

Office of the Deputy Prime Minister

RESEARCH STUDY ON PERMITTED DEVELOPMENT RIGHTS

1. Name of Organisation/Department

Institute of Historic Building Conservation (IHBC)

2. How do permitted development rights¹ relate to your organisation's/members' interests?

The Institute of Historic Building Conservation is the professional institute, which represents conservation professionals in the public and private sectors in the United Kingdom and the Republic of Ireland. It has around fourteen hundred members divided between fourteen branches. The Institute exists to establish the highest standards of conservation practice and to support the effective protection and enhancement of the historic environment.

3. To what extent do permitted development right issues affect you or your members' activities/interests?

Not much effect	
Fairly important	
Important	
Critical	X

4. Please indicate which parts of the GPDO or permitted development rights cause most problems/adverse effects for your organisation/members?

Part 1: Development within the curtilage of a dwelling house	X
Part 2: Minor Operations	X
Part 3: Changes of use	X
Part 4: Temporary buildings and uses.	
Part 5: Caravan sites.	
Part 6: Agricultural buildings and operations.	
Part 7: Forestry buildings and operations.	
Part 8: Industrial & warehouse development	
Part 9: Repairs to unadopted streets and private ways.	X
Part 10: Repairs to services.	X
Part 11: Development under local or private acts or orders	
Part 12: Development by local authorities	X
Part 13: Development by local highway authorities	X
Part 14: Development by drainage bodies.	
Part 15: Development by the Environment Agency.	
Part 16: Development by or on behalf of sewerage undertakers.	X
Part 17: Development by statutory undertakers - Railway/light railway undertakings	X
- Docks, harbours, canals, inland navigation etc.	
- Works to inland waterways	X
- Dredgings	
- water/hydraulic power	
- Gas suppliers	X
- electricity undertakings	X
- Tramway/road transport undertakings	
- Lighthouse undertakings	
- Post Office	X
Part 18: Aviation development.	
Part 19: Development ancillary to mining operations.	
Part 20: Coal mining development by the Coal Authority/operators.	
Part 21: Waste tipping at a mine.	
Part 22: Mineral exploration.	
Part 23: Removal of material from mineral-working deposits	
Part 24: Development by telecommunications code system operators	X
Part 25: Other telecommunications development.	X
Part 26: Development by the Historic Buildings & Monuments Commission.	
Part 27: Use by members of certain recreational organisations.	
Part 28: Development at amusement parks.	
Part 29: Driver Information Systems.	
Part 30: Toll Road facilities.	
Part 31: Demolition of buildings.	X
Part 32: Schools, colleges, universities and hospitals.	
Part 33: Closed circuit television cameras.	X
The Articles	
Definitions	
Conditions	

5. **Please describe the kinds of problems/impacts experienced by your organisation/members from current permitted development rights or their deficiencies. Please include examples of any adverse consequences continuing on extra sheet if required.**

Alterations to dwelling houses (Part 1) can cause significant harm to the character and appearance of historic buildings and conservation areas. Members of the public are often shocked at the level of harm that can be caused in Conservation Areas under permitted development rights. They are also often mystified to find that householders are exempt from control, but those who live in flats are not. Article 4 Directions can provide additional protection, but are complex, time-consuming and confusing to the public. Conservation Area designations should introduce standard controls to provide the degree of protection expected by the public. Windows, brickwork, chimneys, roofs etc should be protected as a matter of course by the Conservation Area status. This would result in a more simple, uniform and customer-focused system.

Streetworks by highway authorities or other statutory undertakers can cause damage to historic ground surfaces unless great care is taken to reinstate the surfaces using the original materials and appropriate laying techniques.

Alterations required to comply with non-historic building regulations can be harmful to historic buildings. There is clearly a need here for liaison between different regulators and strong joined-up government.

Statutory undertakers are often insensitive to the interests of the historic environment.

