



Department for Levelling Up, Housing & Communities

The Rt Hon Greg Clark MP

Secretary of State for Levelling up Housing & Communities

Department for Levelling Up, Housing and Communities

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22 July 2022

Dear Robin

Re. Article 4 Direction in relation to Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for sites at Butterfield Business and Technology Park and Capability Green Business Park, Luton.

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) 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 16th February 2022, Luton Borough Council made two directions under Article 4(1) of the General Permitted Development Order disapplying Class MA for Butterfield Business and Technology Park and Capability Green Business Park in Luton. The Article 4 directions were confirmed on 4th May 2022 and will come into force on 1st August 2022.

Consideration

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.*

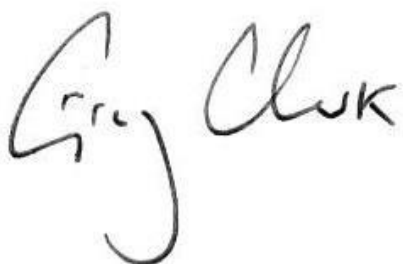
Paragraph 050 of the Planning Practice Guidance provides that the Secretary of State will only intervene in Article 4 Directions where there are clear reasons for doing so.

Decision

I have reviewed the evidence provided by Luton Borough Council and I am satisfied that the Article 4 directions are justified to avoid wholly unacceptable adverse impacts of the permitted development right and that the Article 4 directions have been targeted to apply to the smallest geographical area possible.

The Article 4 directions are therefore considered to comply with national policy and no intervention will be taken.

With every good wish,

A handwritten signature in black ink, appearing to read 'Greg Clark'. The signature is written in a cursive, slightly stylized font.

Rt Hon Greg Clark MP
Secretary of State for Levelling Up, Housing & Communities