

# RUSHMOOR BOROUGH COUNCIL RECORD OF EXECUTIVE DECISION



## Decision taken by individual officer

### DECISION MAKER

Tim Mills: Executive Head of Property and Growth

### DECISION AND THE REASON(S) FOR IT

To propose modifications to the following Article 4 directions for the Secretary of State to consider:

- Article 4 Direction which removes permitted development rights granted by Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at sixteen of the Borough's Strategic Employment Sites and Locally Important Employment Sites, as designated within the Rushmoor Local Plan (2019).
- Article 4 Direction which removes permitted development rights granted by Class M, Class MA and Class N of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) within specified parts of Aldershot Town Centre, Farnborough Town Centre and North Camp District Centre, as designated within the Rushmoor Local Plan (2019).

The Article 4 directions were made on 4 March 2022, and a statutory three-week public consultation was held between 4 March and 25 March 2022. No objections were received, and an Executive Decision was made on 31 May 2022 to confirm the directions. The Council subsequently received correspondence from the Department for Levelling Up, Housing and Communities (DLUHC) requesting additional information to justify the directions, including an analysis of their boundaries to ensure that they apply to 'the smallest geographical area possible', in line with national planning policy. Officers have reviewed the Article 4 directions and have identified potential modifications to the directions, namely the refinement of boundaries and the removal of buildings and units which, it has been determined, do not benefit from the permitted development rights that the directions seek to remove.

DLUHC has advised that the Council can confirm the existing Article 4 directions as made but can table the proposed modifications as part of the process of confirming the directions. The Council is required to notify the Secretary of State when it confirms the Article 4 directions, and the proposed modifications would be sent simultaneously to the Secretary of State for consideration. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, only the Secretary of State is able to modify an Article 4 direction and can do so at any time before or after its confirmation.

It is considered that the proposed modifications would have no impact upon the effectiveness or application of the Article 4 directions. Only buildings or units which have been determined as being within a use which do not benefit from the permitted development rights are proposed to be removed from the Article 4 direction areas.

The effect of the Article 4 Direction which covers sixteen of the Borough's designated Strategic Employment Sites and Locally Important Employment Sites will be to remove the permitted development right which allows for the change of use of offices and light-industrial units within Use Class E (commercial, business and service) to residential use without the need to apply for planning permission. The Direction will enable the Council to regain control over the consideration of relevant planning issues, including matters which are not otherwise possible with change-of-use applications under permitted development, and to protect Class E employment floorspace at the specified employment sites which are of the greatest economic importance to the Borough.

The effect of the Article 4 Direction which covers specified parts of the Borough's designated town and district centres will be to remove the permitted development rights which allow for the change of use of various town centre uses (including those within Use Class E; hot food takeaway, betting office, payday loan shop or launderette; casino or amusement arcade or centre) to residential use without the need to apply for planning permission. The introduction of residential properties within the areas covered by the Direction could undermine the Council's aspirations to support the vitality and viability of its town and district centres. The Article 4 Direction will require such proposals to be considered through the submission of a planning application, which will be determined against the Local Plan policies.

**DATE DECISION TAKEN**

2 February 2023

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not to propose modifications to the Article 4 directions as part of the process of confirming the directions. However, the proposed modifications are considered necessary to demonstrate compliance with national planning policy and for the Article 4 directions to come into force. The Council is required to demonstrate that the Article 4 directions apply to 'the smallest geographical area possible', in line with the National Planning Policy Framework and National Planning Practice Guidance.

**ANY CONFLICTS OF INTERESTS DECLARED**

N/A

**Signed** \_\_\_\_\_

(Decision maker)

Decision No: PG2306