

REPLACEMENT ARTICLE 4 DIRECTIONS AT MAIN EMPLOYMENT AREAS

Members may have seen that the Use Class Order for England has recently been amended, with several previously distinct employment related use classes now consolidated into a single new Use Class E (Commercial, Business and Service uses). Related to this, a new permitted development right (Class MA) has been introduced through amendments to the General Permitted Development Order (GPDO) 2015. The new right will apply from 1 August 2021, allowing buildings that fall within Use Class E to convert to residential (Class C3) through prior approval.

These changes will have implications for the employment-related Article 4 Directions that are currently in force in Crawley, within the Main Employment Areas (MEAs) of Manor Royal, Maidenbower Business Park, Lowfield Heath, Three Bridges Corridor, and Tilgate Forest Business Centre. These Directions currently remove the ability of business uses to convert to residential through prior approval, helping protect the function of MEAs, which would otherwise be vulnerable to loss of business floorspace and the introduction of amenity sensitive residential uses that are not compatible with a working business environment.

Following the national level changes to the Use Class Order and GPDO, the council will be replacing its employment-focussed Article 4 Directions in order to retain the protections these provide. The replacement Article 4 Directions will apply at the above Main Employment Areas, and when in force, will remove the new Class MA permitted development right. This will mean that planning permission will be required where a change of use is proposed from Class E (commercial, business and service) to Class C residential use.

The new Class MA permitted development right is scheduled to come into effect as of 1 August 2021. However, transitional arrangements are in place, meaning that where existing Article 4 Directions are in force that prevent the change of use from office to residential (as is the case in Crawley), these Directions will remain valid until 1 August 2022.

The Council has therefore chosen to pursue non-immediate Article 4 directions, which are subject to a 12 month notification period, including a statutory consultation period. Notification has been sent to businesses within the identified Main Employment Areas, as well as neighbouring authorities, business groups, land agents and other stakeholders.

The council is inviting comments between 26 July and 29 October 2021. Subject to consideration of the feedback received, the Directions would come into force on 1 August 2022.

Details of the Article 4 Directions and consultation materials can be viewed on the council's website www.crawley.gov.uk/A4D. Paper copies are also available to view at Crawley Town Hall and Crawley Library. Further detail is provided in the Cabinet Report, which can be viewed at <https://democracy.crawley.gov.uk/documents/s18419/Replacement%20Article%20%20Directions%20Class%20MA%20in%20Main%20Employment%20Areas.pdf>

If you have any questions, or would like further information about any of the issues raised in this bulletin, please contact Anthony Masson, Senior Planning Officer on 01293 438761 or email Anthony.masson@crawley.gov.uk