

Article 4 Direction FAQ Sheet

Frequently Asked Questions – January 2024

What is an Article 4 Direction and what is Permitted Development

Certain types of development do not always require planning permission from the Local Planning Authority. These are called 'permitted development rights'. An Article 4 Direction is a special planning regulation that can be adopted for all or part of an area by a Local Planning Authority to remove specific permitted development rights, meaning that planning consent is therefore required.

For further information, the [Planning Portal](#) provides a useful summary of permitted development rights, Use Classes Order and provides links to related legislation which need to be referred to in applications.

Which permitted development rights are proposed to be removed?

The Royal Borough of Windsor and Maidenhead (RBWM) is proposing to remove permitted development rights to change the use of buildings in certain areas that are currently within Use Class E (Commercial, Business and Service) to Use Class C3 (Dwellinghouse / residential). Class E includes:

- Shops;
- Financial and professional services;
- Food and drink;
- Offices;
- Light industrial;
- Research and development of products or processes;
- Some health/community infrastructure (clinics, health centres, creches, nurseries, day centre);
- Some indoor recreation uses.

This change will enable us to consider any such developments through a formal planning application process to ensure that they accord with our development plan policies.

Why are these rights being removed?

The Government introduced new permitted development rights in April 2021 that allow owners to convert their property from industrial or commercial space (Use Class E) to a residential use (Use Class C3 – dwellinghouse/ residential) without the need for planning permission.

These permitted development rights apply in certain circumstances and are also subject to a prior approval process that considers several criteria which must be satisfied. Further guidance on the use classes and rules regarding these permitted development rights can be found on the [Planning Portal](#).

Between 2013 and 2022, about 32,000 sqm of office floorspace (equivalent to about 2,300 jobs) was lost through permitted development rights in RBWM, with a pipeline of unimplemented prior approvals. The Borough Local Plan (BLP) states that the uncontrolled

losses of highly accessible office sites cannot be sustained in the long term and commits to the early introduction of an Article 4 direction.

The evidence produced for the BLP explained that an Article 4 Direction to control future losses of office space via the permitted development route is justified because “the Council is reaching the point where further losses of stock would necessitate the allocation of new, greenfield and likely out of centre allocations to replace them.” Although the BLP is now adopted, the continued loss of office floorspace on key employment sites would increase the amount of such land needed when the plan is next reviewed, and this is likely to necessitate greenfield allocations. Many councils have cited concerns over the delivery of poor-quality dwellings (often very small and lacking natural light), a lack of outdoor space and the failure to provide any affordable housing and vital infrastructure from such prior approval schemes. The planning application process would provide more control over design (and living conditions of future occupiers) than a prior approval application.

What sites would be covered by the Article 4 Direction?

It is proposed that the Article 4 direction introduced covers all sites listed in Borough Local Plan Policy ED2 (Protected Employment Sites). These are as follows:

- Vanwall Business Park, Maidenhead
- Land at Norreys Drive, Maidenhead
- Foundation Park, Cox Green
- Windsor Dials, Windsor
- Centrica, Millstream
- Land at Alma Road, Windsor
- Land at Stafferton Way, Maidenhead
- Whitebrook Park, Maidenhead
- Land at Tectonic Place, Maidenhead
- Furze Platt Business Centre Park and The Switchback, Maidenhead
- Woodlands Business Park, Maidenhead
- Cordwallis Business Park, Maidenhead
- Howarth Road Estate, Maidenhead
- Prior’s Way Industrial Estate, Maidenhead
- Vansittart Road Industrial Area, Windsor
- Fairacres Industrial Area, Windsor
- Ascot Business Park, Ascot
- Queens Road Industrial Estate, Sunninghill
- Manor House Lane Employment Estate, Datchet

- Baltic Wharf, Maidenhead
- Boyn Valley Industrial Estate, Maidenhead
- Reform Road, Maidenhead
- DTC Research, Belmont Road, Maidenhead
- Shirley Avenue (Vale Road Industrial Estate), Windsor
- Maidenhead Office Park, Maidenhead
- Ashurst Manor, Sunninghill
- Lower Mount Farm, Cookham
- Ditton Park, Riding Court Road, Datchet
- Horizon Building, Honey Lane, Maidenhead
- Grove Park, Business Park, White Waltham
- Silwood Park, Sunningdale

The locations of the protected employment sites can be viewed using the [Interactive Policies Map](#) and adding the layers for Business Areas, Industrial Areas, Mixed Use Areas and Established Employment sites in the Green Belt.

How will the permitted development rights be removed?

On 13th December 2023, the Council's Cabinet approved the preparation of a non-immediate Article 4 Direction to remove the permitted development rights to change use from Class E (commercial, business or service) to C3 (residential) on protected employment sites within the Borough and to prepare and undertake a public consultation.

We're holding a public consultation between Tuesday January 30th until 11:59pm on Tuesday 12th March 2024, where you can view the proposals and provide your feedback.

Once the consultation exercise has finished, RBWM will review all the representations it has received and make a decision whether or not to confirm the Direction. If the Article 4 Direction is confirmed it will come into effect on 30th January 2025. This will have the effect of removing specific permitted development rights meaning the change of use of buildings currently in Class E use to a residential use (C3) would then require a planning application for planning permission.

Why would the Article 4 Direction be non-immediate rather than immediate?

Immediate Article 4 directions can be put in place more quickly but require councils to pay compensation to all landowners whose permitted development rights are restricted if they apply for planning permission for development that would have been allowed by the permitted development right for the first 12 months that the Article 4 direction is in place. Non-immediate Article 4 directions take longer to put in place but avoid the risk of compensation having to be awarded to landowners of affected sites.

How can I comment on the proposals?

The proposals are subject to public consultation from Tuesday January 30th until 11:59pm on Tuesday 12th March 2024, where you can view the proposals and provide your feedback.

RBWM will consider the representations received when making a decision on whether or not to confirm the Article 4 Direction. If you would like to submit comments about this proposal there several ways you can do this:

- Online via the **Planning Policy Consultation Portal**
- By completing the [Representation Form](#) and return to us either by email to - planning.consultation@rbwm.gov.uk or by post to - Planning Policy Consultations, Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.

Any views that you make may be available for public examination subject to data protection rules.

When would any changes come into force?

Once the consultation exercise has finished, RBWM will review all the representations it has received and make a decision whether or not to confirm the Direction. If the Direction is confirmed, subject to there being no intervention by the Secretary of State, it will come into effect on 30th January 2025.

Further details about the consultation and how to comment can be found on the RBWM website via the link below, or in Maidenhead, Windsor and Ascot Libraries.

<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/planning-guidance/emerging-article-4-directions>