



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

Sarah Ireland
Interim Chief Executive
Royal Borough of Kingston upon Thames
Guildhall 2
High Street
Kingston upon Thames
KT1 1EU

Your reference:
Our reference:

14 June 2023

Dear Sarah,

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 Royal Borough of Kingston upon Thames

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), Part A 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 Royal Borough of Kingston upon Thames made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for sites within the Royal Borough of Kingston upon Thames ("the Article 4 direction"). The Article 4 direction was confirmed on 18th July 2022 and came into force on 1st August 2022.

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: 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.

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. The Secretary of State is 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 activity where the permitted development right would have a wholly unacceptable adverse impact. It includes town centres, local centres, Strategic Industrial Locations and Locally Significant Industrial Sites.

These modifications will ensure that the Article 4 Direction boundary for areas within the Royal Borough of Kingston upon Thames is justified by robust evidence and complies with national planning policy.

Decision

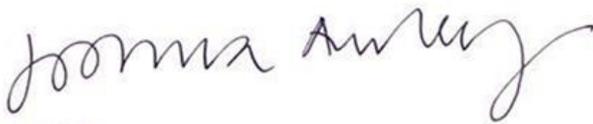
The Secretary of State has decided to modify the Article 4 direction to restrict the Article 4 direction to the areas shown on the attached maps and we attach a direction to that effect.

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.

The Secretary of State notes that the Royal Borough of Kingston upon Thames may make a new Article 4 direction in future if justified by further evidence. Any new direction will be considered by the Secretary of State following notification by the Royal Borough of Kingston upon Thames

A handwritten signature in blue ink, appearing to read 'Joanna Averley', is written over a faint 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 Royal Borough of Kingston upon Thames 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 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 Royal Borough of Kingston upon Thames 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), Part A 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, 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 in the Royal Borough of Kingston upon Thames.

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 Royal Borough of Kingston upon Thames, it shall apply only to the land specified in this Direction.
4. The specified land is the areas outlined in red on the attached plans being:
 - Plan 1: Kingston Town Centre and Canbury Park LSIS;
 - Plan 2: Surbiton District Centre;
 - Plan 3: New Malden District Centre;
 - Plan 4: Tolworth District Centre;
 - Plan 5: Barwell Business Park SIL;
 - Plan 6: Chessington Industrial Area SIL;

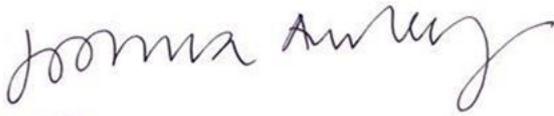
- Plan 7: St. John's Industrial Area LSIS;
- Plan 8: Cambridge Road and Hampden Road LSIS;
- Plan 9: Silverglade Business Park LSIS;
- Plan 10: Red Lion Road LSIS;
- Plan 11: Fairfield Trade Park and Kingsmill Business Park LSIS;
- Plan 12: London Road LSIS;
- Plan 13: St. George's Industrial Estate LSIS;
- Plan 14: Tudor Drive Local Centre;
- Plan 15: Richmond Road Local Centre;
- Plan 16: Kings Road Local Centre;
- Plan 17: Kingston Vale Local Centre;
- Plan 18: Crescent Road Local Centre;
- Plan 19: Ewell Road (South) Local Centre;
- Plan 20: Kingston Hill and Park Road Local Centre;
- Plan 21: Coombe Road Local Centre;
- Plan 22: Cambridge Road Local Centre;
- Plan 23: The Triangle Local Centre;
- Plan 24: Kingston Road (West) Local Centre;
- Plan 25: Kingston Road (East) Local Centre;
- Plan 26: Burlington Road Local Centre;
- Plan 27: South Lane Local Centre;
- Plan 28: Chiltern Drive Local Centre;
- Plan 29: Malden Manor Local Centre;
- Plan 30: Plough Green Local Centre;
- Plan 31: Ewell Road (North) Local Centre;
- Plan 32: Berrylands Road Local Centre;
- Plan 33: Villiers Avenue Local Centre;
- Plan 34: Surbiton Road Local Centre;
- Plan 35: Alexandra Drive Local Centre;
- Plan 36: Ace of Spades Local Centre;
- Plan 37: Hook Parade and Elm Road Local Centre;
- Plan 38: Chessington North Parade Local Centre.

Entry into force

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

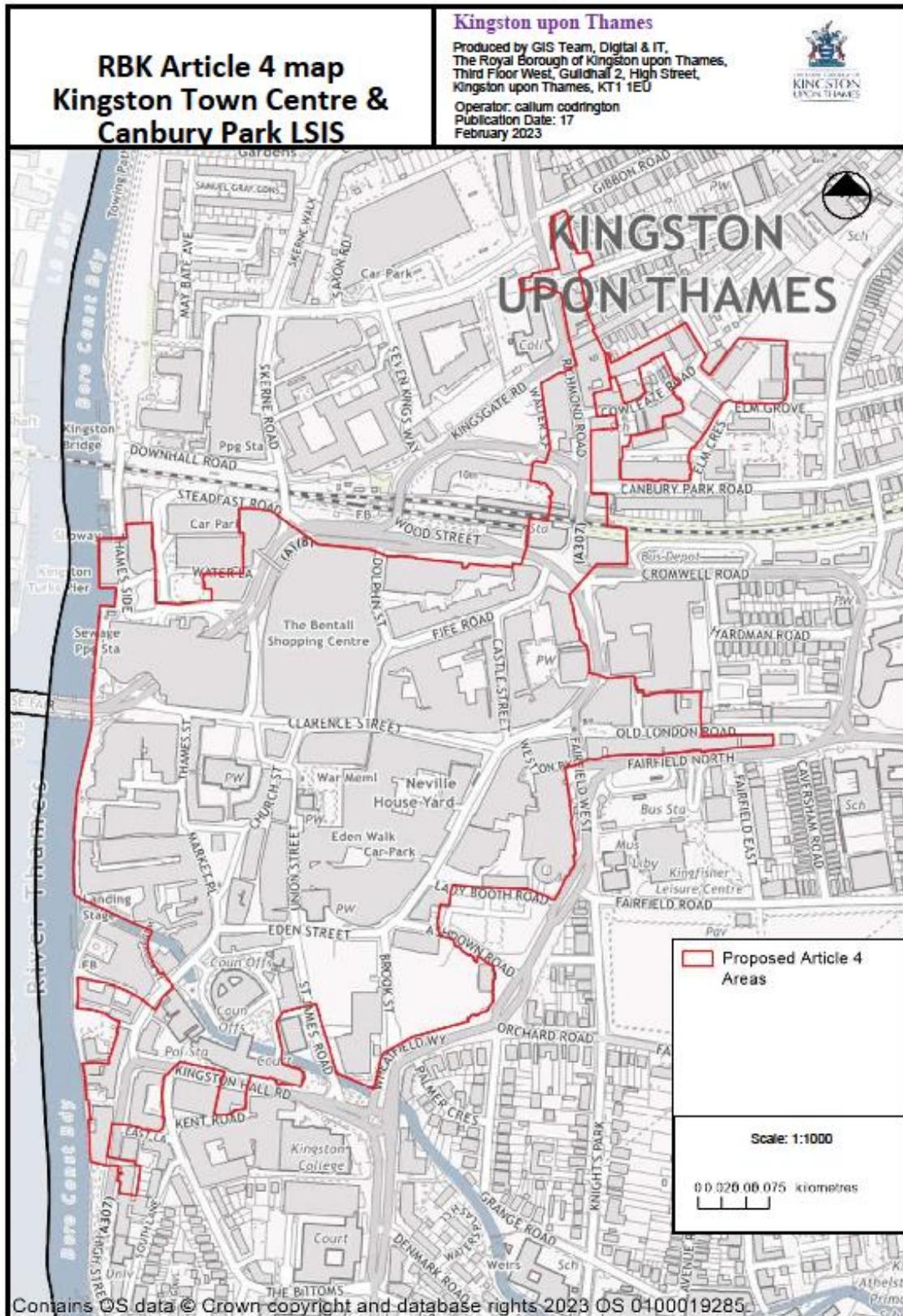
Signed for and on behalf of the Secretary of State for Levelling Up, Housing and Communities

On: 14 June 2023

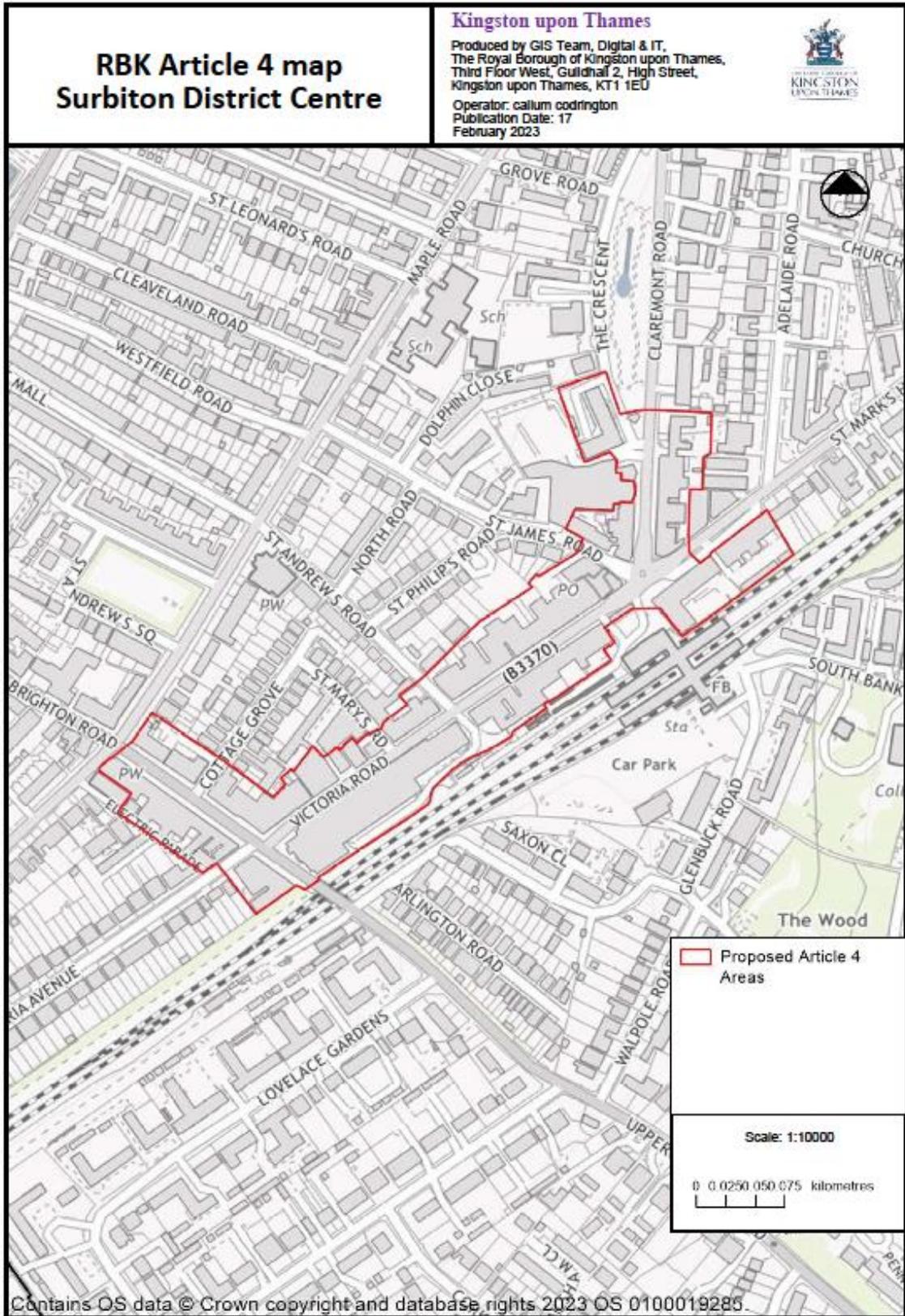
A handwritten signature in black ink, reading "Joanna Averley". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Joanna Averley
Chief Planner

