



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Sirs		
<b>IMPROVING PERMITTED DEVELOPMENT</b>		

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.

The Institute understands the desire to reduce the burden on local planning authorities by removing the requirement for planning permission for a range of minor developments.

However, we are concerned that most of the proposals for extended permitted development rights have the potential to work against the Government's policy objective of improving design standards in the public realm. The developments proposed for relaxation of control relate, on the whole, to buildings which enjoy public attention whether as public facilities or buildings in which people work and shop. They are thus more prone to public attention than, for example, domestic properties.

Whilst we support the proposals for relaxing Article 4 procedures, we think that the workload reductions for LPAs will be considerably undermined if many of them feel they must apply Article 4 to the new classes of permitted development, particularly if they have to do this repeatedly over a series of conservation areas.

We think it would be more appropriate, therefore, for the revised GPDO to disapply all the new provisions in conservation areas, World Heritage sites and other Article 1(5) land, not just those relating to shopfronts and ATMs.

Our responses to the questions posed by the Consultation are as follows.

**1. What are your comments on the proposals for shops?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**2. What are your comments on the proposals for offices?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**3. What are your comments on the proposals for institutions?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**4. What are your comments on the proposals for schools?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**5. What are your comments on the proposals for industry and warehousing?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**6. Should permitted development be expanded to include air conditioning units?**

No, but in any event we think that the provisions should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**7. Given Government objectives on climate change mitigation and adaptation, what impact do you think expanding permitted development rights to include air conditioning units would have on:**

- a. the take up of air conditioning units;**
- b. the energy efficiency and carbon footprints of buildings;**
- c. the ability of residents and businesses to meet future carbon budgets; and**
- d. the impact upon alternative means of dealing with extreme temperatures, e.g. passive cooling.**

We have misgivings about this proposal as it runs against the Government's own targets for reducing energy use in buildings. We have no information on the numbers of applications which might be involved. We suggest that rather than relaxing the planning regime on air conditioning units, the Government should introduce a requirement to submit an analysis of the cooling needs of the building, the reasons why passive cooling measures are inappropriate and the predicted annual cost (in both energy and financial terms) of running the proposed unit with the relevant planning application. It would be hoped that this would, at least, avoid the installation of units in other than essential cases.

**8. In the event that air conditioning units were to be made permitted development, do you agree with the limitations proposed? If not, what would you suggest? Are there any other issues that should be considered?**

The noise limit is set too high. 40dB is a level that can be intrusive at night with windows open in many locations. This is important because it is just such conditions in which air conditioning units are likely to be running. The limit should be 30dB 10pm to 7am.

**9. What are your views on the proposed prior approval regime?**

We would like to see this apply to all the proposed provisions in conservation areas, World Heritage Sites and other Article 1(5) land should PD rights be allowed, although we would prefer not to see such rights at all.

**10. What are your comments on the proposals for shopfronts?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**11. What are your comments on the proposals for ATMs?**

We think that they should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**12. Do you agree that shops, offices, and institutions should be allowed to lay up to 50 square metres of permeable hard-surfacing as permitted development?**

We think that the provisions should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land.

**13. Do you agree that industry's current permitted development right to lay an unlimited amount of hard-surfacing should be amended so that industry should be able to lay an unlimited amount of hard-surfacing provided provision is made for surface-water to drain to a permeable area (unless there is a risk of contamination in which case hard-surfacing would have to be impermeable)?**

We think that this should not apply to the curtilages of listed buildings, conservation areas, World Heritage Sites and other Article 1(5) land. The proviso undermines the water management objective of the proposal as a whole as who is judge the risk. This gives the indication that the relaxation is an inappropriate one.

**14. Do you think that the proposed changes to Article 4 Directions represent a sensible balance between freeing up opportunities for low impact development and protecting areas which need special protection?**

Whilst we support the proposals for relaxing Article 4 procedures, we think that the workload reductions for LPAs will be considerably undermined if many of them feel they must apply them to the new classes of permitted development, particularly if they have to do this repeatedly over a series of conservation areas. This is why we suggest that the provisions as a whole should not apply to such areas.

**15. Do you think that Section 189 of the Planning Act 2008 (which limits LPA liability to compensation to 12 months following local restriction of national permitted development rights) should apply to Article 4 Directions made in respect of non-domestic permitted development rights?**

Yes.

**16. Do you agree that LPAs should be able to make Article 4 Directions without the approval of the Secretary of State?**

Yes. We would like to see this arrangement applied to all aspects of Permitted Development.

**17. Do you agree that LPAs should be required to consult before making Article 4 Directions?**

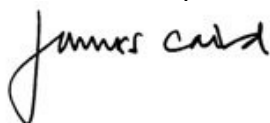
Yes.

**18. Do you agree that the notification requirements are appropriate and allow owners/occupiers to be informed whilst allowing an LPA to act quickly if necessary?**

We agree with the proposals to leave the matter in the hands of LPAs. Any requirement to notify should not be absolute. We would not wish to see Article 4 Directions fail for technical fault of due process and would encourage a "best endeavours" approach to notification with site notices as a fall-back position.

The Institute hopes that these comments are useful.

Yours faithfully

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

James Caird  
Consultant Consultations Co-ordinator