

## CONSULTATION RESPONSE

(online submission, deadline 25<sup>th</sup> September 2023)

Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification

<https://www.gov.uk/government/consultations/permitted-development-rights>

### Design codes

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?

No – this is premature. Design codes are a new initiative not yet widely rolled out and time should be taken to assess their suitability in local areas before considering embedding them in permitted development legislation.

### Supporting housing delivery through change of use permitted development rights

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:

- a) Double the floorspace that can change use to 3,000 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

c) – no change. This permitted development right has the potential to significantly impact small village High Streets through loss of important local services. It removes the opportunity for local people to have any say over such changes, potentially reduces valued employment opportunities, and increases the possibility of housing in unsuitable buildings.

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?

- a) Yes
- b) No
- c) Don't know

b) No – 3 months' vacancy is not an onerous requirement and may provide some protection against the permanent loss of important local services.

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?

- a) Yes
- b) No
- c) Don't know

a) Yes – it enables local authorities to make a case by case assessment to help ensure that conservation areas retain their character.

## **Agricultural buildings to dwellinghouses (Class Q of Part 3)**

Q.25 Do you agree that the smaller and larger home size limits within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be replaced with a single maximum floorspace limit of either:

- a) 100 square metres per dwellinghouse
- b) 150 square metres per dwellinghouse
- c) No change
- d) Don't know

c) No change – the existing rights are generous and not “overly complex” as stated, though it is not clear how they focus on providing smaller homes for rural workers and local people as there would appear to be no controls or conditions in this regard. The proposal for more homes to be created in this way also risks more isolated homes being created, remote from shops and services.

Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?

- a) Yes
- b) No
- c) Don't know

b) No – the existing limit of 465 square metres should be maintained to help avoid overdevelopment of rural sites and homes being created in unsustainable locations.

Q.27 Do you agree that the 5 home limit within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be increased to allow up to a total of 10 homes to be delivered within an agricultural unit?

- a) Yes
- b) No
- c) Don't know

b) No – a 6-10 home site is a medium to major development and has the potential to completely change the character of a site and give rise to sustainability, infrastructure and other issues. A development with this number of homes should be assessed against full planning policy, with local people having the opportunity to make comment.

Q.28 Do you agree that the permitted development right for the change of use from agricultural buildings to residential use (Class Q of Part 3) should be amended to allow for an extension to be erected as part of the change of use on previously developed land?

- a) Yes
- b) No
- c) Don't know

b) No – this blanket approach goes against Green Belt principles and has the potential to override the variety of issues that should be taken into account when considering extensions to current or former agricultural buildings, which are often located in very rural areas.

Q.29 Do you agree that a prior approval be introduced, allowing for the consideration of the impacts of an extension on the amenity of neighbouring premises, including overlooking, privacy and light?

- a) Yes

b) No

c) Don't know

a) Yes – this would be one of the variety of areas of concern mentioned in the answer to Q.28.

Q.30 Do you agree that buildings should have an existing floorspace of at least 37 square metres to benefit from the right?

a) Yes

b) No

c) Don't know

a) Yes, although there are concerns regarding homes of minimum space standard being located in remote and potentially isolated areas.

Q.32 Do you agree that the right be amended to apply to other buildings on agricultural units that may not have been solely used for agricultural purposes?

a) Yes

b) No

c) Don't know

b) No – this would undermine local planning systems. Full planning with the opportunity for local people to have a say would be appropriate for these buildings.

Q.34 Are there any specific uses that you think should not benefit from the right?

a) Yes

b) No

c) Don't know

a) Yes. See answer to Q.32. Any uses that are in breach of planning controls and/or subject to enforcement action should also not benefit from the right.

Q.36 Do you agree that any existing building must already have an existing suitable access to a public highway to benefit from the right?

a) Yes

b) No

c) Don't know

a) Yes if the right were to come into effect then this should be required. It should be made clear what is considered "existing adequate highways access" in terms of maximum length, minimum width, surfacing, visibility, etc.

Q.39 Do you agree that permitted development rights should support the change of use of buildings in other predominantly rural uses to residential?

a) Yes

b) No

c) Don't know

b) No – the right could easily be subject to abuse and lead to erosion of character and land required for rural businesses. Planning in this regard should remain with the local authority, allowing all plan issues to be taken into consideration, and local people to be consulted.