Plan 1: Kingston Town Centre and Canbury Park LSIS



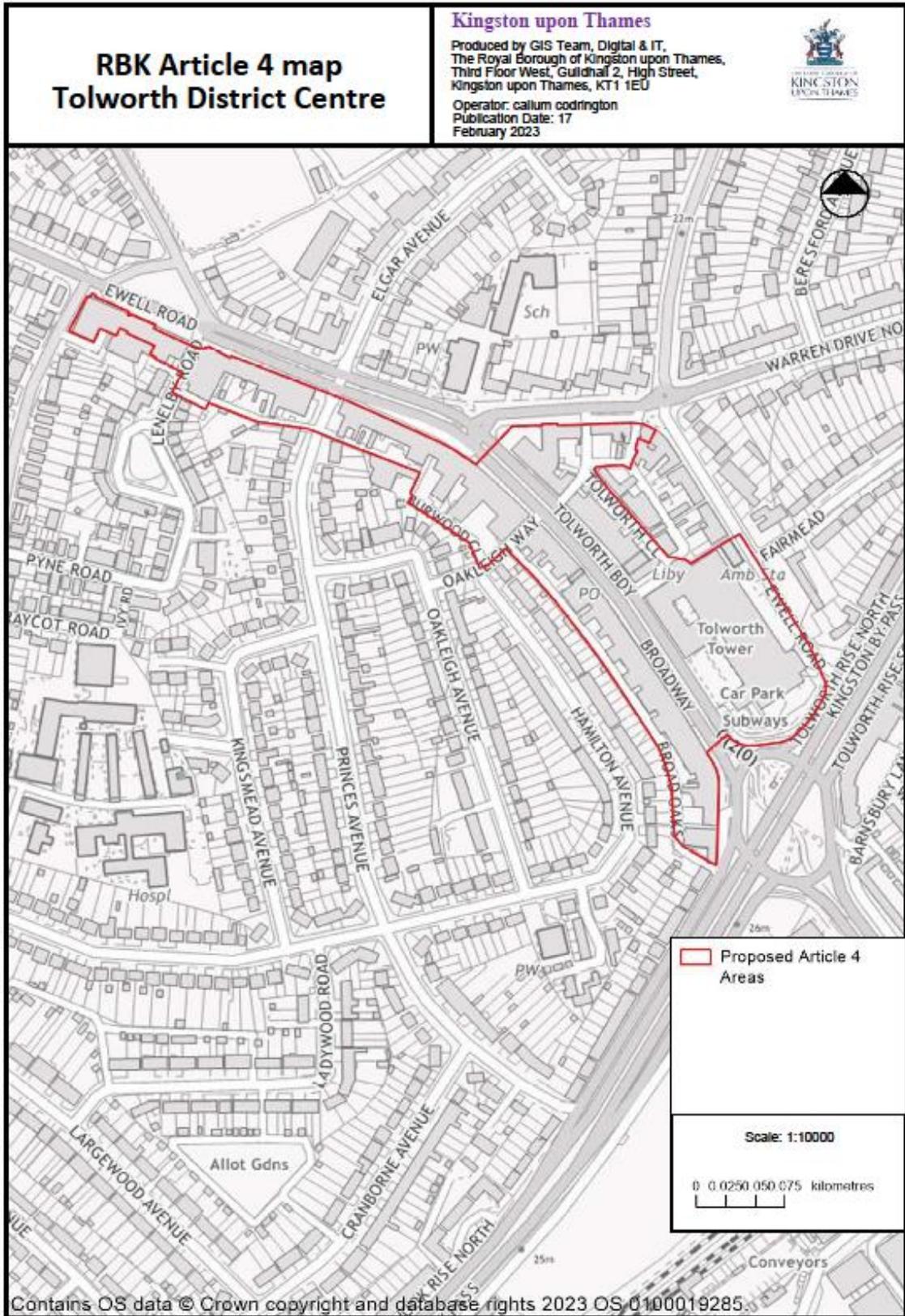
Plan 2: Surbiton District Centre



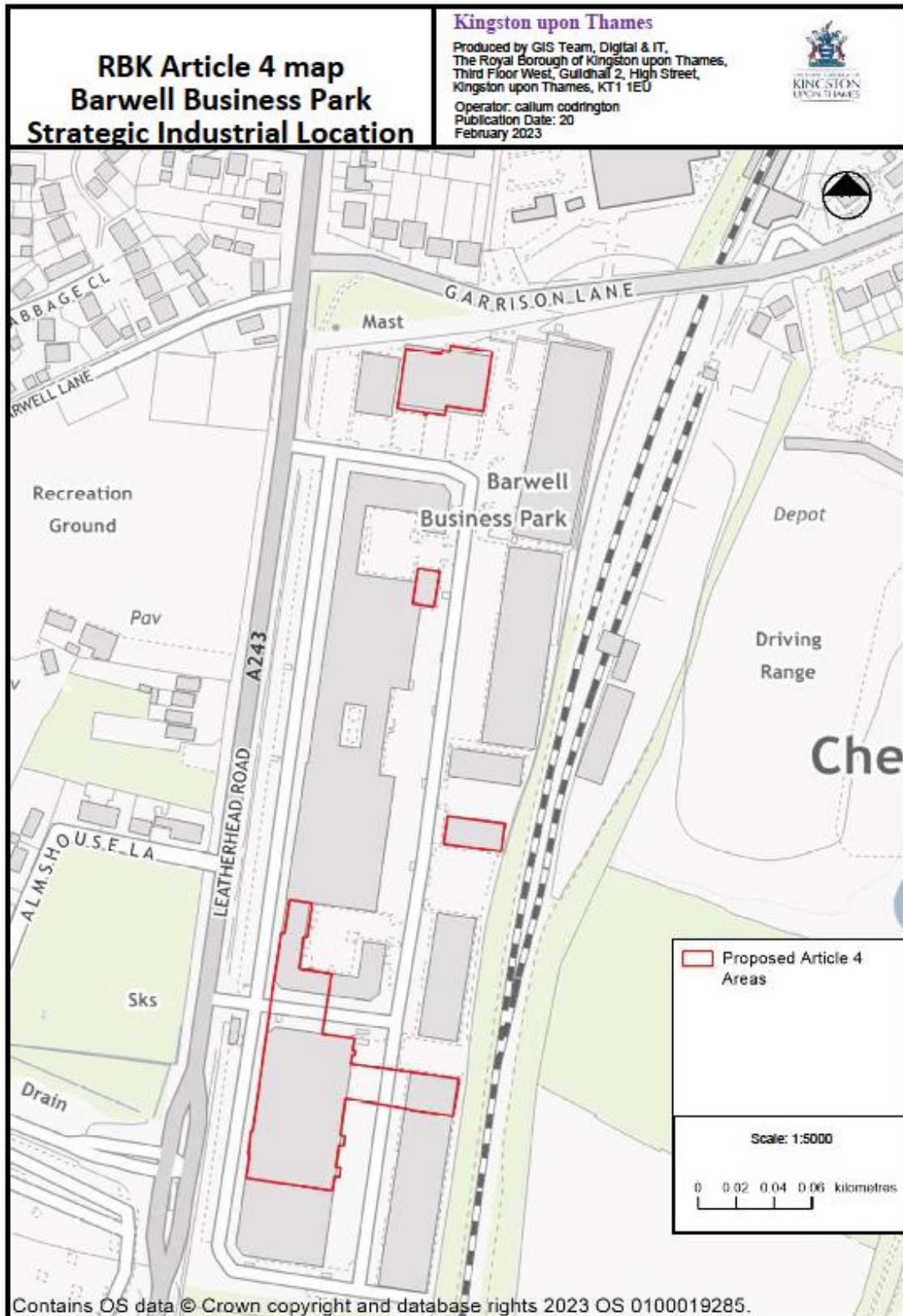
Plan 3: New Malden District Centre



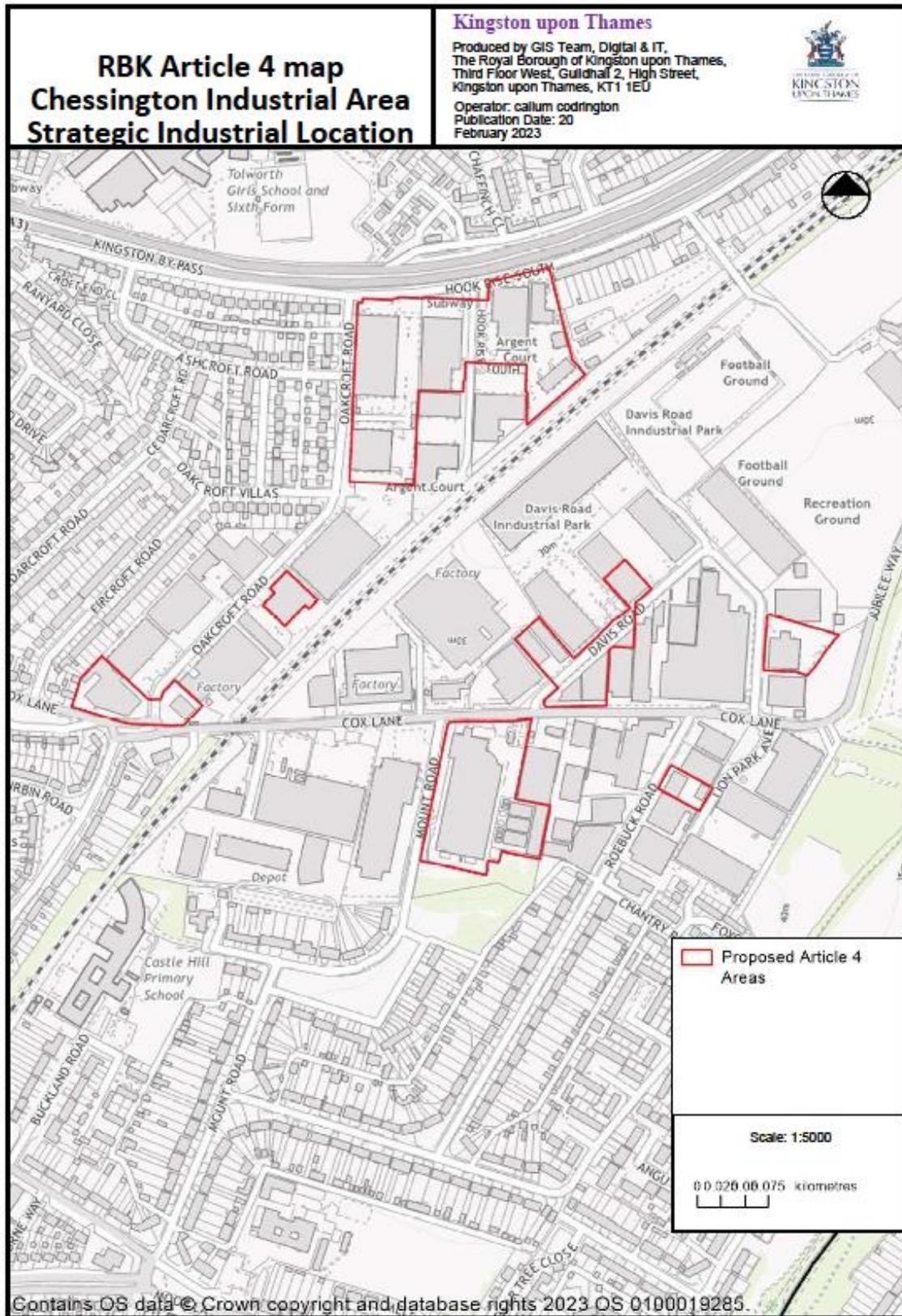
