



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling Up,
Housing and Communities**
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Fiona Taylor
Chief Executive
Barking and Dagenham Council
Barking Town Hall
Town Hall Square
Barking
IG11 7LU

Your reference:
Our reference:

12 September 2023

Dear Fiona,

Re. Modification of Article 4 Direction in relation to Class A, Class AA, Class AB, Class AC and Class AD of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites within the London Borough of Barking and Dagenham

Background

As you are aware, with effect from 1st August 2020 Class A, and with effect from 31st August 2020 classes AA, AB, AC and AD (together, "Classes A – AD") were inserted into Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the General Permitted Development Order").

The classes permit the upwards extension of existing commercial, residential or mixed-use buildings for the creation of new dwellings.

On 9th February 2021 the London Borough of Barking and Dagenham made a direction under Article 4(1) of the General Permitted Development Order disapplying Classes A – AD for all areas in London Borough of Barking and Dagenham outside of designated industrial land ("the Article 4 Direction"). The Article 4 Direction was confirmed on 18th January 2022 and came into force on 22nd February 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 intervention in the Article 4 Direction.

Classes A – AD permitted development rights provide new opportunities for the construction of additional storeys on certain existing buildings for use as residential accommodation. This is intended to support housing delivery and support development on brownfield land. The permitted development rights include a number of national safeguards including limits to increases in building heights. Furthermore, a range of considerations require prior approval from local planning authorities.

The Article 4 direction, as made, does not take a sufficiently targeted approach in the assessment of the adverse impacts of the permitted development right in each location. Such an approach is necessary to ensure that the 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 those areas where the permitted development right would have an unacceptable adverse impact, namely Lymington Mews and Dagenham Village. We understand that these two areas have a particularly distinctive local character or historical importance. Taller development projects within the town have the potential to harm the unique setting and character.

These modifications will ensure that the Article 4 Direction boundary for areas within the London Borough of Barking and Dagenham 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 I 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.

A handwritten signature in black ink, appearing to read 'Joanna Averley', with a stylized flourish at the end.

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 London Borough of Barking and Dagenham consisting of Classes A, AA, AB, AC and AD for construction of new dwellinghouses through additional storeys to existing buildings.

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 London Borough of Barking and Dagenham under Article 4 of the General Permitted Development Order on 9th February 2021 in respect of development consisting of the construction of new dwellinghouses through additional storeys to existing buildings, namely development which is permitted by Classes A, AA, AB, AC and AD as inserted into Part 20 of Schedule 2 to the General Permitted Development Order. The Article 4 direction relates to all land comprising the London Borough of Barking and Dagenham outside of designated industrial land.

Direction

1. The Secretary of State hereby directs that the Article 4 direction is modified as follows:
2. Instead of the Article 4 direction applying to land shown in the plan annexed to that direction, comprising all land within the London Borough of Barking and Dagenham outside of designated industrial land, it shall apply only to the land specified in this Direction.
3. The specified land is the areas shaded red and dark green on the attached map being those areas denoted as Lymington Mews and Dagenham Village.
4. For the avoidance of doubt, this Article 4 Direction does not apply to any other land outside the areas shaded red or dark green.

Entry into force

5. 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: 12 September 2023

A handwritten signature in dark ink, appearing to read 'Joanna Averley', written in a cursive style.

Joanna Averley
Chief Planner

