

The Housing, Communities and  
Local Government Committee

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27 April 2021

**Dear Sir**

**Housing, Communities and Local Government Committee  
Call for evidence on Permitted Development Rights**

The Institute of Historic Building Conservation 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.

We are very pleased to have the chance to comment on the consultation document. The Institute's comments are as follows:

With specific reference to permitted development in respect of large-scale development, commercial-to-residential conversions and changes of use between different types of commercial and retail premises:

- ***What role should permitted development rights (PDR) play in the planning system?***

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights form an important part in freeing up the planning system by allowing acceptable development which would otherwise need unnecessary planning applications. Permitted Development has much use in development which is neither sensitive or complex but it has a more limited role in sensitive situations or complex development such as in the historic environment or in economically important locations such as town centres.

- ***What is the impact of PDR on the quality and quantity of new housing, including affordable and social housing?***

Poor quality homes and living environments are being created as a result of recent permitted development rights especially the introduction of the new E class. Permitted conversion especially of office to residential is likely to create poor quality residential environments. Permitted development gives more opportunities unprincipled developers and landlords to create poor quality housing. Residential values often exceed the value of other uses and this readily

available change to a more profitable use, may outprice local town centre commercial uses, making them no longer viable.

- ***What is the impact of PDR on local planning authorities, developer contributions and the provision of infrastructure and services?***

Class Q (change of use of agricultural buildings to dwellings) is resulting in new dwellings in remote locations, which greatly increases the cost of infrastructure and service provision, and is completely contrary to the objective of sustainable development.

- ***Is the government's approach to PDR consistent with its vision in the Planning White Paper?***

**Sustainable development.** There is a complete disconnect between the key White Paper objective of sustainable development and the increasing use of Permitted Development Rights. There are many examples of former employment sites converted to residential with the subsequent loss of local economic activity and an increase in commuting. This is exacerbated in areas of where house prices are high and where substantial profits can be made from residential conversions. The loss of local employment then has a negative effect on the economy of town centres. There are also numerous examples of PD residential conversions on sites completely removed from local services and amenities. If the country is serious about climate change and sustainability we need to start reducing the need to travel which PD makes more difficult to achieve – barns in isolated locations etc.

**The impact of permitted development on new design.** The Planning White Paper puts emphasis on emphasis given to beauty and good design but good design will not be achieved through more permitted development. Permitted development has been shown to result in examples of very poor design, contrary to the Government's ambitions in relation to beauty and good design. In particular, Class Q (change of use of agricultural buildings to dwellings) has resulted in some very poor and inappropriate designs, often as a result of converting buildings that were not appropriate for conversion in the first place, contrary to the White Paper proposals to require higher standards of design. Recent changes to permitted development have shown that prioritising speed of decision-making over quality leads to unintended poor design. Successful developments that might result from the implementation of good design standards and adherence to design codes would almost certainly be debased by increased permitted development rights and restrictions on article 4 directions. Successful schemes should not be subject to the threat of debasement by ill-considered permitted development.

- ***What is the impact of PDR on the ability of local authorities to plan development and shape their local communities?***

PDRs seriously undermine the ability of Local Authorities that are attempting to protect and enhance the townscape of their area. The latest Class E proposals will seriously undermine attempts to revive and regenerate the commercial viability of town centres, and will work against the investment Government is making in High Streets.

- ***Is the government right to argue that PDR supports business and economic growth?***

We do not believe that any of the latest permitted development introductions in town centres have supported business or economic growth. The initial

introduction of the Commercial, Business and Service, E Use Class allow ground floor units in high streets to change to uses not open to the public (such as former B1 uses). Consequently change use was then allowed from Class E to residential (C3).

The pandemic and the associated lockdown measures have caused serious harm to retail, hospitality and cultural venues. The new permitted development rights have made many town centres vulnerable to rapid and harmful changes. The historic character within our conservation areas which is so important to the economy and to people's quality of life and well-being is threatened by poor quality or unsympathetic developments and alterations.

The new E Use Class allowing ground floor units in high streets to change to uses not open to the public works against the vibrancy of high streets and causes dead spots. Permitted development to allow ground floor units to change to dwellings is further exacerbating that damage to high streets. This undermines policies in local plans and neighbourhood plans for most high streets which include policies to ensure that ground floor units remain in town centre uses (retail, hospitality, cultural uses, community facilities, etc.) Any constriction of high street uses should not be random and opportunist but planned strategically with policy lead management to allow for change of use where change will not be harmful to the vitality of the core area or existing commercial uses.

The change of town centre uses to closed uses and residential does not support the future of town centres, it causes harm to their character, diversity and economic viability. The unchecked introduction of residential uses into commercial areas can further compromise existing commercial uses, especially those associated with the night economy.

Poor quality homes and living environments are being created as a result of these permitted development rights. Permitted conversion of office to residential conversions has already created poor quality residential environments.

Permitted development gives more opportunities unprincipled developers and landlords to create poor quality housing. Residential values often exceed the value of other uses and this readily available change to a more profitable use, may outprice local town centre commercial uses, making them no longer viable.

Julia Park of Levitt Bernstein architects published a hard hitting report on the damaging effects of Permitted Development in 2019 with specific examples see <https://www.levittbernstein.co.uk/site/assets/files/3256/end-pdr-for-office-to-resi.pdf> which was before the latest relaxations.

