



WELWYN HATFIELD

EXECUTIVE MEMBER DELEGATED POWERS DECISION NOTICE

LOCAL GOVERNMENT ACT 2000 SECTION 9E

1 DETAILS OF EXECUTIVE MEMBER TAKING THE DECISION

Councillor Stephen Boulton.

2 TITLE OF REPORT

Article 4 Direction – Office to Residential Conversions

3 DECISION TAKEN

To agree to confirm an Article 4 Direction to remove Permitted Development rights around converting offices to residential on key employment sites across the borough.

4 IF URGENT, REASONS FOR URGENCY

N/A

5 DETAILS OF EXECUTIVE MEMBER(S) CONSULTED

Name Councillor Stephen Boulton

Signature

Date this decision was taken _ 13 April 2022 _

Date of circulation/publication of this decision _ 13 April 2022 _

6 EXPLANATION/BACKGROUND

6.1 Article 4 Directions enable local planning authorities to remove specific permitted development rights on identified sites, which means that if any such development is proposed, planning permission must be applied for in the normal way.

6.2 In October 2020, an Article 4 Direction came into effect which removed the Permitted Development right allowing offices to be converted to residential uses on a number of key employment sites across the borough.

6.3 Due to changes to both the Use Classes Order and Permitted Development rights, this will cease to have effect at the end of July 2022. In order to retain this protection for the identified employment sites, a replacement must be put in place and members agreed in September 2021 to do this.

- 6.4 The replacement Direction was made in January 2022 with an immediate start, and consultation took place until March 2022. Cabinet Planning and Parking Panel (CPPP) considered the results of this consultation on 07 April 2022 and unanimously agreed to confirm the Direction meaning that it can remain in force.

Legal Implications:

- 6.5 The Council has a legal duty to seek, through the planning system, to deliver sustainable development. Safeguarding the most important employment sites in the borough is a means of seeking this.
- 6.6 Under the provisions of the General Permitted Development Order 2015 (as amended) the Council can remove permitted developments rights granted by that Order. Where permitted development rights have been removed applicants have the right to claim for compensation where a planning application is refused or granted subject to conditions. Compensation may also be sought for abortive expenditure or other loss or damage which can be directly attributed to the extinguishment of permitted development rights. However no compensation is payable if the procedures of the *Town & Country Planning Act (Compensation) Regulations 2013* are adopted; namely that notice of an Article 4 Direction is given not less than twelve months before coming into force. Whilst previous Article 4's have deferred the start in order to avoid this, it is not necessary in this case as it is replacing an existing Direction to ensure continued safeguarding of the employment sites. As the existing Direction will lapse in July 2022, the new Direction will ensure continuity but will not remove any further PD rights.
- 6.7 The making of the order was a legal process which involved the Article 4 Direction to be officially signed and sealed. Confirmation is a similar process and will again need the document to be officially signed and sealed.

Financial Implications:

- 6.8 If an Article 4 Direction is in place, any planning application for development which would be Permitted Development did not previously attract an application fee. However, this exemption has now been removed and an application fee is payable.
- 6.9 There are theoretical future financial implications associated with restricting permitted development rights, positively in the form of protecting business rates income and adversely in the form of reducing opportunities for council tax income growth and new homes bonus. There would also be incremental service costs which would be associated with increases in residential property. The net of this position is not possible to quantify as there could be many different influencing factors and scenarios, including potential impacts on local employment and welfare. The restrictions do not cause a change to the current financial position, and as the restrictions protect employment space, the local economy is supported, so should be viewed positively in protecting the local economy.

Risk Implications:

- 6.10 Financial Risk. It is possible for landowners to claim compensation against a planning authority if the value of their asset has been affected by the introduction of an Article 4 Direction. However, as this Direction replaces one already in place which will otherwise lapse in July 2022, the time period for any claims of compensation has already passed, so it is considered that all landowners are already aware of the Council's intentions.

Other Implications (including communications, security and terrorism, human resources, procurement, climate change, human rights, health and wellbeing, equality and diversity)

- 6.11 Climate Change Implications: Seeking to safeguard the borough's most employment sites will help deliver sustainable development and provide opportunities for residents to work close to home rather than having to travel outside the borough for work. This reduction in the need to travel will help reduce carbon.
- 6.12 Human Resources Implications: The Article 4 Direction will result in planning applications which need to be determined by development management staff.
- 6.13 Health and Wellbeing Implications: Permitted Development takes place without the need for securing planning permission in the usual way. The Local Plan recognises the importance of good design and placemaking, so the planning application process allows these factors to be taken into account and any resulting development may be more beneficial to wellbeing.
- 6.14 Communication and Engagement Implications: A public and business consultation on these proposals was undertaken in January – March 2022 and the results of the consultation have informed this report. A summary of responses was appended to the Committee report.

Alternative options considered and reasons for their rejection (if any):

- 6.15 Do nothing: this would risk development of this type coming through permitted development rights, which risks serious adverse impacts in the borough.

7 BACKGROUND PAPERS USED TO INFORM THE DECISION

- 7.1 Cabinet Planning and Parking Panel report (07 April 2022):

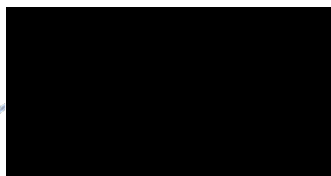
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8 DETAILS OF ANY MEMBERS OR OFFICERS WHO HAVE DECLARED AN INTEREST IN THIS MATTER AND NATURE OF ANY SUCH INTEREST AND ANY DISPENSATIONS GRANTED

- 8.1 N/A

9 ADDITIONAL CONFIDENTIAL OR EXEMPT INFORMATION CONSIDERED

- 9.1 No



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