Plan 4: Tolworth District Centre



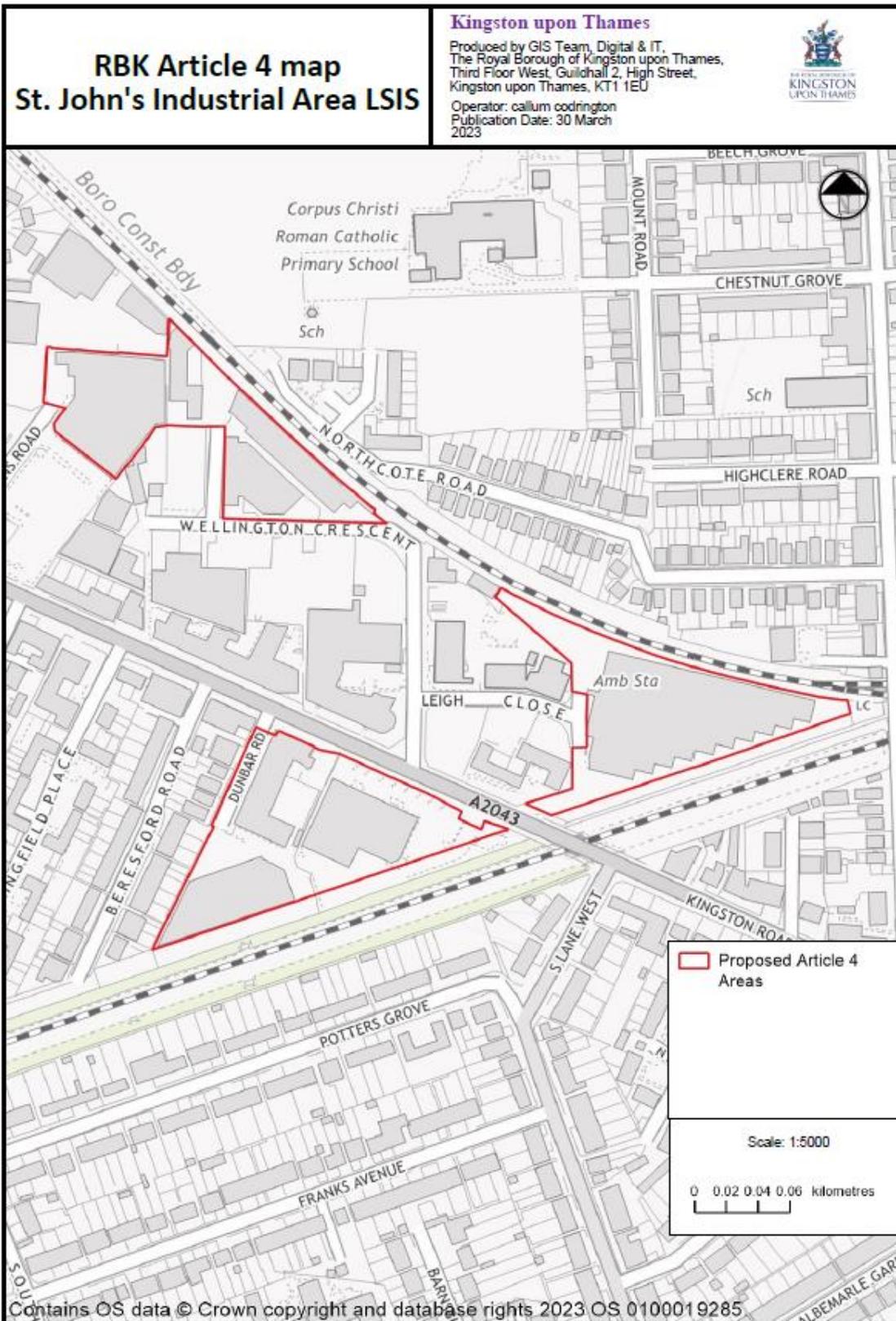
Plan 5: Barwell Business Park SIL



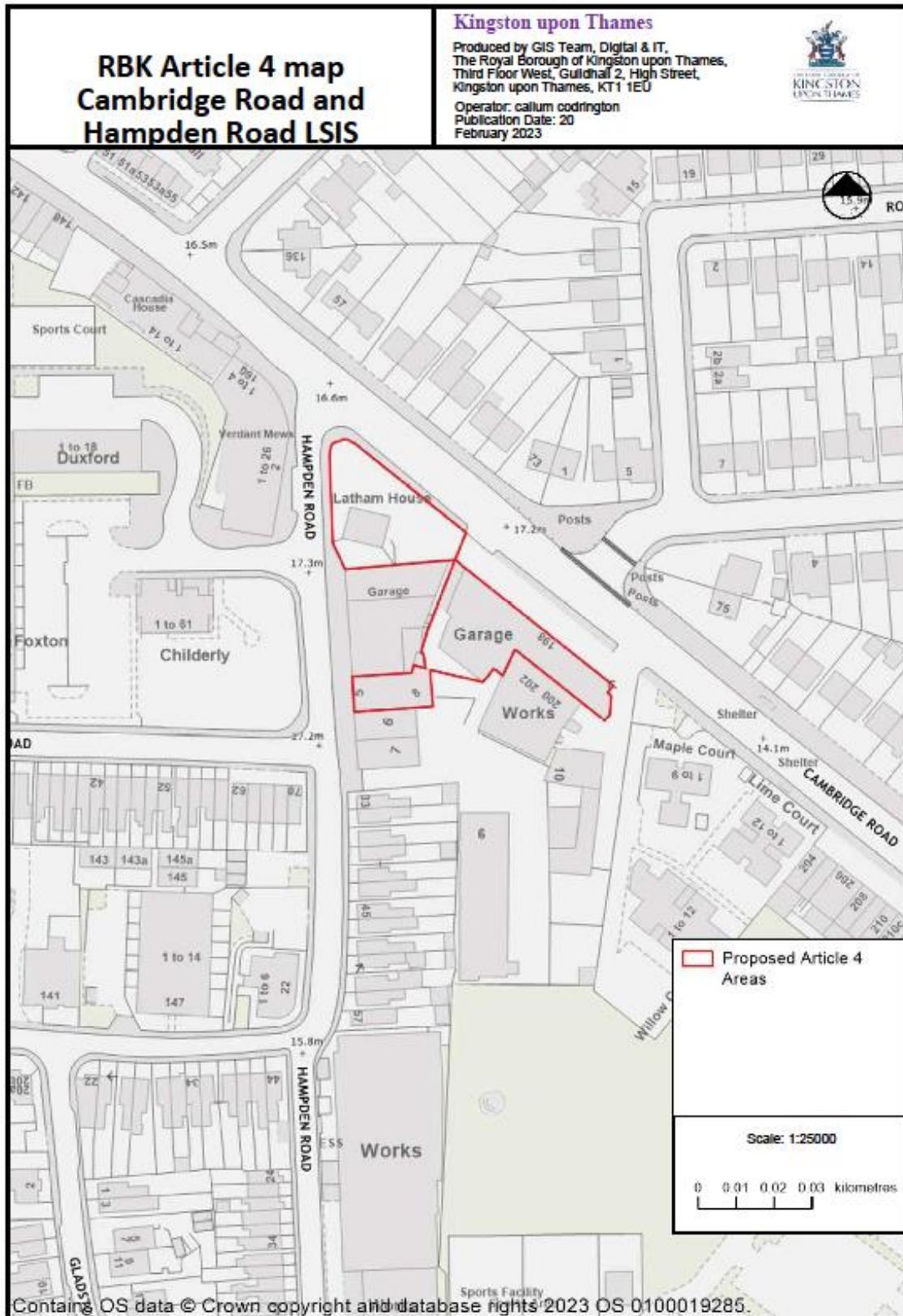
Plan 6: Chessington Industrial Area SIL



Plan 7: St. John's Industrial Area LSIS;

