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6HA
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23 September 2023

Dear Sir

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

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:

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?

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

Please give your reasons.

We support the general principle of design codes, which have the potential to improve the quality of new development.

If the design codes are well-drafted they may provide certainty for developers. Preparation of design codes will cause a significant amount of work for Local Authorities and it is important that suitable skills and knowledge are available to them to produce accurate and workable

design codes. If it is essentially mandatory, this could create problems in under resourced authorities and if it is not mandatory take up is likely to be limited

There is currently a widespread lack of design expertise in local authorities to produce and implement design codes, a serious shortage of people with appropriate design skills. Achieving good design requires good designers working with planners that understand design principles, in order to interpret and apply the codes.

However, such codes only provide a framework. It is important to understand historic character in the design codes Design codes only provide a framework and this is usually insufficient in relation to potential heritage impacts. Design codes produced so far, including the published national one, do not provide anywhere near sufficient detail to ensure appropriate development in conservation areas or in the settings of listed buildings. Section 72 of the Planning (Listed Building & Conservation Areas) Act applies to all planning activity, including determining applications for prior approval in conservation areas. The proposed change would sidestep this important legal duty and reduce the protection currently provided. Design codes could be seen as a rigid and strictly interpreted which could actually cause cause the system to slow down.

What will apply in the immediate period when design codes have not yet been prepared?

Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?

a) **Yes**

b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

All three groups will be affected.

Preparation of design codes will cause a significant amount of work for Local Authorities and it is important that suitable skills and knowledge are available to them to produce accurate and workable design codes. There is currently a widespread lack of design expertise in local authorities to produce and implement design codes. It is important to understand historic character in the design codes.

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

b) Remove the limit on the amount of floorspace that can change use c) No change

c) No change

d) Don't know

Please give your reasons.

High density housing can be significantly out of character in rural areas

Large scale change of Class E uses should be considered through the planning process.

This proposal would further accelerate loss of those uses which make a thriving town centre. Loss of commercial to residential can often result in significant character change, to the detriment of town centres, which can adversely affect conservation areas. Once lost to housing it is almost inevitable that buildings will not go back to commercial or other non-housing use.

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

Please give your reasons.

Three months does not seem long enough. If it is to be retained the time can be used by applicants to assemble their application.

Evidence of active marketing would show the use is no longer required. A three-month period is not long enough for changes in the market to come through. There may be there is less demand at present for business units, but that may change going forward.

Q.5 Do you think that the permitted development right (Class MA of Part 3) should apply in other excluded article 2(3) land?

a) Yes

b) **No**

c) Don't know

Please give your reasons.

Class MA permitted development even with prior approval has led to unintended poor design in conservation areas and extending this further to AONBs and National Parks may be further damaging

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

Please give your reasons.

If no, please explain why you don't think the prior approval works in practice?

The 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. Each Conservation Area is unique in character and appearance and are characterised by the use and activity of the area not just by the architectural design of the buildings within it. 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 led 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.

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?

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

Please give your reasons.

Yes, if a solid prior approval process is included in this proposal. The conversion of accommodation such as this often back to dwellings is likely to be appropriate but conversion of large hotel blocks without permission is likely to create poor quality homes and living environments.

The loss of hotel and guest houses to an area can have a negative impact on housing supply as it drives up demand for holiday lets, Airbnb's, etc., which is a large contributor to housing supply shortages, particularly in rural towns and villages. Whilst there are many occasions where this change will be acceptable this is best managed through the existing planning process.

The loss of hotels in an area traditionally used for such can lead to significant change in character in some cases, especially where this is to poorer quality bedsits and HMO type dwellings. There may be more value with a building converted to a dwelling fuelling a push to loss, without examination of the need for such accommodation, which could significantly impact on tourism. Market forces in a push for housing and profit could have significant impact on the character of areas. This may be best considered via the normal planning process

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?

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

Please give your reasons. If yes, please specify.

