



Department for Levelling Up, Housing & Communities

The Rt Hon Greg Clark MP
*Secretary of State for Levelling up Housing
& Communities*

**Department for Levelling Up, Housing
and Communities**
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London Borough of Wandsworth
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Email:PSGregClark@levellingup.gov.uk

22 July 2022

Dear Mark

Re. Modification of Article 4 Direction in relation to Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the Central Activities Zone and other sites within the London Borough of Wandsworth

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 July 2021 the London Borough of Wandsworth made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for the Central Activities Zone (Nine Elms) and 62 other sites within the London Borough of Wandsworth ("the Article 4 direction"). The Article 4 direction is due to come into force on 31st July 2022.

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 dwellings 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 Article 4 direction applies only to the smallest geographical area possible. I am therefore of the view that the boundary 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 the most significant clusters of commercial and, where appropriate, other activity where the permitted development right would have a wholly unacceptable adverse impact. It covers part of the Central Activities Zone (Nine Elms), core locations with town centres, important local centres and parades and employment and industrial areas across the borough.

These modifications will ensure that the Article 4 Direction boundary for areas within the London Borough of Wandsworth is justified by robust evidence and complies 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 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 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.

With every good wish,

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive style with a large, sweeping initial "G" and a distinct "C" at the end.

Rt Hon Greg Clark MP
Secretary of State for Levelling Up, Housing & 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 Wandsworth on 30th July 2021 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 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 Wandsworth under Article 4 of the General Permitted Development Order on 30th July 2021 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.

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 of that direction, comprising the Central Activities Zone (Nine Elms) and 62 other sites within the London Borough of Wandsworth, it shall exclude Sites 36 (1-7 Portswood Place), 61 (Ransome Dock) and 63 (Lombard Road) and only apply to the land specified in this Direction.
4. The specified land is the areas shaded red on the attached plan being:

1.	Central Activities Zone (Nine Elms)
2.	Queenstown Road, Battersea
3.	Summerstown LSIA / SIL (Wandle Valley)
4.	Bendon Valley and Kimber Road LSIA (Wandle Valley)
5.	Wandle Delta (Wandsworth Town)
6.	Old Sergeant
7.	Thornset Road (Earlsfield)

8.	Princeton Court (Putney)
9.	70 Upper Richmond Road and 5 Manfred Road
10.	Smiths Yard, Summerley Street (Earlsfield)
11.	Smugglers Way, Jews Row, Battersea Reach
12.	Battersea Business Centre, 99-109 Lavender Hill
13.	Jaggard Way
14.	Wimbledon Sewing Centre, Balham Cars, Balham High Road
15.	College Mews, St Ann's Hill and 190-194 St Ann's Hill
16.	Hillgate Place, Balham Hill
17.	116 & 118 Putney Bridge Road
18.	Royal Victoria Patriotic Building, John Archer Way
19.	The Old Imperial Laundry, 71-73 Warriner Gardens
20.	124 Latchmere Road and 187-207 Lavender Hill
21.	Culvert House, Culvert Road and The View, Battersea Park Road
22.	Wandsworth Town Centre
23.	Clapham Junction Town Centre
24.	Tooting Town Centre
25.	Balham Town Centre
26.	Putney Town Centre
27.	Battersea Park Road
28.	Bellevue Road
29.	Clapham South
30.	Earlsfield
31.	Lavender Hill/Queenstown Road
32.	Southfields
33.	Mitcham Lane
34.	Tooting Bec
35.	1-6 Rockingham Close
37.	349-393 Upper Richmond Road
38.	1-11 Petersfield Rise
39.	50-94 Lower Richmond Road
40.	271-299 Upper Richmond Road
41.	323-409 Tildesley Road
42.	129-139 Beaumont Road
43.	2-14 Montfort Place
44.	74-88 Inner Park Road
45.	169-201 Merton Road
46.	171-227 Garratt Lane
47.	47-67 East Hill
48.	152-168 Battersea Bridge Road
49.	141-185 Battersea High Street
50.	115-141 St John's Hill
51.	314-324 Trinity Road
52.	812-842 & 911-919 Garratt Lane

53.	172-184 & 175-189 Northcote Road/48, 59-63 Broomwood Road
54.	281-305 Battersea Park Road
55.	2-14 Blandfield Road/55-61 & 81-95 Nightingale Lane
56.	135-153 Franciscan Road
57.	58-86 & 91-111 Moyser Road
58.	Old York Road
59.	Battersea Square
60.	Webb's Road
62.	Gartons Way / York Road


5. For the avoidance of doubt, any land outside the areas shaded red on the attached plan is not covered by this Article 4 Direction.