- ***What is the impact of PDR on the involvement of local communities in the planning process?***

The more PD rights there are, and the more complex they are and the more difficult the planning system is to police, because it takes much longer to work out if a breach has occurred. Even Local Authorities struggle with interpretation of complex Permitted Development so the public will always find it difficult to understand. Neighbours and local people are much less likely to know whether what is being done or doesn't require permission.

As with the Building Regulations, the permitted development order should be presented as a live, up to date document. The number of amendments made to the Order makes it almost impossible to work out what is actually permitted, by starting with the current order and then reading the amendments. The same applies to the widespread use of double or even triple negatives throughout.

The [Householder permitted development rights: guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/permitted-development-rights-guidance-2019/html/index.html) has recently been superseded by [Householder permitted development rights: guidance - updated 2021 - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/permitted-development-rights-guidance-2021/html/index.html) which attempts to set out what is a principal elevation and provides useful sketches of what that means. This sort of guidance could be of value to the public who can find planning permission and permitted development complex.

- ***Should the government reform PDR? If so, how?***

- **Conservation Area permitted development** – Conservation Area designation alone does not restrict most permitted development. Domestic property in Conservation Areas still has a considerable amount of permitted development rights. The Conservation Area is the historic area to which people relate, in which they live, work and play and where they want to see clear, logical and easily understood controls. Despite this importance the Conservation Area has become the Cinderella of the historic environment. Members of the public are concerned by what they consider to be harmful alterations to buildings in Conservation Areas, often being carried out by their neighbours. They expect designation to mean something and they are surprised to hear that Conservation Areas offer such weak protection with permitted development rights without additional Article 4 controls. What residents, property owners, businesses and even those set to destroy buildings need is simplicity and consistency. There are variations in controls from area to area, and even street to street. The public do not understand Article 4 and they are complex, time consuming and highly political to impose. There is a pressing need to make Conservation Areas simpler, more consistent, more open, and understandable. There is a need for Conservation Area designations to give the kind of protection expected by the public. The designation of a Conservation Area should remove certain kinds of permitted development as a matter of course, without the need for additional designations. Without such a fundamental reform the future of large parts of our historic environment is jeopardised and subjected to further incremental destruction. An integrated approach is needed, combining designation, definition of permitted development, character analysis and pro-active management in a one-stage process.

Conservation area character is not just buildings and spaces – uses play an important part in defining character and increasingly more vibrant and characterful are displaced by Permitted Development changes to housing.

Photographic evidence of some of the impacts of changes to traditional buildings in Conservation Areas is appended to this submission.

- **Protection of locally listed buildings from demolition** Locally listed buildings are selected by clear and proportionate criteria but can currently be demolished without an application for planning permission and under permitted development rights, prior approval for demolition cannot be refused on heritage grounds. Through local listing communities have an opportunity to have their own heritage recognised and local lists developed with and by the community, play an essential role in building and reinforcing a sense of

local character, community values, understanding and pride. The Government has recently allocated £1.5 million to support the development of these important local lists but producing the list is just the first step. Many of the buildings included could currently be demolished without any permission and most can be altered substantially without any permission. The removal or substantial alteration of a building identified as of community value through a local list should be assessed and debated through the planning process and the community should have chance to consider its retention, or its removal. The demolition of such buildings and structures without consultation and an open proper process, risks this valued part of the local heritage. Changes to and demolition of locally listed buildings should not be permitted development.

- **Resourcing Local Authorities**

For Permitted Development to operate successfully there needs to be a strong companion system of enforcement to deal with situations where work which is not permitted and requires permission but is still carried out. Many local authorities do not have adequate resources to ensure that work is Permitted or to enforce against work which is not. Development is not, and should not be, something which once is out of sight and out of mind once Permitted. Local Authorities continue to need to monitor, advise and enforce where permission would be needed. For example Conservation Officers have a role in advising about work which may be Permitted Development and in enforcing against work which requires permission and has been carried out in contravention of the legislation especially in Conservation Areas. The Institute of Historic Building Conservation (IHBC) has analysed and compared Local Authority conservation capacity in 2020 in England with that from 2006, 2009 and 2018. It found that 6% of Local Authorities now have no access to conservation advice and many others having just part time access to advice this lack of advice exposes the nation's heritage to the real risk of harm and makes the aims of obtaining the advice needed for these documents to work successfully very difficult. A loss of 48.7% of conservation provision across England since 2009 has had a devastating effect on local authorities and some may be no longer even able to carry out even their statutory conservation duties.

- Some permitted development requires certain conditions or methods of work to be carried out. In some cases this is not done and no enforcement takes place encouraging future work to be carried out wrongly. For example hard standing for parking is nearly always carried out as Permitted Development but rarely complies fully with the conditions that require it to be fully permeable or to drain to a permeable surface, or have attenuation in place in the form of a sump. Those requirements are there largely to reduce flooding, and are being widely ignored by DIYers and builders having a significant impact on runoff times.

Yours sincerely

Fiona Newton  
IHBC Operations Director

**Evidence of the Impact of Permitted Development in Conservation Areas**





The impact of replacement windows on two pairs of identical buildings