Introducing a prior approval process which requires demonstration that the building

- *is no longer viable for tourism use*
- *has been vacant and marketed for tourism for a specified period.*
- *creates a specified limited number of dwellings to prevent poor quality living environments and covers dwelling size, amenity space and access to natural light.*
- *applies to former dwellings but not to hotels of over a certain size.*

It is hard to see how safeguards can be added in general terms as it is likely each case will need to be considered on its own merits, in particular the degree of change already in the area, the importance of tourism, the impact of policies in the development plan which might be seeking such loss of serviced accommodation etc.

Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities?

a) **Yes**

b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

All three may be affected

Businesses could see a change in client and customer base and a loss of tourist income.

Local authorities may see an increase in fee free workload to determine such changes

Communities will be affected by the change in the character of an area.

Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?

a) Yes

b) No

c) **Don't know**

If so, please give your reasons

The number of new homes created should be less important than the quality of those homes.

Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:

a) Double the floorspace that can change use to 300 square metres b) Remove the limit on the amount of floorspace that can change use c) No change

d) **Don't know**

Please give your reasons.

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?

a) Yes

b) No

c) **Don't know**

Please give your reasons

Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:

a) Double the floorspace that can change use to 300 square metres b) Remove the limit on the amount of floorspace that can change use c) No change

d) **Don't know**

Please give your reasons.

Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement?

a) Yes

b) No

c) **Don't know**

Please give your reasons.

Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?

a) Yes

b) No

c) **Don't know**

Please give your reasons.

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?

a) Yes

b) **No**

c) Don't know

Please give your reasons.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?

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

Please give your reasons.

Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?

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

If so, please give your reasons.

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?

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

Please give your reasons.

If yes, please say which uses the right might apply to and give your reasons.

Living over town centre commercial uses creates vibrant and active town centres in the day and evening.

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?

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

Please give your reasons.

Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?

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

Please give your reasons.

Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?

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

If so, please give your reasons.

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

Variations in floorspace may help developers provide better quality housing appropriate for the development and for housing need in the area.

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

Please give your reasons.

The permitted development right has resulted in the conversion of with no architectural merit that should not be retained for future use such as steel framed portal structures.

More dwellings are likely to make it more difficult to provide sustainable quality homes.

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

Ten houses is the creation of small villages in the countryside without any suitable servicing and a major impact on the landscape.

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

Please give your reasons.

Extensions to agricultural buildings are be inappropriate and out of character. Extending an agricultural building is better controlled through the full planning process.

The Class Q permitted development right is not currently working well and is not fit for purpose.

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

Please give your reasons.

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

Please give your reasons.

37m2 is not a large floor area and providing quality housing is often going to be difficult to provide in less.

Q.31 Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?

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

Please give your reasons.

The development of agricultural buildings in the countryside leads to homes in areas with no amenities, particularly in our article 2(3) land, which is often the least developed. The urbanisation of our countryside and the harm to its character and sensitive natural environments would be disproportionality high compared to the houses it would create. Furthermore, these will tend to be high-value properties, not the desired affordable housing. Given that this harm would occur in our most cherished landscapes, there is insufficient justification for extending the permitted development rights in the area; this is best managed through the planning process. It accounts for such a small proportion of applications that making this Permitted Development would be unlikely to alleviate any pressure on Local Planning Authorities.

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

Please give your reasons.

The development of agricultural buildings in the countryside leads to homes in areas with no amenities, particularly in our article 2(3) land, which is often the least developed. The urbanisation of our countryside and the harm to its character and sensitive natural environments would be disproportionality high compared to the houses it would create. Furthermore, these will tend to be high-value properties, not the desired affordable housing. Given that this harm would occur in our most cherished landscapes, there is insufficient justification for extending the permitted development rights in the area; this is best managed through the planning process. It accounts for such a small proportion of applications that making this Permitted Development would be unlikely to alleviate any pressure on Local Planning Authorities.

Q.33 Are there any specific uses that you think should benefit from the right?