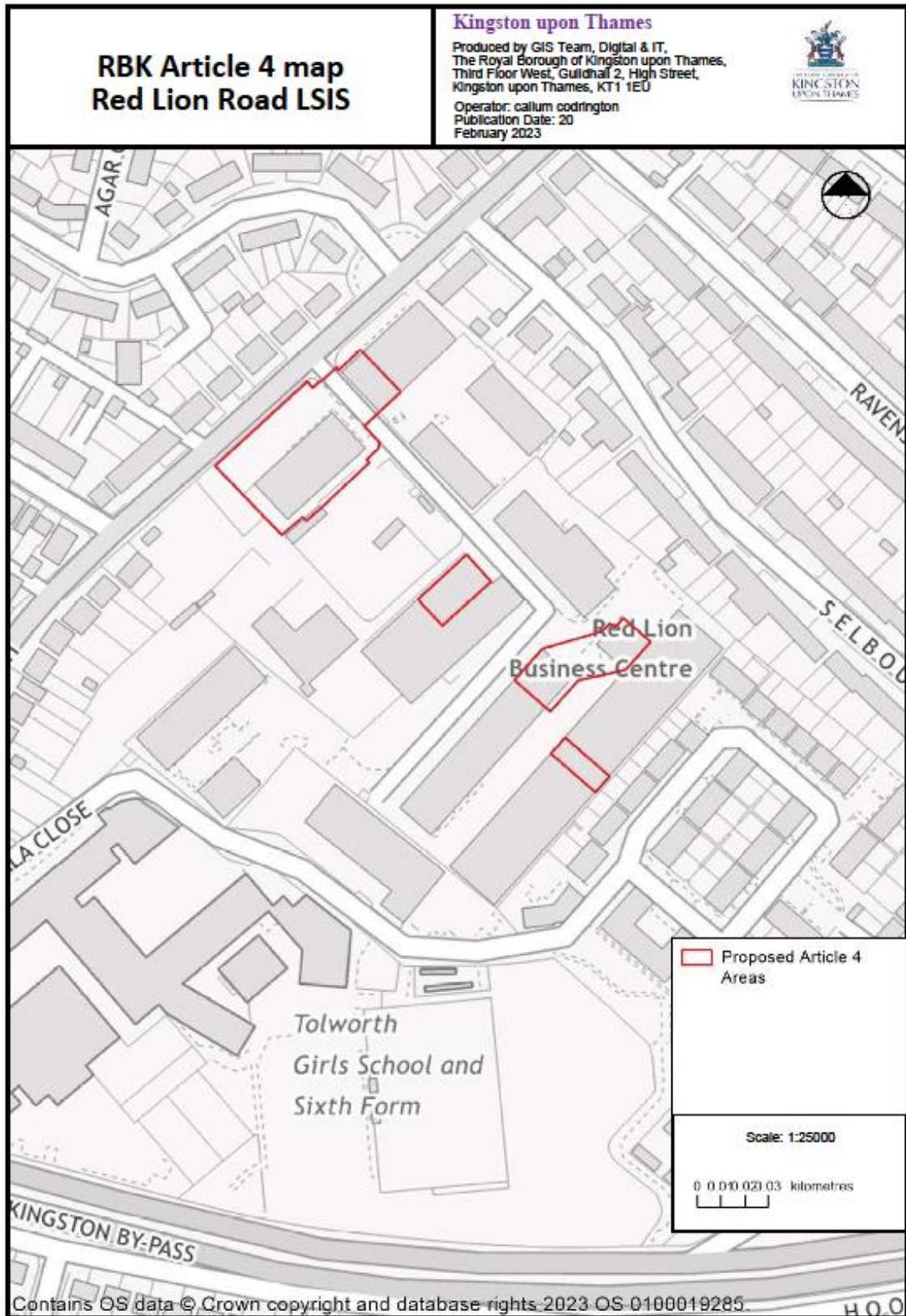


Plan 8: Cambridge Road and Hampden Road LSIS

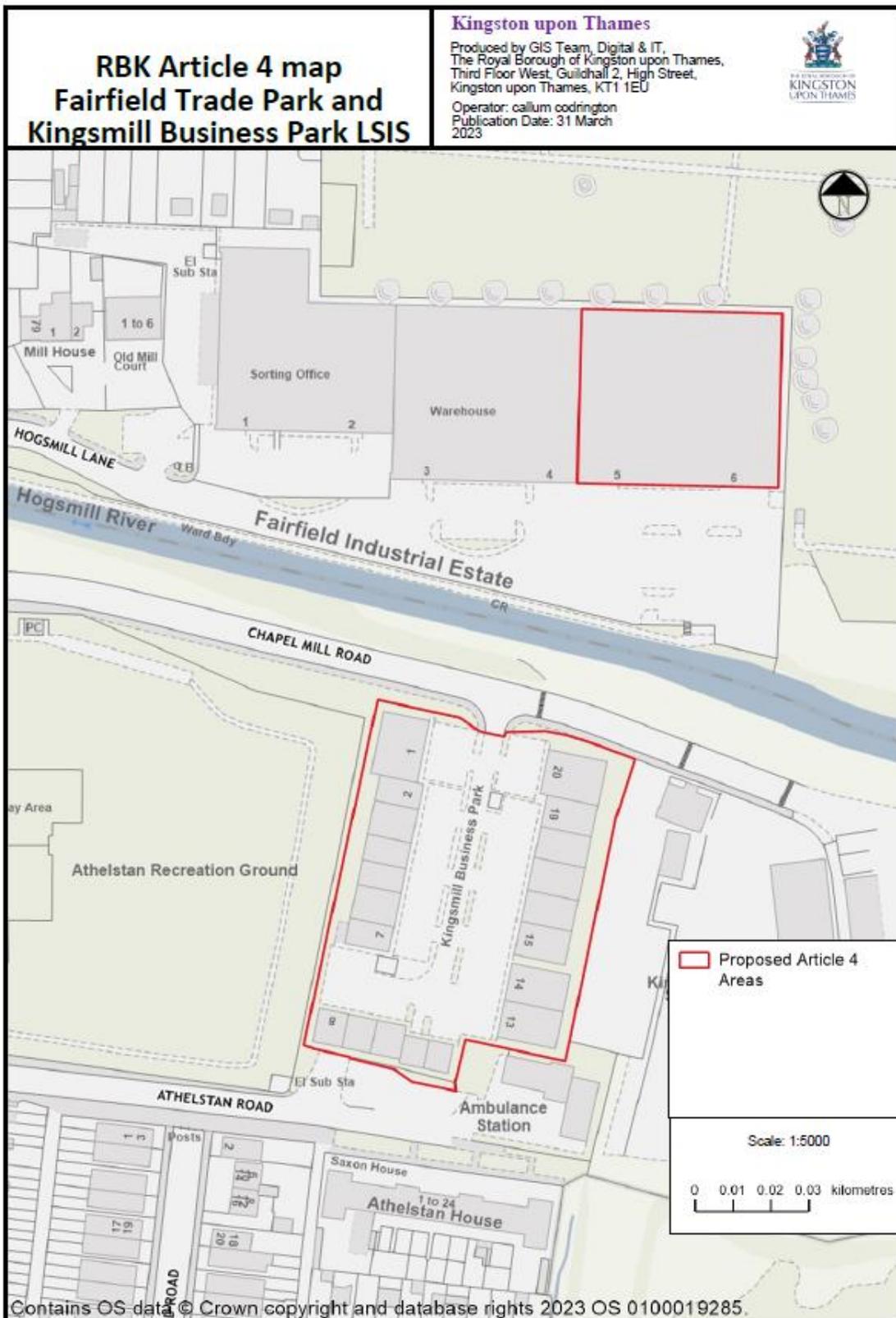


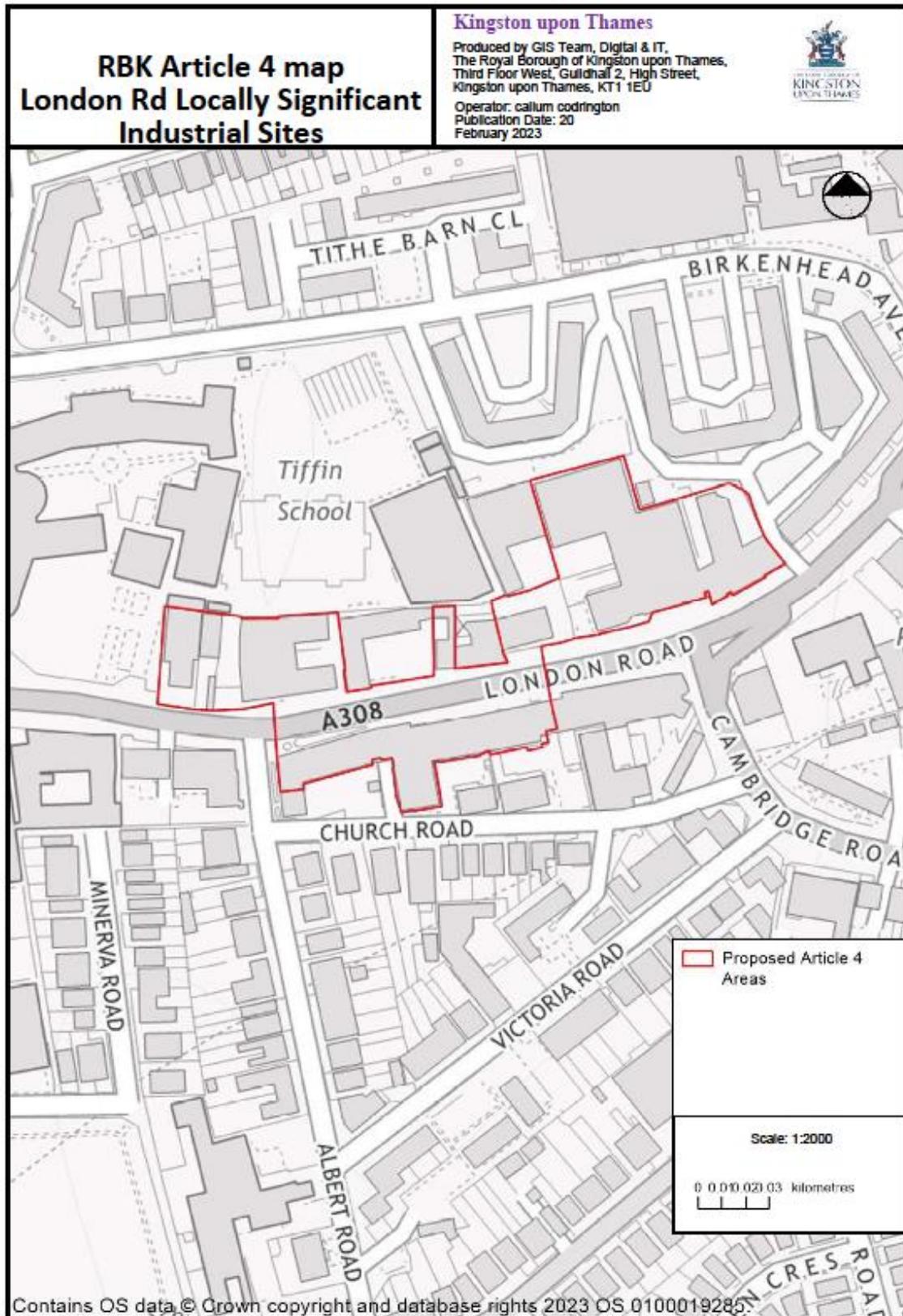


Plan 10: Red Lion Road LSIS



Plan 11: Fairfield Trade Park and Kingsmill Business Park LSIS;





Plan 13: St. George's Industrial Estate LSIS;