Entry into force

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

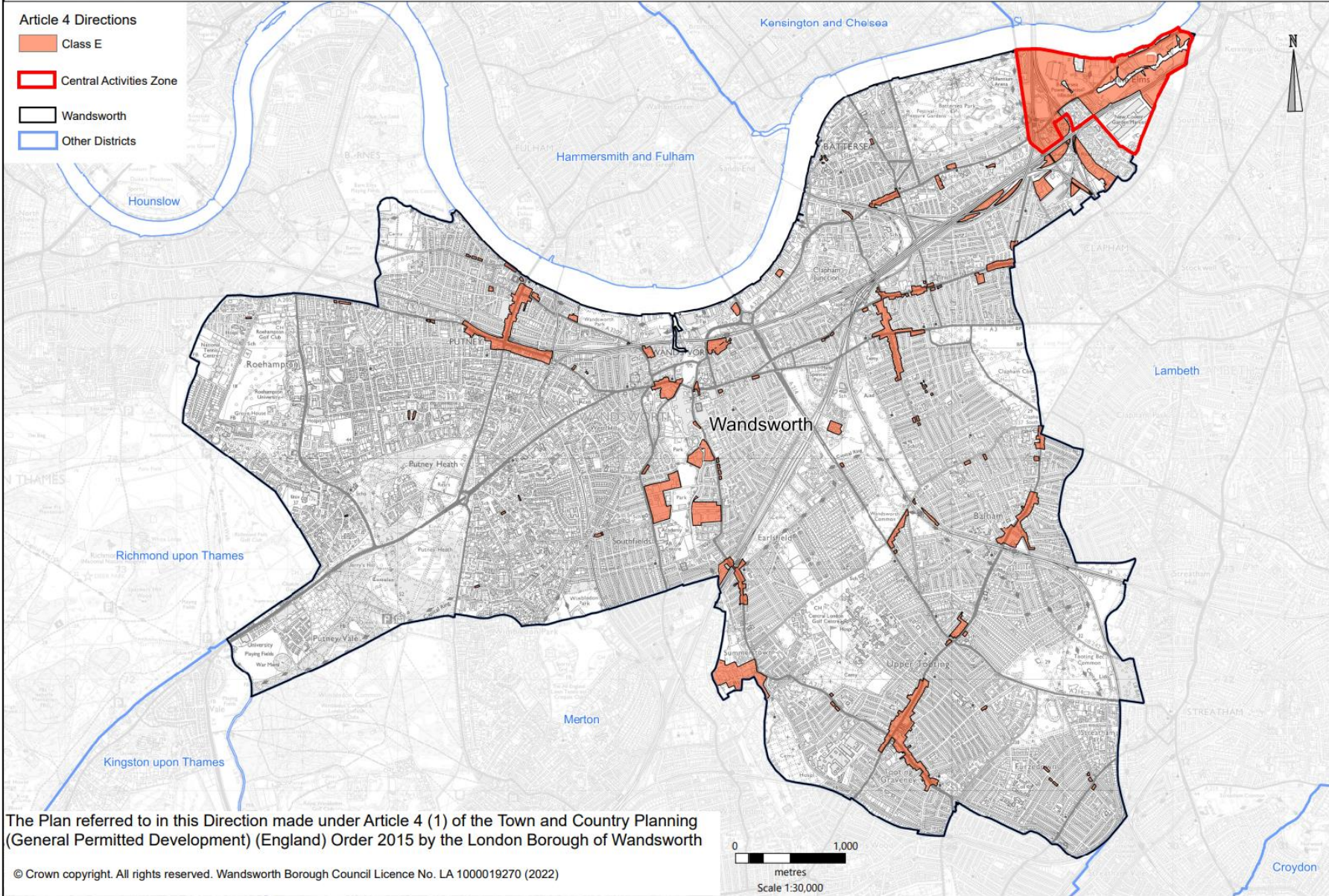
Signed by the Secretary of State for Levelling Up, Housing and Communities

On: 22nd July 2022

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly slanted style.

Rt Hon Greg Clark MP
Secretary of State for Levelling Up, Housing & Communities

Article 4 and Central Activities Zone in Wandsworth



The Plan referred to in this Direction made under Article 4 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 by the London Borough of Wandsworth