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

If yes, please give examples of the types of uses that the right should apply to.

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

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

If yes, please give examples of the types of uses that the right should not apply to.

Buildings which create genuine commercial farm diversification.

Q.35 Do you agree that the right be amended to apply to agricultural buildings that are no longer part of an agricultural unit?

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

Please give your reasons.

This encourages unsustainable countryside development. It would also would require evidence of previous agricultural use to be provided.

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

Please give your reasons.

Generally there should be existing access to prevent extensive additional development by creating access to remote locations. However small new access ways may be appropriate especially where the reuse of the building retains something of historic or architectural character or creates development of a high standard.

Once an access is created it becomes subject to highways requirements which will create hard engineered access ways in areas where it is not suitable or appropriate. Even when hard landscaping needs permission in practice, it will be hard to refuse this. Accessways can be safe without being highly engineered

Q.37 Do you have a view on whether any changes are required to the scope of the building operations permitted by the right?

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

Please give your reasons.
If yes, please provide details.

Conversion should only be carried out to buildings which are capable of conversion without substantial rebuilding. Many buildings are proposed to be converted and then are rebuilt completely during the works.

There is a lot of pressure to rebuild for VAT purposes and the general cost of construction versus conversion. The current system that favours reuse is much better at protecting our historic environment. We should also be moving away in general from demolition and rebuilding making use of the structures we have and the embodied carbon within that structure.

Q.38 Do you have a view on whether the current planning practice guidance in respect of the change of use of agricultural buildings to residential use should be amended?

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

Please give your reasons.

If yes, please provide details of suggested changes.

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

Please give your reasons.

The development of agricultural buildings in the countryside leads to homes in areas with no amenities, particularly in our article 2(3) land, which is often the least developed. The urbanisation of our countryside and the harm to its character and sensitive natural environments would be disproportionality high compared to the houses it would create. Furthermore, these will tend to be high-value properties, not the desired affordable housing. Given that this harm would occur in our most cherished landscapes, there is insufficient justification for extending the permitted development rights in the area; this is best managed through the planning process. It accounts for such a small proportion of applications that making this Permitted Development would be unlikely to alleviate any pressure on Local Planning Authorities.

If yes, please specify which uses.

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**

Please give your reasons If yes, please specify.

Q.41 Do you think that any of the proposed changes in relation to the Class Q permitted development right could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.42 Do you think that changes to Class Q will lead to the delivery of new homes that would not have been brought forward under a planning application?

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

Please give your reasons.

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

Please give your reasons.

If yes, please specify which uses.

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

Please give your reasons.

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

Please give your reasons.

To support farm diversification processing and selling far produce on site but subject to amenity, trading restrictions and environmental health controls through prior approval

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*

Please give your reasons.
If yes, please specify which uses.

Could an unintended consequence of this lead to conversion/change of use of existing buildings in one rural commercial use and then applications coming forward for a new building for the same use. It is not uncommon for a prior approval for a change of use of a building to be submitted saying the building is redundant for that use and then for a full planning application to be submitted later for a new building for the original use.

Q.47 Do you agree that the right be amended to allow for a mix of the permitted uses?

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

Please give your reasons.

This would be better handled through the submission of planning applications allowing the proper consideration of all issues. Prior approval submissions have a relatively short handling timescale and it is likely that complex issues like this are unlikely to come in with sufficient detail and consequently be refused.

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

Please give your reasons.

Q.49 Is the trigger as to whether prior approval is for required set at the right level (150 square metres)?

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

Please give your reasons.
If not, please say what it should be, and give your reasons.

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*

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

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

Please give your reasons.

A building of this size is unlikely to be appropriately scaled to sit alongside traditional buildings and other existing rural buildings. A building of such size should be controlled by planning permission.

Q.52 Do you agree that we remove the flexibility for extensions and the erection of new buildings where there is a designated scheduled monument?

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

Please give your reasons.