Plan 14: Tudor Drive Local Centre



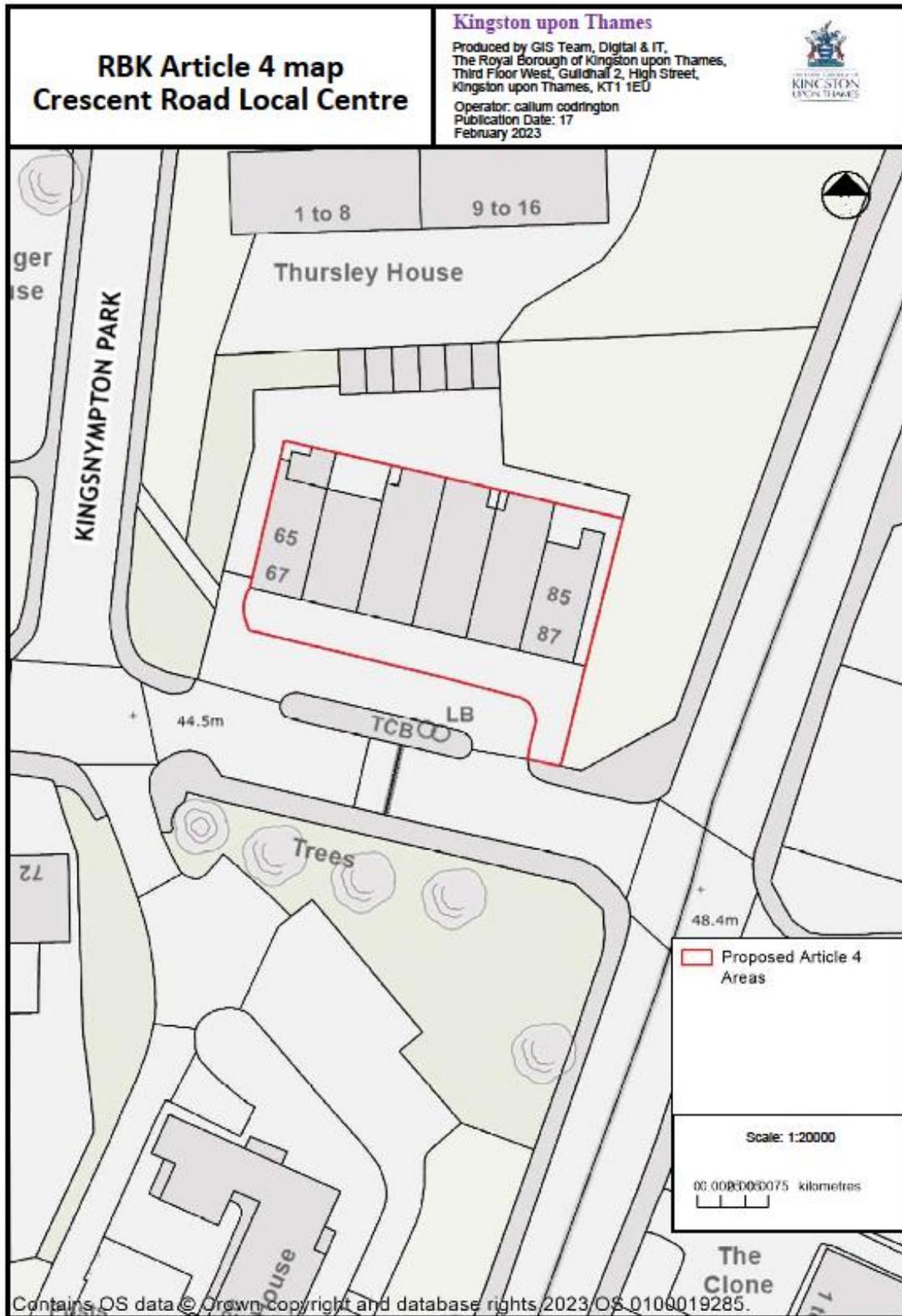




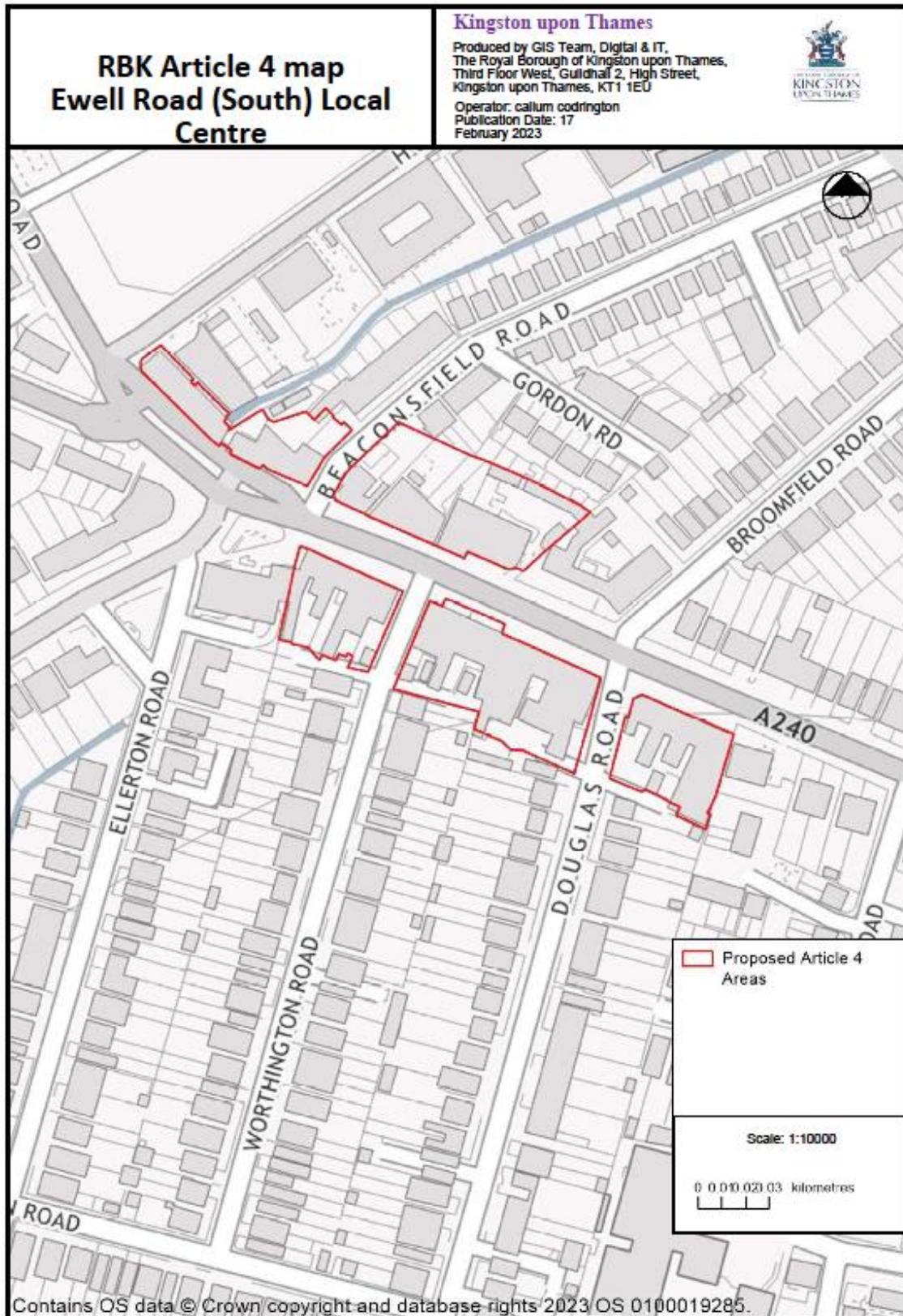
Plan 17: Kingston Vale Local Centre

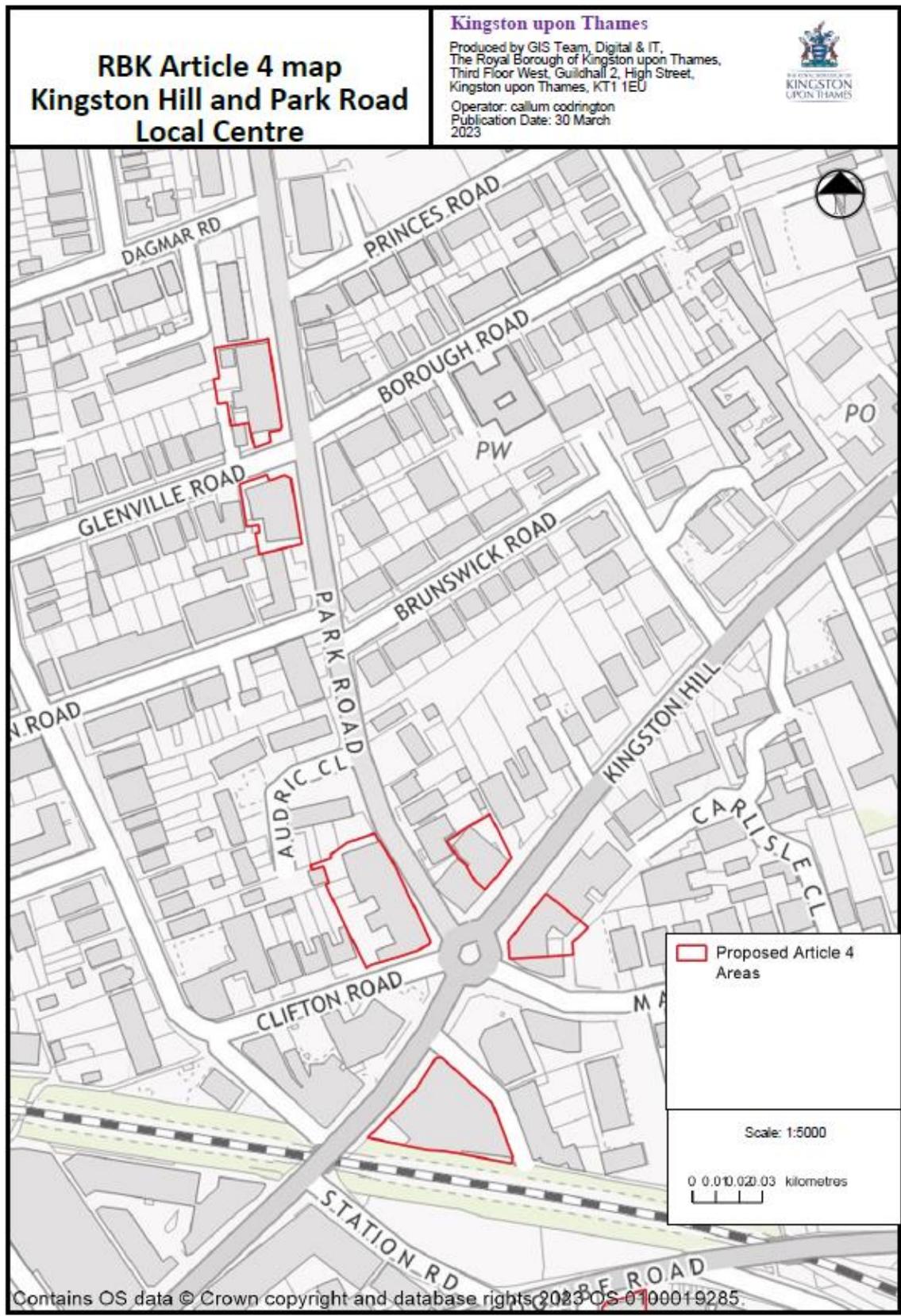


Plan 18: Crescent Road Local Centre

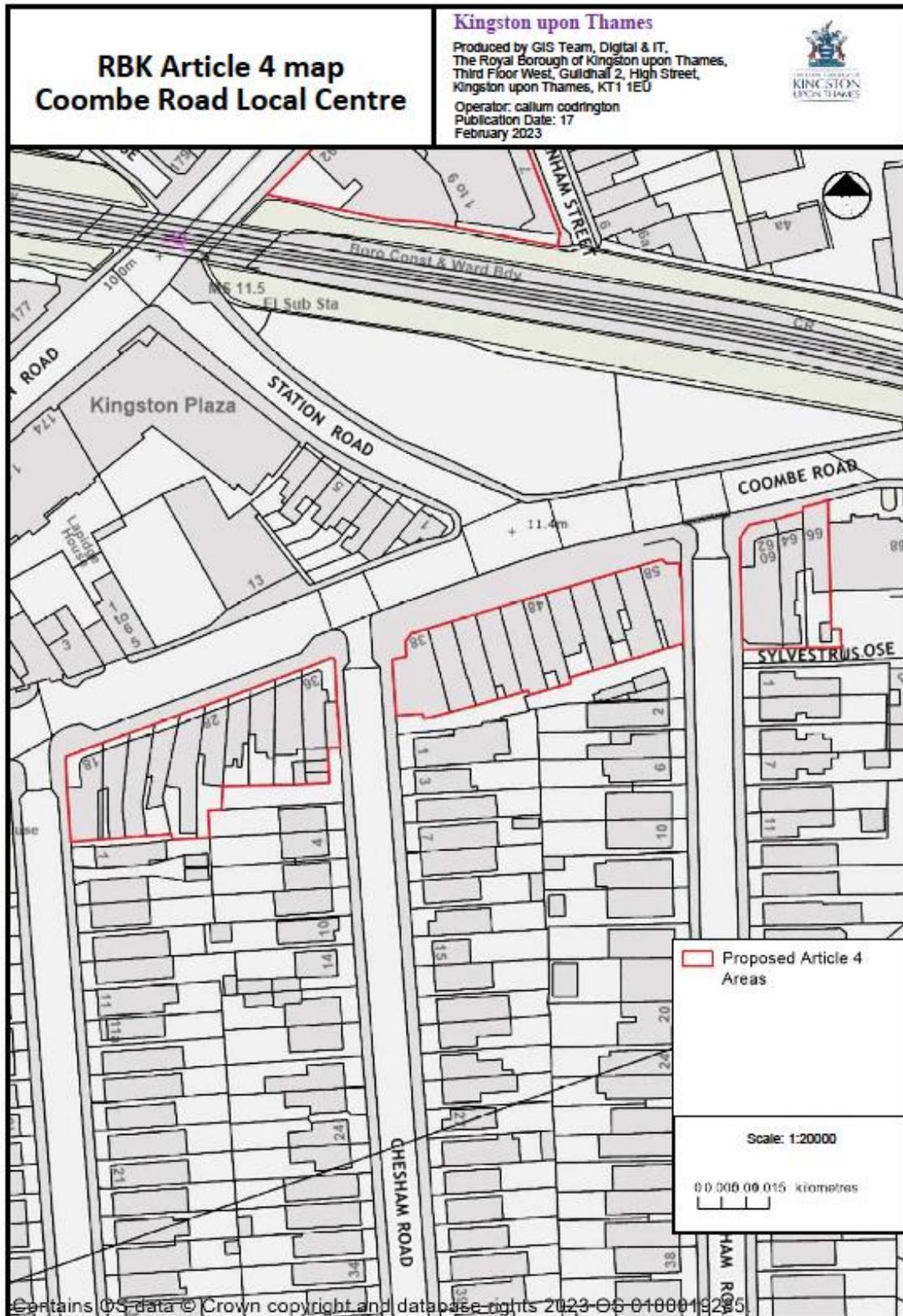


Plan 19: Ewell Road (South) Local Centre