6. **If not already covered above, please indicate any problems in relation to these aspects of the GPDO**

Definitions
Conditions
Limitations on development e.g. size limits
Prior Approval procedures

7. **For each category below, please indicate by ticking the relevant box whether specific types of permitted development rights are too strict, too loose/generous or about right.**

NB. The responses to this section relates to development in conservation areas

Categories	Too strict	Too loose	About right	No view
Part 1: Development within the curtilage of a dwelling house		X		
Part 2: Minor Operations		X		
Part 3: Changes of use.		X	X	
Part 4: Temporary buildings and uses.			X	
Part 5: Caravan sites.				
Part 6: Agricultural buildings and operations.				
Part 7: Forestry buildings and operations.				
Part 8: Industrial & warehouse development			X	
Part 9: Repairs to unadopted streets and private ways.		X		
Part 10: Repairs to services.		X		
Part 11: Development under local acts or orders				
Part 12: Development by local authorities				
Part 13: Development by local highway authorities		X		
Part 14: Development by drainage bodies.				
Part 15: Development by the Environment Agency.				
Part 16: Development by or on behalf of sewerage undertakers.		X		
Part 17: Development by statutory undertakers (please specify which below)		X		
Part 18: Aviation development.				
Part 19: Development ancillary to mining operations.				
Part 20: Coal mining development by the Coal Authority / licensed operators.				
Part 21: Waste tipping at a mine.				
Part 22: Mineral exploration.				
Part 23: Removal of material from mineral-working deposits				
Part 24: Development by telecommunications code system operator.		X		
Part 25: Other telecommunications development.		X		
Part 26: Development by Historic Buildings & Monuments Commission				

Part 27: Use by members of certain recreational organisations.				
Part 28: Development at amusement parks.				
Part 29: Driver Information Systems.				
Part 30: Toll Road facilities.				
Part 31: Demolition of buildings.				
Part 32: Schools, colleges, universities and hospitals.				
Part 33: Closed circuit television cameras.				

8. **If you indicated above that some permitted development rights are too generous, or you feel there are some anomalies or loopholes which need closing, please provide details of these below:**

To solve the problem of harmful alterations in conservation areas, referred to at Question 5 above, the GPDO needs to make explicit that the replacement of doors and windows and external materials – especially roof coverings - would not be permitted for Article 1(5) land. Article 1(5) land should also be added to the exclusions for Part 1 Class D (porches). For Class H (satellite dishes), make part (d) exclude all work to any building. Part 2 Class A should exclude all walls, gates, etc in Article 1(5) land. Part 2 Class C should exclude painting in Article 1(5) land.

Part L of the Building Regulations has extended controls over private properties in the wider public interest (energy efficiency) but has made special exemptions for the historic environment. Now is the opportunity to achieve clarity, consistency and joined up government by limiting permitted development rights so that the categories given special consideration under Part L (buildings in conservation areas, buildings of special local interest identified in the development plan, etc) are given proper consideration within the planning system.

9. **If you feel that some permitted development rights are too strict, please provide details of any excessive restrictions/limits etc below:**

10. **Should the GPDO extend permitted development rights to more categories of development or less ? Please specify which types this should apply to and why:**

More **Less**

Less in conservation areas, as discussed at questions 5 and 8 above.

11. **Are permitted development rights applying in these categories of land too strict, too loose or about right?**

	Too Tight	Too loose	About right	No view
Article 1(4) land—certain counties where satellite antennae are restricted				
Article 1(5) land – National Parks, AONBs, conservation areas, the Broads etc		X		
Article 1(6) land – National Parks and fringe areas with more restrictions on agricultural/forestry buildings				

If any changes are needed, please describe these below.

See Question 8 above.

12. **How do you rate the GPDO in terms of ease of understanding/interpretation?**

No difficulties	
Difficult in parts	X
Generally difficult	
Very difficult	

13. **Which parts of the GPDO do you have most difficulty interpreting and why? (see list in Q4)**

Part 1 is a major problem. The DC Casebook Editors and the pages of Planning constantly highlight problems of interpretation stemming from the way in which it is framed.

Part 24 is very difficult to interpret.

14. **What guidance/legal commentary, if any, do you use to help interpret the GPDO and is this adequate?**

15. **If needed, how do you think the GPDO could be made easier to understand and use ?**

The review of the GPDO should be aligned with the Government's agenda on e governance. Many local authorities are trying to develop clear advice on PD on their own web sites. The Government should also publish clear and accessible advice on what requires consent and what does not. The use of more standardised control regimes, for example in conservation areas, would make this task much easier, and would enhance public understanding.

16. **Should the scope or procedures for prior approval/notification in the GPDO be altered ?**

Yes

If yes, please explain how and for what types of permitted development.

Telecom development is often problematic.

