Proposed Article 4 Direction for changes of use from offices to residential uses

Frequently Asked Questions

What is the background to the City Council deciding to re-introduce planning controls for changes of use from offices to residential?

For planning purposes, the wide variety of building and land uses are defined as falling within particular Use Classes. These are listed in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is normally required to change the use of a building between different use classes.

However, some changes of use do not require a planning application to be submitted to a Local Planning Authority since they benefit from what are known as ‘permitted development rights’. These rights are set out in national legislation.

In February 2013 the Government announced their intention to revise the ‘permitted development rights’ and in May 2013, the General Permitted Development Order was amended to introduce, amongst other measures, a temporary permitted development right which allows the change of use of a building from offices (B1a) to residential (C3), without the need to submit a planning application subject to certain conditions and limitations.

The new ‘permitted development rights’ is temporary and will expire on 30th May 2016, although the Government has indicated that this right may be extended.

What are ‘permitted development rights’?

‘Permitted development rights’ are set out in planning legislation. These rights allow certain developments to take place without the need to make a planning application.

What is an Article 4 direction?

An ‘Article 4 direction’ is a planning tool that can be used in local areas to remove ‘permitted development rights’ for a particular type of development. They are used in exceptional circumstances where there are local concerns about the impact of a specific ‘permitted development right.’ For example in Oxford the City Council has used one to require planning permission for the change of use of a dwelling house to multiple occupation.

There is a legal process that needs to be followed to introduce an Article 4 Direction, which includes public consultation.

Planning applications, submitted to a Local Planning Authority, that are required due to an Article 4 Direction being in place do not attract a fee.
Why has the Council decided to introduce an Article 4 Direction?

The City Council consider that since the introduction of these ‘permitted development rights’ Oxford has potentially lost a number of sites currently in use as offices to residential use. An assessment was undertaken of the employment sites that have notified the Council that they intend to exercise their ‘permitted development rights.’ This highlights a growing trend towards the loss of employment sites, which includes some ‘key protected employment sites’, comprising both vacant and currently occupied premises.

In this context Oxford City Council, as the Local Planning Authority, consider that the potential loss of these key protected employment sites, will cause significant harm to local amenity and the proper planning of the area. The City Council has an adopted Core Strategy (Nov 2011) that seeks to promote economic prosperity for Oxford and supports a policy of ‘managed economic growth’. The role played by the protected employment sites in Policy CS31 is essential to the delivery of the economic growth of the City, their loss would undermine the Council’s effectiveness in implementing this policy approach. In addition the Oxford Strategic Partnership (OSP) recently approved the Oxford Economic Growth Strategy, which amongst other key recommendations sought to ‘ensure an adequate employment land supply’ together with the need to ‘support existing businesses within the City’. The Key Protected Employment Sites are an essential part of the infrastructure necessary to deliver economic growth.

The City Council therefore take the view that it is essential to implement an Article 4 Direction to make it necessary for the change of use of offices (B1a) to residential, on the protected employment sites, which should not be carried out unless permission is granted for it on application. Whilst the key protected employment sites represent a significant amount of Oxford’s existing employment land supply the approach being taken is ‘targeted’; site specific and fully justified. It does not however include all employment sites or other key commercial locations, such as the City centre and District centres and therefore does not represent a ‘blanket approach.’

Does the Article 4 Direction affect the whole city?

No. The Article 4 Direction proposed will not cover the whole city or indeed all employment sites. It is purposely not a ‘blanket’ restriction but will only apply to the ‘key protected sites’ listed below as follows:

- Oxford Business Park
- Oxford Science Park
- Enterprise Centre, Standingford House, Cave Street
- Blackwells Publishing, Marston Street
- Magdalen Road and Newtec Place
- University Press, Walton Street
- Oxford Psychologists, Elsfield Way
- Summertown Pavilion 16-24 Middle Way
The Article 4 Direction maps are available to view on the City Council’s website at www.oxford.gov.uk/planningpolicy or by visiting City Council offices at St. Aldate’s Chambers, 109-113 St. Aldates, Oxford OX1 1DS.

These ‘key protected’ employment sites are considered to be an important part of Oxford’s employment land supply and if lost to residential use would significantly impact on the ability of the City to contribute to economic growth.

Other employment sites outside these specifically ‘targeted’ sites would still be able to enjoy the temporary ‘permitted development rights’ allowing a change of use from office (B1a) to residential dwellings (C3), subject to a ‘prior approval’ covering a range of criterion, such as flooding, highways and transport issues and contamination which will remain. But where a development requires any additional work to an existing building, or the building is a listed building, applications for planning permission and or listed building consent for these works will be required.

When did the City Council make an Article 4 Direction?
The Head of City Development under ‘delegated officers powers’ as set out in the City Council's Constitution authorised the making of an Article 4 Direction to remove the temporary ‘permitted development rights’ for the change of use from offices (B1a) to a dwelling house (C3) on 24th February 2014. The direction was made on the 28th March 2014. The City Council is making a non-immediate direction that, subject to consultation and a decision by the Council to confirm this direction will come into force on the 28th March 2015.

**How do I respond to the consultation?**

Representations can be made on the Article 4 Direction from the 28th March 2014 to 23rd May 2014. Please make your representations by completing the attached questionnaire which is on the City Council’s website consultation link [http://www.oxford.gov.uk/Consultation](http://www.oxford.gov.uk/Consultation) or by emailing planningpolicy@oxford.gov.uk or alternatively in writing to Head of City Development, Oxford City Council, St. Aldates Chambers, 109-113 St. Aldates, Oxford OX1 1DS. Any representations must be received by 23rd May 2014.

**When does the Article 4 Direction come into force?**

The direction was made on the 28th March 2014 and then consulted upon from 28th March 2014 until 23rd May 2014. The responses received will then be summarised and reported to the Area Committee’s who will consider these representations and then decide whether to confirm the direction, which would then come into force on the 28th March 2015.