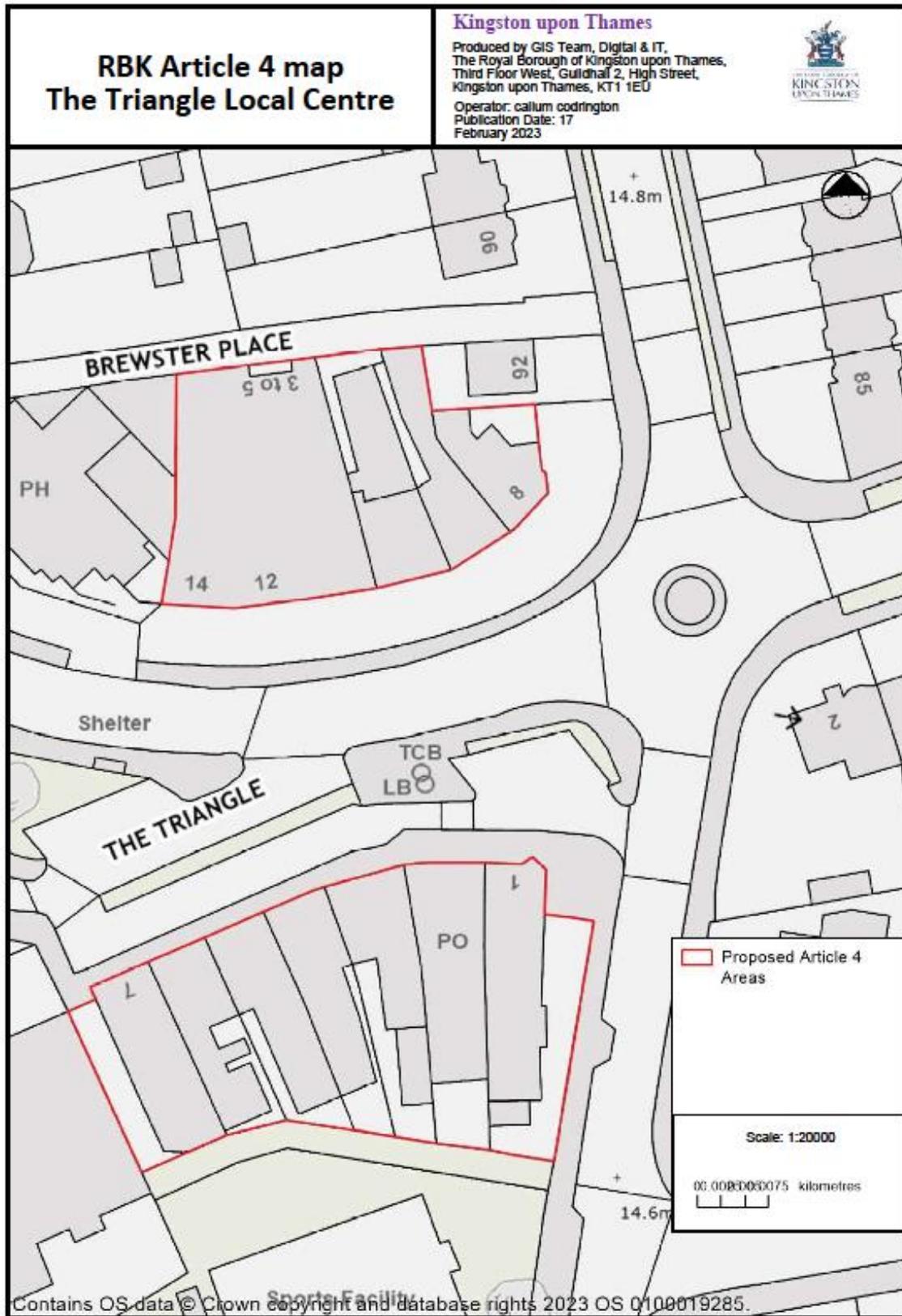
Plan 21: Coombe Road Local Centre



Plan 22: Cambridge Road Local Centre



Plan 23: The Triangle Local Centre



Plan 24: Kingston Road (West) Local Centre



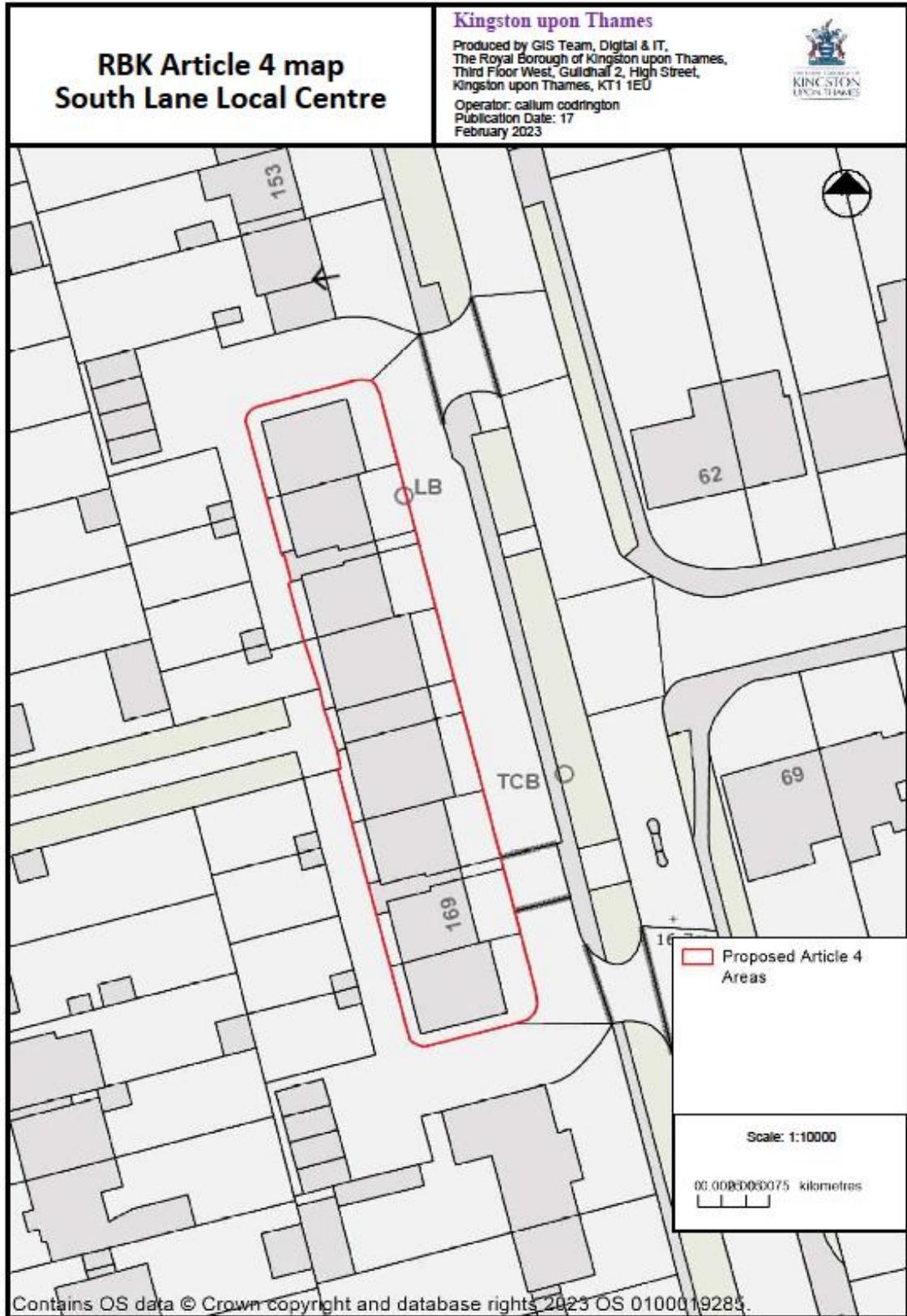
Plan 25: Kingston Road (East) Local Centre



