

# Consultation Response: Changes to the NPPF

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## Introduction

1. London First is a business campaigning group with a mission to make London the best city in the world to do business, for the benefit of the whole UK. We convene and mobilise business leaders to tackle the key challenges facing our capital. We are made up of almost 200 leading employers across a wide range of sectors including strong representation from the development industry.
2. We welcome the opportunity to comment on the proposed changes to the National Planning Policy Framework (NPPF). Please note we have only responded to the questions that are relevant to the interests of our organisation, namely in relation to the scope of Article 4 Directions to prevent national permitted development rights applying in a specific location.

## Tailoring planning controls to local circumstances (Paras. 53-54)

3. We do not support the proposed changes to the NPPF in respect of restricting the use of Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.



4. With the increasing use of Permitted Development Rights (PDR) to facilitate change of use from commercial activities to residential, it has been necessary for some local authorities to use Article 4 Directions where the PDR undermines key employment locations or specific sectors in the local economy. If the Government proceeds with its proposals for further PDR for all Class E development, it may be important to local authorities, as they plan for their economic recovery from the pandemic, that they are not restricted in their use of Article 4 Directions.
5. The proposed alternative test of protecting an interest of national significance (second bullet point) is far too onerous and should not be pursued. In London, this would limit the use of Article 4 Directions to the Central Activities Zone. Yet there will be other parts of London (and locations all across England) where an interest of regional or strategic significance should be protected in the interests of longer-term economic recovery.
6. In many areas, housing has a much higher land value than most commercial uses. Therefore, whilst PDR interventions are intended to address surplus vacant commercial properties, an unintended consequence is that viable businesses are often ousted in favour of a residential conversion. Research commissioned in 2017 by the Greater London Authority<sup>1</sup> in respect of offices in London showed that 55 per cent of permitted development applications granted prior approval affected offices that were occupied. If the scope of Article 4 Directions were to be reduced, and local authorities could not protect regionally important employment locations or specific employment sectors, this would have a detrimental impact on the economic performance and employment opportunities in those areas. The impact of PDR on viable businesses could be far reaching and local authorities should be able to protect key employment locations that are of less than national importance.
7. There is also the issue of what happens to existing Article 4 Directions that cover conservation areas. These seek to prevent small insignificant changes that cumulatively would be damaging to the heritage interest of a conservation area. Individually, few of these would meet the “national significance” test and so they risk being lost.
8. Therefore, the “national significance” test should not be pursued. With regard to the wording of the first new bullet point:
  - *where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts*

the phrase “wholly unacceptable adverse impacts” is not an effective test for an Article 4 Direction. The phrase is ambiguous, and its interpretation would likely end up being contested through the courts. The phrase is also unduly negative when all an authority is trying to do is maintain the status quo in a particular location.

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<sup>1</sup> [London Office Policy Review](#) (Ramidus Consulting, 2017)

9. Instead, a more straightforward test would be to assess the need for an Article 4 Direction against the strategic objectives in an authority's local plan. What are the economic priorities for that authority area? Are there commercial locations identified that are of strategic (or regional) importance and which need to be protected? Such considerations would ensure that an Article 4 Direction is assessed against local and proportionate economic priorities.
10. Finally, the new fourth bullet point seeks to restrict the use of Article 4 Directions to "*the smallest geographical area possible*". We support the principle that blanket Directions applying to the whole of an administrative area are not a sensible approach. However, an authority should remain entitled to introduce an Article 4 Direction to a commercial centre or designated employment area in its entirety where piecemeal pepper-potting of residential conversions would undermine its future economic strength.