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BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Ms Donohue

## **RELAXATION OF PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL**

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation. Our response is set out below. We are sorry that we could not make the graphics of the downloadable form work properly.

### **Question A**

Do you support the principle of the Government's proposal to grant permitted development rights to change use from B1 (business) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations? Please give your reasons.

**No.** We do not think that the proposal will produce improved planning outcomes for applicants or the wider community. The difficulty of implementing the caveat in the question is an indicator of this for the following reason:

- Heritage considerations. Although listed buildings would be exempted from the proposals, nothing is said about the potential for heritage impacts in World Heritage Site, conservation areas and areas subject to local designation. We think there is potential for detriment here.
- Regeneration considerations. The proposals could undermine regeneration strategies as well as leading to shortages of business premises at times of

economic recovery. The ability to revert would be undermined if the residential use were to be strongly established.

- Infrastructure considerations. The proposals could give rise to disproportionate demands on infrastructure and the provision of public services, whether delivered by mainstream programmes, CIL or other process. Refuse collection is an obvious example if new residential property is located in areas which do not currently have a domestic collection.
- Property considerations. Many businesses have long-term property strategies which are based on assumptions on use value that are reinforced by the security of planning policy. These could be undermined by the proposal.
- Amenity considerations. This can work both ways. Existing residential and business property could be adversely affected by overlooking, noise or other detriment. Conversely, in areas which are not currently residential the activities of existing businesses could give rise to complaints about impacts on residential amenity.
- Locational considerations. In rural areas there is a risk of sporadic development occurring.
- Climate change considerations. Increased residential development will result in increased use of normal PD rights such as accesses and hard surfaces, which could contribute to surface water run-off. New residential development would not necessarily be in places where opportunities to use non-car transport modes might exist.

We think that the unspecified and therefore, presumably, not fully developed requirements to ensure that housing is not located in “unsuitable locations” will prove a conceptual and administrative nightmare for developers and LPAs alike.

In reality, as pointed out in the consultation, many such proposals will comprise operational development and not be covered by the proposals anyway. It would seem likely that the requirements for operational development might only emerge in some cases after the PD had been implemented putting additional pressure on LPAs in their determination of whether the proposal was acceptable.

We would like to suggest that the issue would be better tackled by a strong policy presumption in favour of such developments occurring.

### **Question B**

Do you support the principle of granting permitted development rights to change use from B2 (general industrial) and B8 (storage and distribution) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?

**No.** We think that the risks associated with these uses are even greater than those outlined in relation to Question A.

### **Question C**

Do you agree that these proposals should also include a provision which allows land to revert to its previous use within five years of a change?

**Yes.** But there is danger in this as well if, for example, the proposal has, in the meantime, altered the general character of the area to residential.

### **Question D**

Do you think it would be appropriate to extend the current permitted development rights outlined here to allow for more than one flat? If so should there be an upper limit?

**No.** If it to be implemented at all, the proposal should be at as low a level of potential impact as possible.

### **Question E**

Do you agree that we have identified the full range of possible issues which might emerge as a result of these proposals? Are you aware of any further impacts that may need to be taken into account? Please give details.

**No.** As discussed in answer A, we think the potential impacts have been underestimated and that their significance has been too readily dismissed.

### **Question F**

Do you think that there is a requirement for mitigation of potential adverse impacts arising from these proposals and for which potential mitigations do you think the potential benefits are likely to exceed the potential costs?

**Yes.** As discussed, the mitigation process is likely to be complex and costly to administer. It would be cheaper and quicker for all concerned for planning applications to continue to be required with a strong policy presumption in favour of approval in short (or even priority) timescales.

### **Question G**

Can you identify any further mitigation options that could be used?

**No.** Mitigation options and conditions that may emanate from them are not preferable to the well understood process of application and conditional permission.

### **Question H**

How, if at all, do you think any of the mitigation options could best be deployed?

We think that the whole proposal is sufficiently without merit for detailed consideration of this aspect to be also unmerited.

### **Question I**

What is your view on whether the reduced compensation provisions associated with the use of article 4 directions contained within section 189 of the Planning Act 2008 should or should not be applied? Please give your reasons.

Article 4 is a procedure that is very demanding of resources. Because it does not apply everywhere it is a provision that is often overlooked by developers when development decisions are being made and leads to otherwise unnecessary enforcement action being taken. The simplest solution is not to put LPAs in the position in which they feel obliged to use this form of control in which case the question of compensation would not apply.

**Question J**

Do you consider there is any justification for considering a national policy to allow change of use from C to certain B use classes?

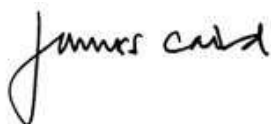
**Yes.** A clear policy presumption in favour is our preferred method of achieving the Government's objectives.

**Question K**

Are there any further comments or suggestions you wish to make?

**No.**

Yours sincerely

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large initial 'J'.

James Caird  
Consultant Consultations Co-ordinator