Plan 26: Burlington Road Local Centre



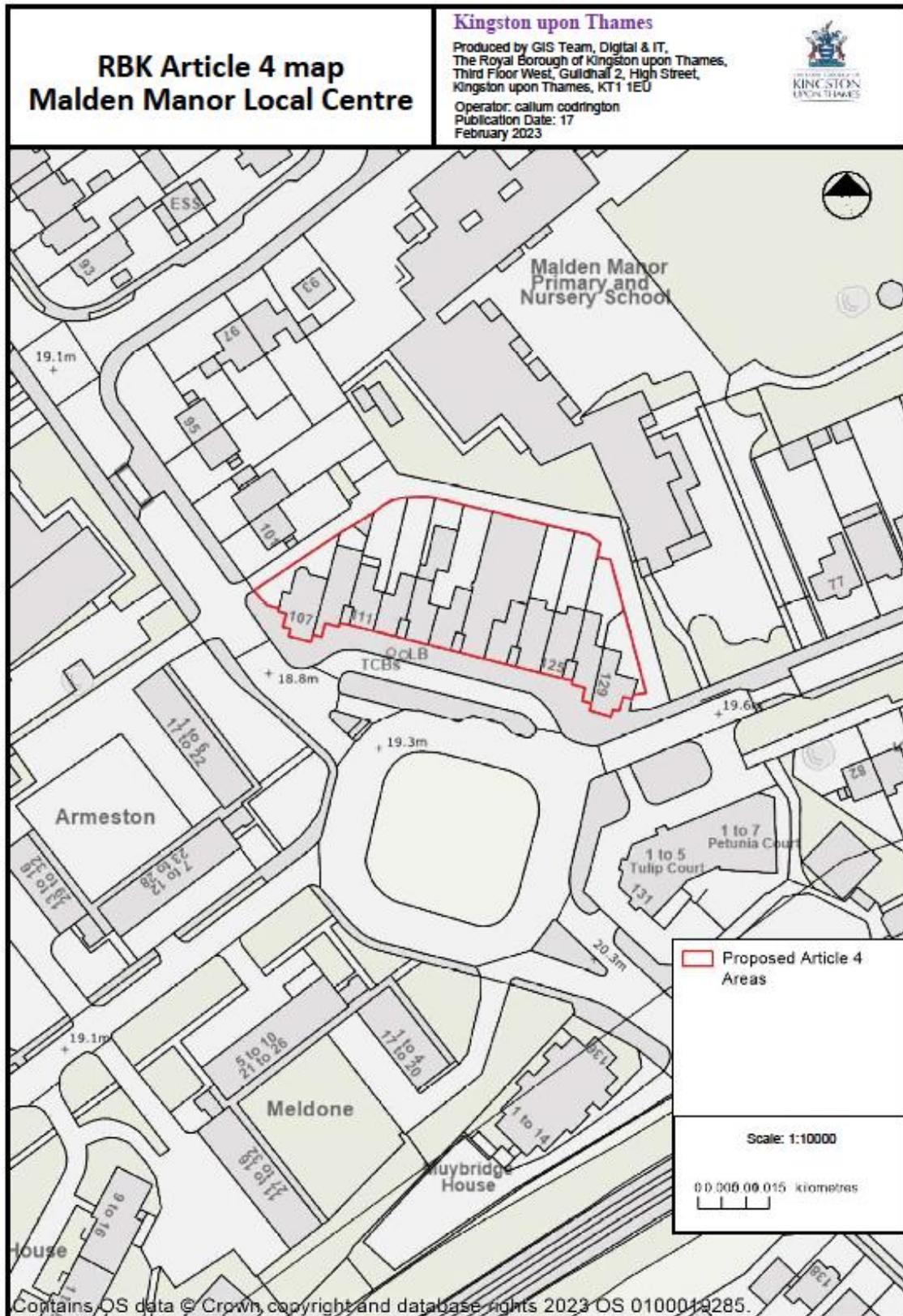
Plan 27: South Lane Local Centre



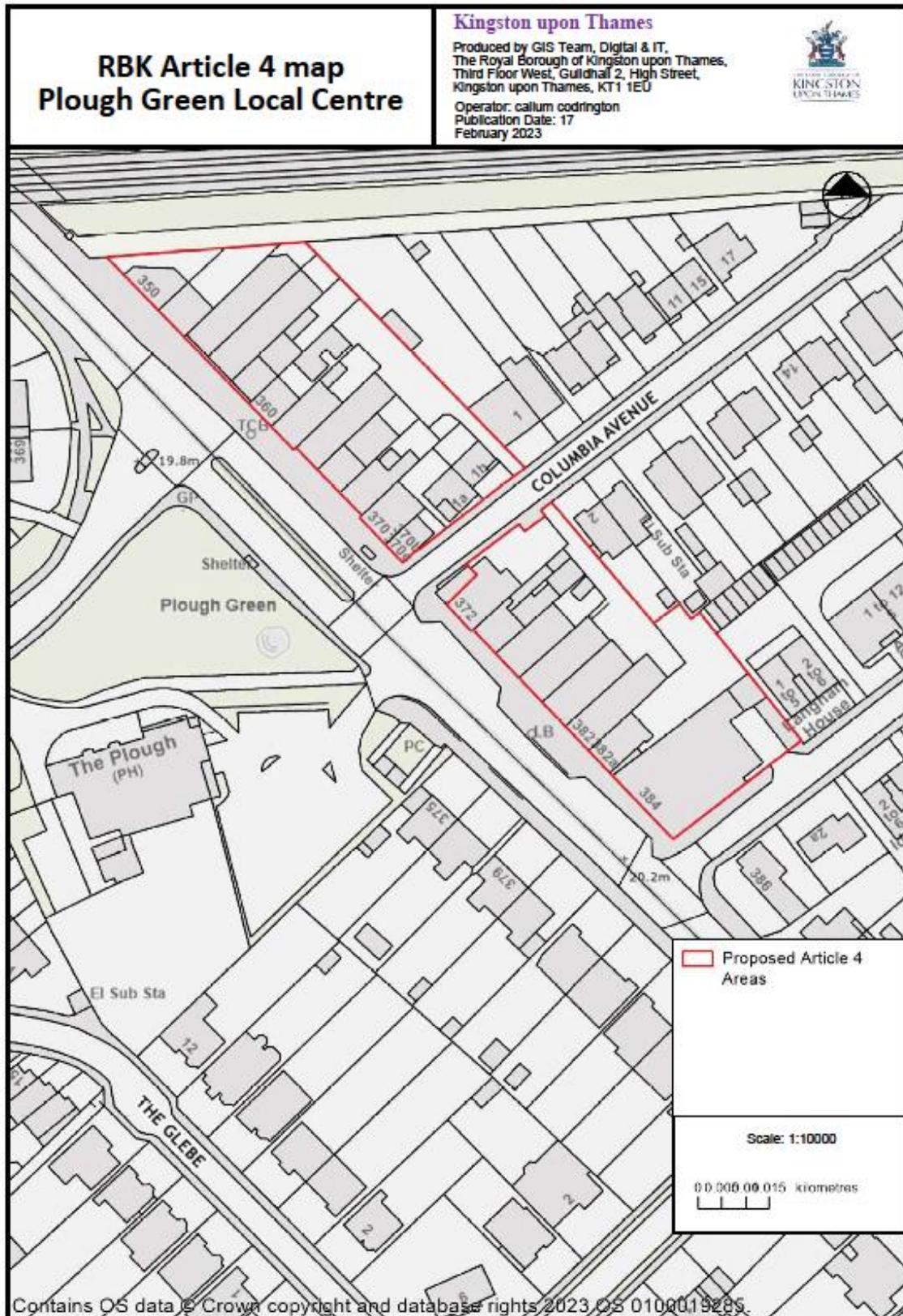
Plan 28: Chiltern Drive Local Centre



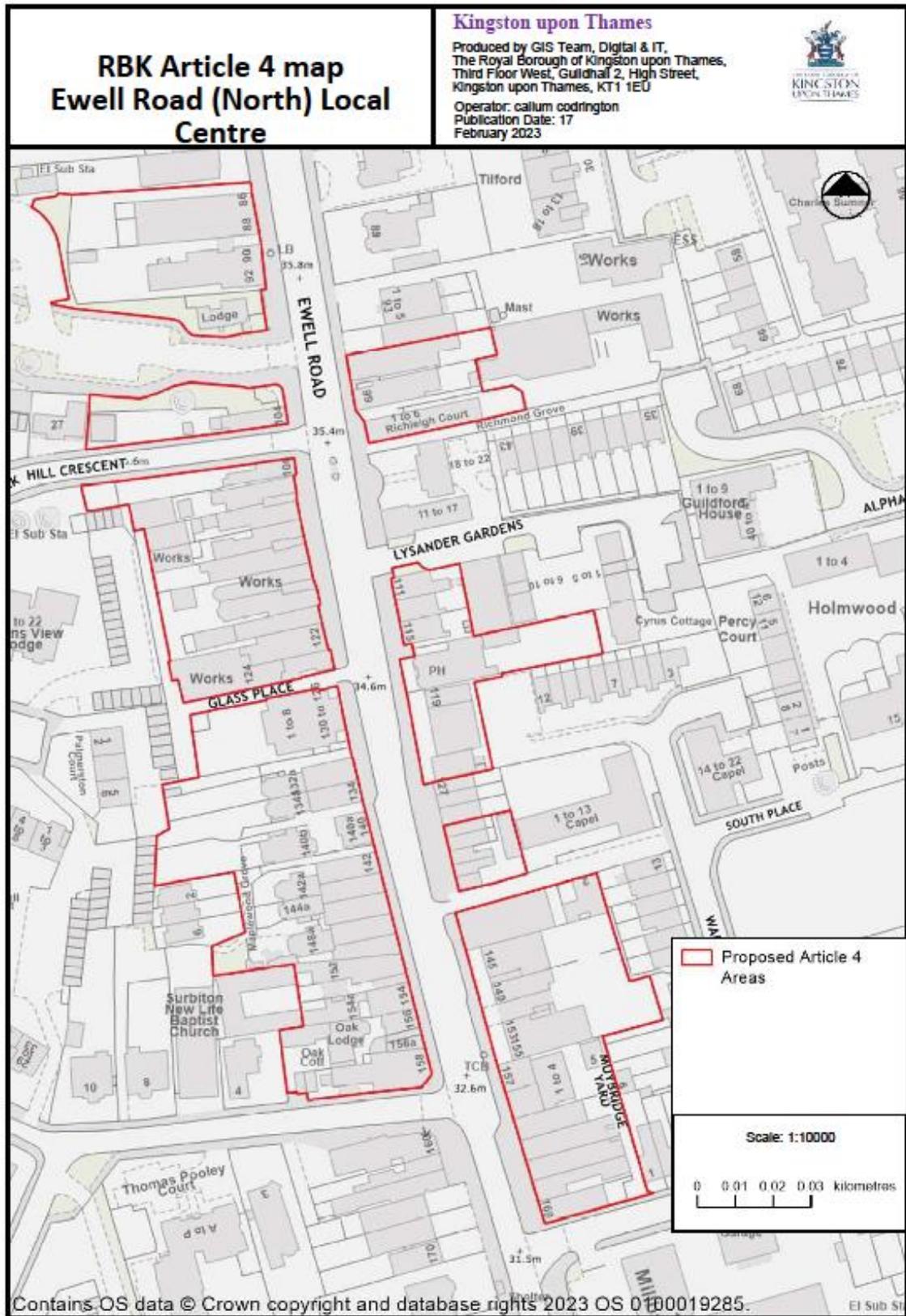
Plan 29: Malden Manor Local Centre



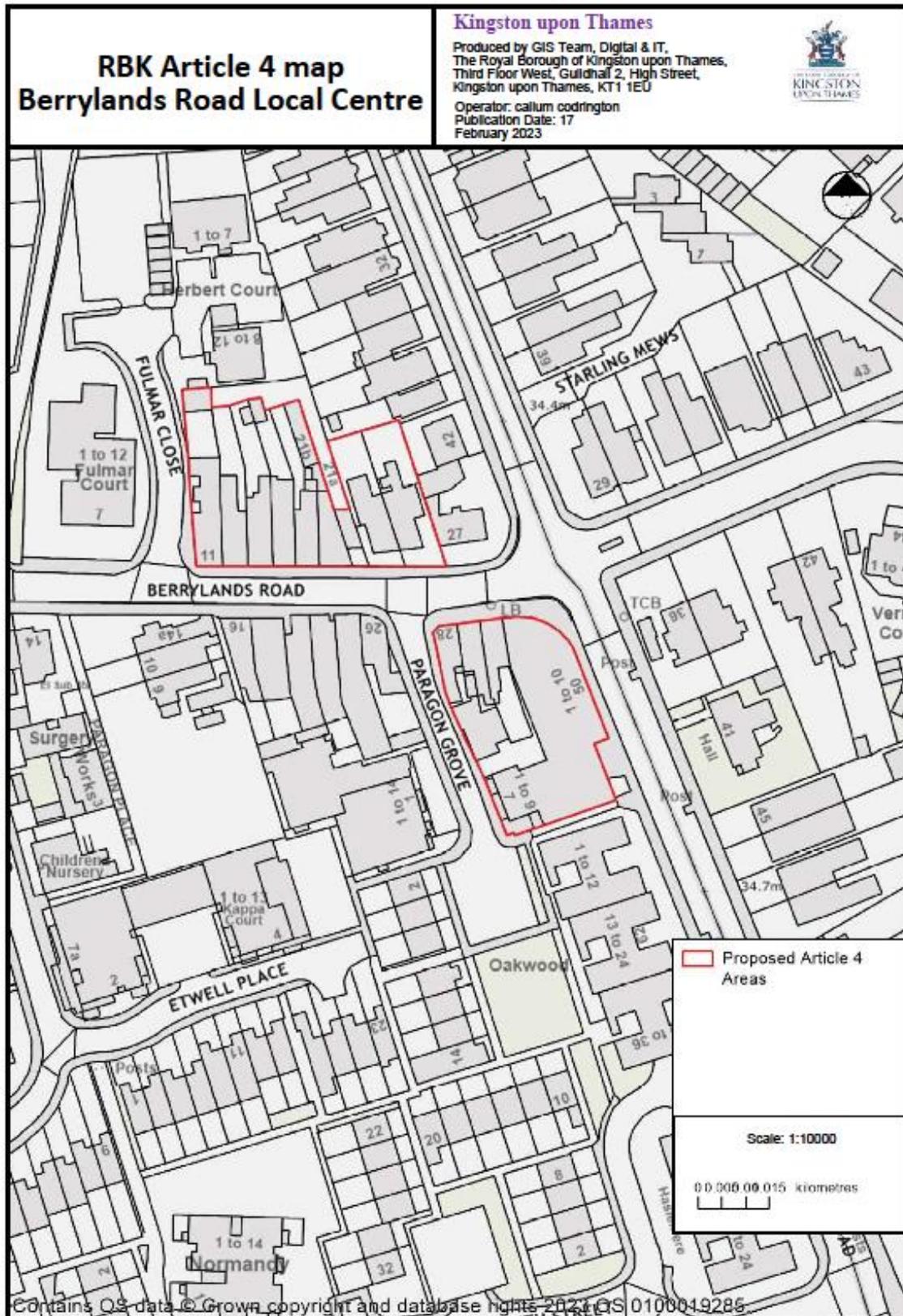
Plan 30: Plough Green Local Centre



