

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 13 JULY 2021

Recommendation from the Cabinet Planning and Parking Panel on 24 June 2021:-

8. ARTICLE 4 DIRECTION - EMPLOYMENT SITES ARTICLE 4 DIRECTION -
EMPLOYMENT SITES

Report of Corporate Director (Public Protection, Planning and Governance) on the Article 4 Direction – Employment Sites. This Article 4 Direction was made on 1 February 2021 with a proposed start date on 01 February 2022. A public consultation was undertaken and following analysis of the results of this, it was proposed that the Article 4 should be confirmed, so that it will take effect on 01 February 2022.

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. Following consultation and member decision, the Council confirmed an Article 4 Direction to remove the permitted development (PD) right enabling offices to be converted to residential uses on the four most significant employment sites in the borough. This Article 4 came into effect on 12 October 2020.

In August 2020, the Government introduced a new permitted development right, which would allow owners of buildings used for employment to demolish their buildings and replace them with purpose built blocks of flats or individual dwellings. Whilst the PD right was new, the effect on the supply of employment space would be the same, so Cabinet agreed to consult on a second Article 4 Direction which would remove this new right on the same sites.

This Article 4 Direction was made on 01 February 2021 with a proposed start date on 1 February 2022. A public consultation was undertaken, and following analysis of the results of this, it is proposed that the Article 4 should be confirmed, so that it will take effect on 01 February 2022. Members were consulted on this.

The Officer drew attention to paragraph 3.10 of the report in respect of *Article 4 Directions related to housing should “be limited to situations where this is essential to avoid wholly unacceptable adverse impacts” and “apply to the smallest geographical area possible”*. Whilst this is still a draft, it is clear that Government is concerned that *Article 4 Directions related to housing may be restricting the supply of housing and should not be used excessively*.

Separately, it was noted that due to other recent changes to Permitted Development made by Government, the existing Article 4 Direction covering converting offices to residential, which came into effect in October 2020 - will cease to have effect from July next year. Legal advice is being taken on the best and most efficient way to replace it but it is likely that this matter will shortly be presented to this Panel in order to obtain a new formal resolution.

Members had supported Article 4 Directions protecting employment in the past. It was confirmed that this has been an excellent result for the Borough. Members noted the report and agreed the recommendation.

RESOLVED:
(Unanimously)

1. That Cabinet Planning and Parking Panel notes the results of the public consultation which took place for six weeks in February and March 2021.
2. That Cabinet Planning and Parking Panel recommends to Cabinet the confirmation of the Article 4 Direction covering the most important employment sites in the Borough, to start on 1 February 2022.

The report taken to Cabinet Planning and Parking Panel can be viewed at <https://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=266&MId=1276&Ver=4>