Designated heritage should not be impacted directly or by its setting. No flexibility should be allowed in and around Scheduled Monuments but also Listed Buildings. The impact of any proposed change of use on the setting of listed building or conservation areas should be a consideration. Section 66 of the Listed Buildings and Conservation Areas Act is bypassed by this proposal with regard to setting. There should not be a conflict between primary legislation and other legislation and 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

Please give your reasons.

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

Please give your reasons.

Q.55 Do you agree that we remove the flexibility for extensions where there is a designated scheduled monument?

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

Please give your reasons.

Designated heritage should not be impacted directly or by its setting. No flexibility should be allowed in and around Scheduled Monuments but also Listed Buildings. The impact of any proposed change of use on the setting of listed building or conservation areas should be a consideration. Section 66 of the Listed Buildings and Conservation Areas Act is bypassed by this proposal with regard to setting. There should not be a conflict between primary legislation and other legislation and policy.

Q.56 Do you think that any of the proposed changes in relation to the Part 6 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

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

Please give your reasons.

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

Please give your reasons.

Buildings of this size are likely to be out of character with the area and existing buildings. New uses are likely to generate uncontrolled harm to others in the area including noise, pollution, amenity, traffic etc.

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

Please give your reasons.

Buildings of this size are likely to be out of character with the area and existing buildings. New uses are likely to generate uncontrolled harm to others in the area including noise, pollution, amenity, traffic etc. Whilst such use in existing building might be acceptable, this will have been either longstanding or subject to a planning application.

Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:

- a) *28 days per calendar year (in line with other uses permitted under the right)*
- b) A different number of days per calendar year
- c) No change
- d) Don't know

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?

28 days would provide consistency.

Differentiation between markets and car boot sales would be useful

Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.63 Do you agree that the existing Class M of Part 7 permitted development right is amended to additionally apply to open prisons?

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

Please give your reasons

Q.64 Do you agree that there should be a prior notification process where the development under the Class M of Part 7 right is being used for open prisons?

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

Please give your reasons

Q.65 Do you think that the proposed changes to the Class M of Part 7 permitted development right in relation to open prisons could impact on: a) businesses b) local planning authorities c) communities?

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

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

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

Q.67 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.68 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

Poor quality homes and living environments are being created as a result of recent permitted development rights especially the introduction of E class. Permitted conversion especially of office to residential has 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.

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.

Q.69 Would a specific and focused permitted development right expedite or resolve a specific delivery challenge for nutrient mitigation schemes?

Q.70 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to nature-based solutions.

Q.71 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

Q.72 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Q.73 Would you propose different solutions for different sized agricultural units?

Q.74 Do you foresee any unintended negative consequences that may result from more nature-based solutions coming forward (e.g., impacts to other species, flood risk, wildfire risk, risk to public safety, releasing contaminants from contaminated land or hydrology etc.)? How could these be avoided?

Q.75 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.76 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

Q.77 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to slurry stores or lagoons and small-scale reservoirs.

Q.78 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

Q.79 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Conservation Area Appraisals are an existing and established way of managing an area by understanding its form, function and character and then incorporating design codes with formal status and which are firmly linked to the Local Development Framework.

Q.80 Would you propose different solutions for different sized agricultural units?

Q.81 Do you foresee any unintended negative consequences that may result from more farm efficiency projects coming forward (e.g., impacts on nutrient pollution, protected sites or hydrology)? How can these be mitigated?

Q.82 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.83 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

Q.84 Are there any other diversification projects which have not been covered in this call for evidence or the wider consultation, that you wish to provide evidence for? If so, please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing.

Q.85 Would these issues be resolved by amending existing permitted development rights, or any other solutions?

Q.86 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Q.87 Would you propose different solutions for different sized agricultural units?

Q.88 Do you foresee any unintended negative consequences that may result from more farm diversification projects coming forward? How can these be mitigated?

Yours sincerely

Fiona Newton
IHBC Operations Director