Plan 31: Ewell Road (North) Local Centre

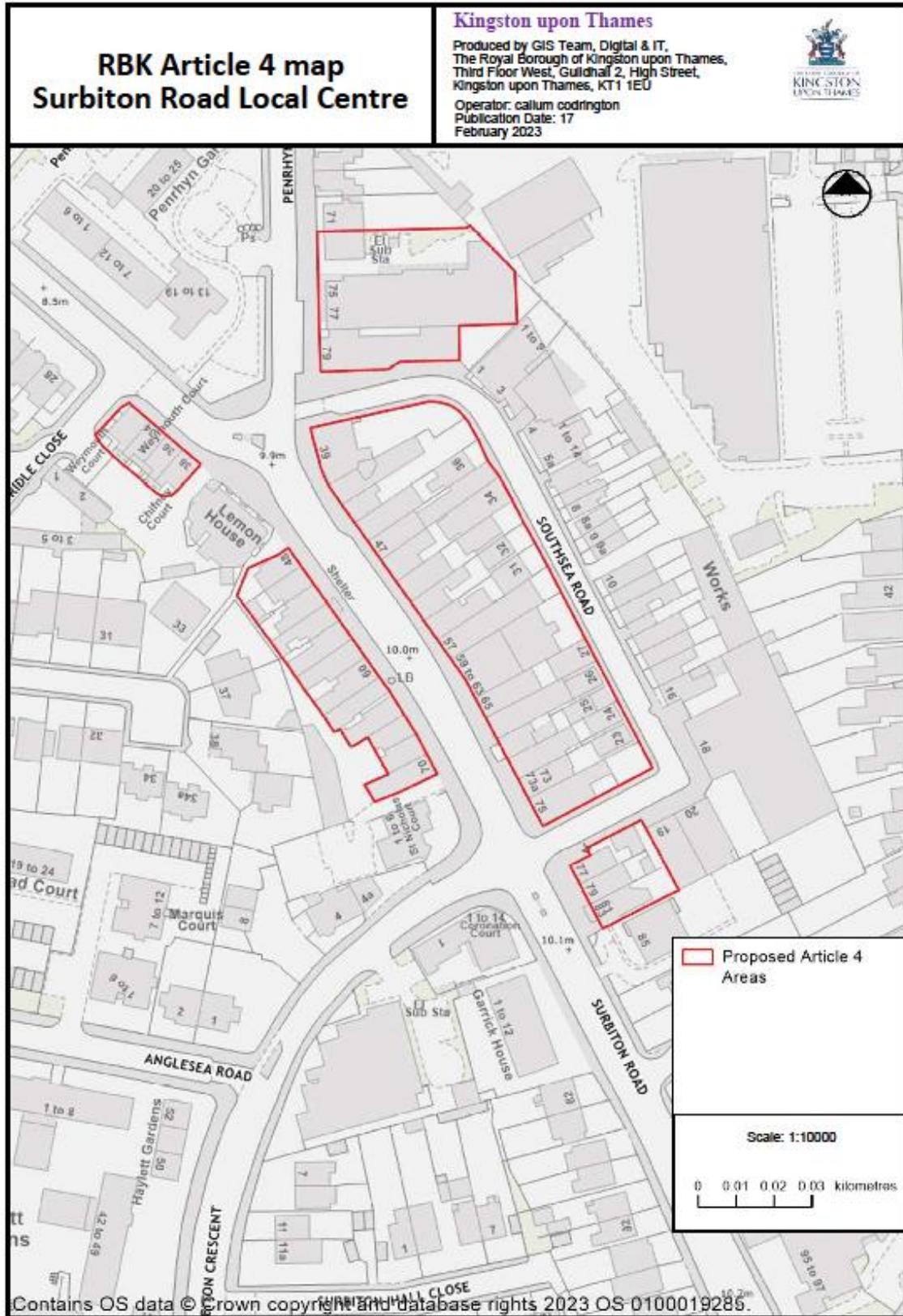


Plan 32: Berrylands Road Local Centre





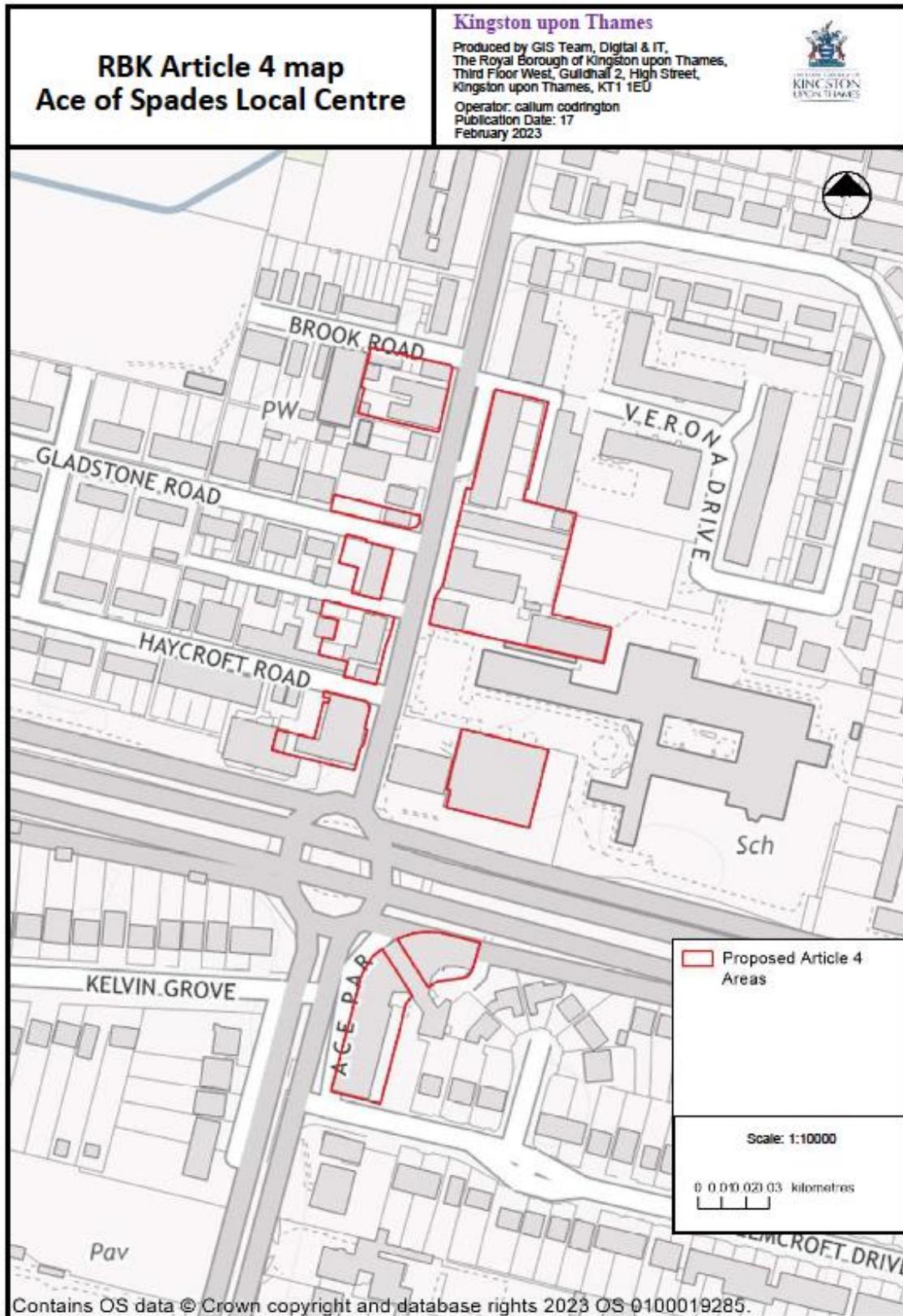
Plan 34: Surbiton Road Local Centre



Plan 35: Alexandra Drive Local Centre



Plan 36: Ace of Spades Local Centre



Plan 37: Hook Parade and Elm Road Local Centre