17. If your organisation operates any code of practice in relation to works under permitted development rights, please describe this below:

18. Have you/your members sought compensation for development prevented by an Article 4 direction? If Yes, please provide details e.g. type of development, amount of compensation etc:

19. Have you encountered any problems where permitted development rights are removed by the need for environmental impact assessment? If Yes, explain what these are, using extra page if needed:

20. Are Article 4 directions being used properly to restrict permitted development rights in some situations? If not, how could the current situation be improved? Yes No

No. They are too complex. They are far to time consuming to formulate gain approval for. They are confusing to the public, and introduce inconsistency between different areas. This can result in political difficulties. In practice, the same kinds of works tend to be harmful in all conservation areas. It would be far easier and more sensible for the conservation area designation itself to uniformly restrict permitted development rights. The Article 4 procedure is needlessly complicated, time consuming, and wasteful. Due to limited resources. many local authorities lack adequate Article 4 coverage and this is resulting in considerable damage to conservation areas.

21. What, if any, problems have you encountered with any other of the GPDO "Articles"?

22. What do you see as the main benefits/drawbacks of permitted development rights?

	Benefit	Drawback	Neither
help speed up planning decisions	X		
reduce pressures on planning system	X		
aid delivery of local policy aims		X	
aid delivery of Government objectives		X	
impact on quality of built environment/streetscape		X	
impact on quality of rural environment		X	
give greater certainty to developers/operators/statutory undertakers	X		
others – please specify			

23. Are there any inconsistencies between the GPDO and Government aims and guidance? Yes No

If Yes, please provide examples of these and explain how they could be rectified.

The Government's policies to preserve and enhance conservation areas, and to encourage good design are incompatible with permitted development rights. Permitted development rights where inappropriately applied place the short-term convenience of the land owner or operator over the public interest.

24. If you feel that some aspects of permitted development rights hinder the delivery of Government policy in its widest sense, please explain below

They can contribute to the creation of a degraded environment which harms the image of places and works against the wider economic and social interest.

25. Overall, how do you feel about how well the GPDO currently operates and the need for changes to it?

Operates well - no changes needed	
Only needs to be made easier to use/interpret	
About right - minor changes needed to permitted development rights	
Significant tightening needed of permitted development rights	X
Significant relaxation needed of permitted development rights	
Complete revision needed	

26. If changes are needed to the GPDO, what specific changes would you propose and why?

Tighten up permitted development rights generally for conservation areas.

Planning permission should be required for all kinds of demolition, as an engineering operation (in addition to the controls already existing for listed buildings and in conservation areas). Demolition can result in significant harm to the environment, townscape, image of an area, and local economy.

There needs to be a balance between the rights of the individual property owner on the one hand, and ensuring

good neighbourliness and the wider public interest on the other.

27. **Have you any comments on how local planning authorities deal with permitted development rights issues ?**

In many instances, Article 4 procedures are neglected due to resource limitations.

28. **Would you be willing to be interviewed to discuss permitted development issues further?** Yes

If Yes, please provide the name of a contact person and telephone no. or e-mail address

Name: Dave Chetwyn IHBC Consultations Secretary	Tel No/E-mail 01782 232136 dave.chetwyn@stoke.gov.uk
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Thank you. Please return the questionnaire in the stamped addressed envelope by 19 July to Chris Creighton at Nathaniel Lichfields & Partners, 14 Regents Wharf, All Saints Street, London N1 9RL or fax to 020-7837-2277 (For an electronic version of this questionnaire contact us at ccreighton@lichfields.co.uk)

If any major issue has not been covered or to make any additional comments, please use the attached page

It is essential to appreciate how much more effective, less difficult to understand and administer, and more comprehensible to the public the GPDO and permitted development would be if changes were clear and aimed at simplification, rather than having different exemptions in different areas under Article 4. More robust and standardised regulations can be less bureaucratic.

Town & Country Planning (General Permitted Development) Order

Articles
Definitions
Conditions
Prior approval procedures
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Part 2: Minor Operations
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- Works to inland waterways
- Dredgings
- Gas suppliers
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- Tramway/road transport undertakings
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Part 23: Removal of material from mineral-working deposits
Part 24: Development by telecommunications code system operator.
Part 25: Other telecommunications development.
Part 26: Development by the Historic Buildings & Monuments Commission for England.
Part 27: Use by members of certain recreational organisations.
Part 28: Development at amusement parks.
Part 29: Driver Information Systems.
Part 30: Toll Road facilities.
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