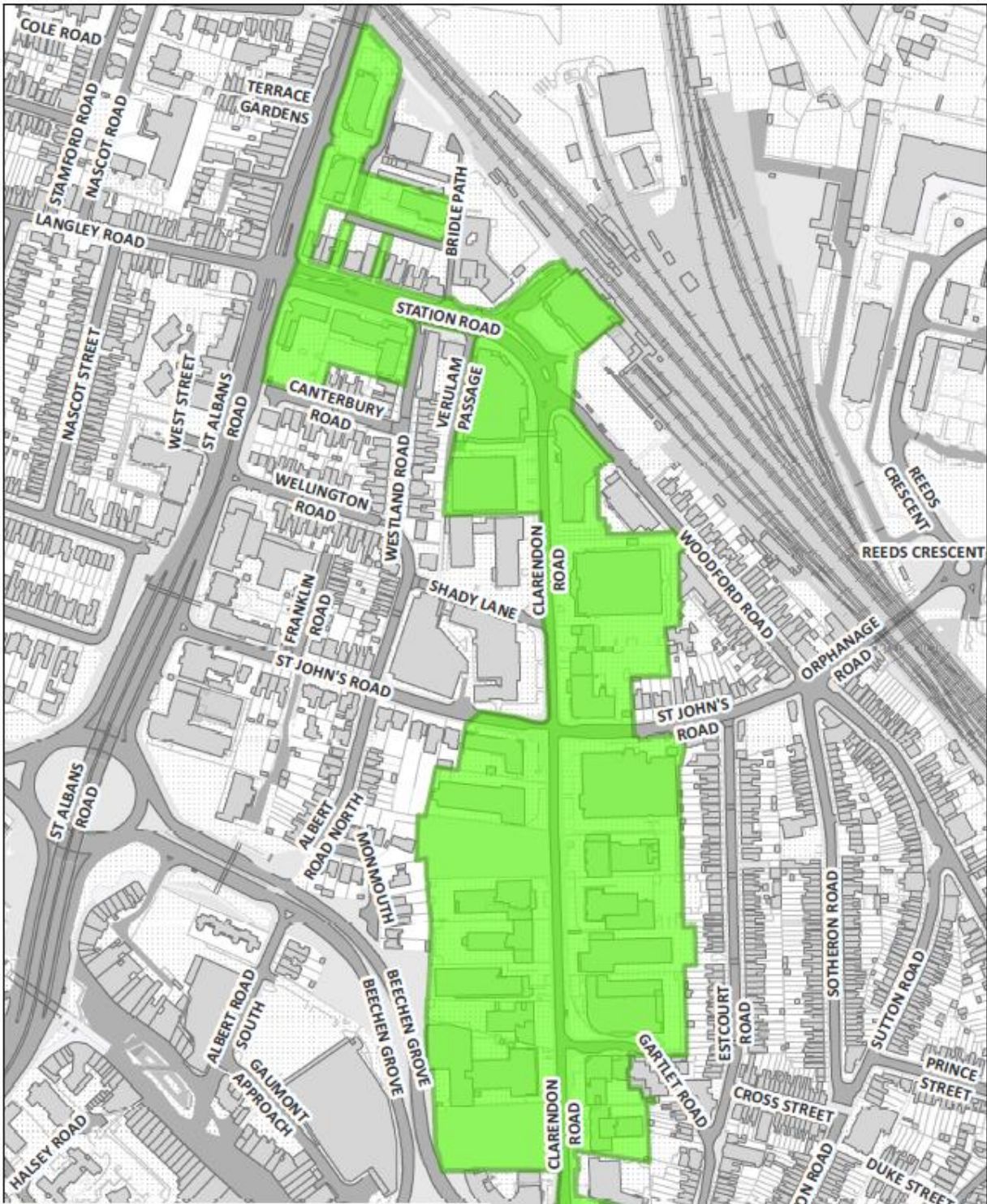
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

On: 8 May 2024

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





**Legend**

Article 4 Direction- Clarendon Road- Modified Boundary



**Clarendon Road Primary Office Location**  
**Article 4 Direction: Modified Boundary- April 2024** 1:3,500

Map Produced by: Thomas Shaw  
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