Q.40 Are there any safeguards or specific matters that should be considered if the right is extended to apply to buildings in other predominantly rural uses?

a) Yes

b) No

c) Don't know

a) Yes – as well as all plan issues as mentioned in Q.39, the right should not apply for buildings erected under permitted development rights, or for sites that are in breach of planning controls and/or subject to enforcement action.

## **Supporting the agricultural sector through additional flexibilities**

Q.43 Do you agree that permitted development rights should support the change of use of other buildings in a predominantly rural land use to a flexible commercial use?

a) Yes

b) No

c) Don't know

b) No – the right could lead to unsuitable land uses and over-commercialisation of sensitive rural areas. It would remove the right of local people to have input into the planning process.

Q.44 Do you agree that the right be amended to allow for buildings and land within its curtilage to be used for outdoor sports, recreation or fitness?

a) Yes

b) No

c) Don't know

b) No – the right could lead to unsuitable and unneighbourly land uses. It would remove the right of local people to have input into the planning process.

Q.45 Do you agree that the right be amended to allow buildings to change use to general industrial, limited to only allow the processing of raw goods produced on the site and which are to be sold on the site, excluding livestock?

a) Yes

b) No

c) Don't know

b) No – by definition, general industrial is for uses that would not generally be allowable within a residential area. It would not be appropriate to relax this legislation to the detriment of people living in the vicinity.

Q.46 Should the right allow for the change of uses to any other flexible commercial uses?

a) Yes

b) No

c) Don't know

b) No – full planning permission should be required for other flexible commercial uses to allow for proper planning and so that local people may have their say in the planning process.

Q.48 Do you agree that the right be amended to increase the total amount of floorspace that can change use to 1,000 square metres?

a) Yes

b) No

c) Don't know

b) No – 500 to 1,000 square metres represents a medium to major development and the proposed uses should require full planning permission to take into account all potential issues and allow local people to have their say.

Q.50 Do you think that any of the proposed changes in relation to the Class R permitted development right could impact on: a) businesses b) local planning authorities c) communities?

a) Yes

b) No

c) Don't know

a) Yes – the proposed changes could give rise to significant negative impacts on communities by introducing a wide range of commercial activities into rural areas.

## Agricultural development

Q.51 Do you agree that the ground area limit of new buildings or extensions erected under the right be increased from 1,000 to 1,500 square metres?

a) Yes

b) No

c) Don't know

b) No – the existing right of 1,000 square metres is generous. Further increases in buildings and extensions should require full planning permission to take into account any potential planning issues and allow local people to have their say. The right would also undermine Green Belt policy.

Q.53 Do you agree that the right be amended to allow extensions of up to 25% above the original building cubic content?

a) Yes

b) No

c) Don't know

b) No - further increases in extensions should require full planning permission to take into account any potential planning issues and allow local people to have their say. The right would also undermine Green Belt policy.

Q.54 Do you agree that the right be amended to allow the ground area of any building extended to reach 1,250 square metres?

a) Yes

b) No

c) Don't know

b) No - further increases in extensions should require full planning permission to take into account any potential planning issues and allow local people to have their say. The right would also undermine Green Belt policy.

## **Supporting businesses and high streets through greater flexibilities**

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?

a) Yes

b) No

c) Don't know

b) No – the existing rights are generous. Further extensions should be subject to full planning permission to take into account any potential planning issues and allow local people to have a say. The right would also undermine Green Belt policy.

## **Industrial and warehousing extensions (Class H of Part 7)**

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?

a) Yes

b) No

c) Don't know

b) No – this goes against Green Belt principles and has the potential to override the wide variety of planning issues that should be taken into account for new buildings. As with most of the other proposals covered by this consultation, it undermines communities’ ability to participate in the planning process.

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.

a) Yes

b) No

c) Don’t know

b) No – this goes against Green Belt principles and has the potential to override the wide variety of planning issues that should be taken into account for extensions (particularly sizeable extensions of 1,500 square metres or a 75% increase). As with most of the other proposals covered by this consultation, it undermines communities’ ability to participate in the planning process.