

ARTICLE 4 DIRECTIONS

Frequently Asked Questions – June 2026

What is an Article 4 Direction?

Certain types of development do not always require planning permission from the Local Planning Authority. These are called ‘permitted development rights’ (“PD”). 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; [Use Classes - Change of use - Planning Portal](#)

Which permitted development rights have been removed?

Cheshire West and Chester has Article 4 Directions in place for Houses in Multiple Occupation (HMOs) in areas of Chester. These include Chester Garden Quarter (8 July 2013), Newry Park (2 May 2016) and King Street (2 May 2016). The change means that a planning application must be submitted when a family home (Use Class C3) is being converted into to a HMO occupied by three to six unrelated people (Use Class C4).

Which other permitted development rights are proposed to be removed?

Cheshire West and Chester is considering Article 4 Directions to remove permitted development rights to change the use of buildings that are currently within Use Class E (Commercial, Business and Service) to Use Class C3 (Dwellinghouse / residential) in strategic employment areas. In these locations, Planning Use Class E primarily includes:

- Financial and professional services;
- Offices;
- Light industrial
- Research and development of products or processes.

Class E also includes shops, food and drink, some health/community infrastructure (clinics, health centres, creches, nurseries, day centre) and 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 remove these permitted development rights relating to Class E?

The Government introduced new permitted development rights in April 2021 that allows 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.

In March 2024, the Government introduced further amendments which removed the limit on the amount of commercial floorspace and the requirement for buildings to have been vacant for three months.

The impact of this change means that larger commercial buildings, typically located in the borough's out of town strategic employment areas, would now fall under permitted development. This could impact on the key sites that are safeguarded through the Local Plan for continued economic development. The conversion of commercial premises to residential use could lead to wholly unacceptable adverse impacts for local business and undermine the future role and function of these strategic employment areas.

The introduction of new residential uses into established employment areas may place unreasonable constraints on existing businesses (known as the 'agent of change'). For example, through amenity based complaints (noise, servicing, hours of operation), transport impacts, car parking, community safety. The Council also has less ability to manage other impacts such as the mix and type of housing, affordable housing delivery and design quality in these areas under permitted development.

Which sites could be covered by an Article 4 Direction?

There is evidence to support Article 4 Directions at Chester Business Park, Chester West / Sealand Industrial Estate and Gadbrook Park Northwich. These are sites identified through the Local Plan (Part One) Strategic Policies as being important to protect from alternative forms of development, in order to meet a range of sizes and types of business needs.

A wide range of economic data has been reviewed to consider the economic importance of business parks across the borough. Given their scale and significance to the local economy, the potential loss of office floorspace could result in wholly unacceptable adverse impacts in these specific locations;

- Chester Business Park is strategically important for office based industries, supporting up to an estimated 8360 jobs and significant GVA contribution. Changes in city centre office stock to alternative uses mean that the protection of office stock at Chester Business Park is increasingly important to offset losses of office floorspace elsewhere, and maintain provision for office based sectors.
- Gadbrook Park, Northwich can support an estimated 2855 jobs and also makes a significant contribution to the local economy. There is evidence of loss of office floorspace to alternative uses, and permitted development for residential apartments in a large vacant unit. An Article 4 Direction is recommended to prevent the further

erosion of strategically important office floorspace and to safeguard the Gadbrook Park's economic function.

- Chester West / Sealand Industrial Estate also supports a substantial level of office based jobs (around 1020 jobs). Market evidence suggests that this area is vulnerable to residential development which could give rise to agent of change issues affecting established businesses.

Town centres are excluded from the suggested Article 4 Directions as these areas are expected to contain mixed use economic growth through employment, retail, housing and leisure uses.

How will the permitted development rights be removed?

Creation of an Article 4 Direction is a legal process which has a number of stages. Prior to making the Direction significant work has been required to justify use of the procedure. Further confirmation of the Direction will have implications both for the Local Planning Authority (LPA) and for those who may own property or live in the affected area.

A Cabinet decision is required to approve the making of non-immediate Article 4 Directions 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.

The consultation will take place over a minimum period of 6 weeks in the affected areas. Once the consultation exercise has finished, the Council will review all the representations it has received and make a decision whether or not to confirm the Directions. If the Article 4 Directions are subsequently confirmed they will come into effect at least 12 months after the initial notification.

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.

What types of Article 4 Direction are there?

There are 2 types of direction – Non-immediate and Immediate. The procedures and implications are different for the two, but basically an Immediate direction comes into force immediately and must be confirmed within 6 months otherwise it lapses; whereas a Non-immediate direction only removes PD rights after confirmation following consultation.

Whilst an immediate Article 4 Direction can be put in place more quickly, there is a risk of compensation liability in certain circumstances. 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.

Will compensation be payable as a result of the Article 4 Direction?

No compensation is payable in this instance. Compensation would have been payable in some circumstances to those whose permitted development rights are withdrawn if the Council imposed what is known as an “Immediate” Article 4 Direction and then refused planning permission for that which would otherwise have been permitted development; or granted permission subject to more limiting conditions than would have been applied by the General Permitted Development Order (GPDO). However, in this case as the Council is providing 12 months’ prior notice of the removal of permitted development rights (known as a “Non-Immediate” Article 4 Direction), then there is no ability to claim compensation.

How will I be able to comment on the proposals?

Details of any consultation will be made available on the Council’s website, where you can view the proposals and provide feedback. There will be several methods for you to provide comments including online, by email or by post using a standard response form. Any views provided will be publicly available and subject to data protection rules.

What does an Article 4 prevent or require?

It will mean that what would otherwise be permitted development is not. However, it does not automatically prevent such development from occurring – it means that because it is not permitted development then a planning application must be submitted to the Council for consideration. It also does not in itself mean that any such applications can be refused – they would have to be considered against Development Plan policy and other material considerations.

When would any changes come into force?

Once the consultation is finished, the Council will review all the representations it has received and make a decision whether or not to confirm the Directions. If the Direction is confirmed, subject to there being no intervention by the Secretary of State, it will come into effect 12 months after the notifications.