



Public Service and Permitted  
Development Consultation  
Ministry of Housing, Communities  
and Local Government  
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Wiltshire  
SP3 6HA  
Consultations@ihbc.org.uk

27 January 2020

PublicServiceInfrastructure&PermittedDevelopmentConsultation@communities.gov.uk

**Dear Sir**

### **IHBC Response to Supporting housing delivery and public service infrastructure**

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.

IHBC is very pleased to have the chance to comment on the consultation document. The Institute's comments are included in the response form attached but we would also comment as follows:

We do not support the introduction of the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)

The change of town centre uses to residential will not support the future of town centres, it will cause harm to their character, diversity and economic viability.

The pandemic and the associated lockdown measures have caused serious harm to retail, hospitality and cultural venues. The new permitted development rights will make 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 will be threatened by poor quality or unsympathetic developments and alterations.

The new E Use Class already allows ground floor units in high streets to change to uses not open to the public (such as former B1 uses) which works against the vibrancy of high streets and causes dead spots. This new permitted development right to allow ground floor units in high streets to change to dwellings will further exacerbate 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 unchecked introduction of residential uses into commercial areas can further compromise existing commercial uses, especially those associated with the night economy.

It is likely poor quality homes and living environments will be created as a result of these proposals. Already permitted conversion of office to residential conversions has created poor quality residential environments. This proposal 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.

Yours sincerely

Fiona Newton  
IHBC Operations Director

# Supporting Housing Delivery & Public Service Infrastructure

## About this Consultation

This consultation document and consultation process have been planned to adhere to the consultation principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included on the next page.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

**Please confirm you have read this page. \***

Yes	X
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# Privacy Notice

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

## **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

## **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## **3. Our legal basis for processing your personal data**

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

## **4. With whom we will be sharing your personal data**

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

## **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for 2 years from the closure of the consultation

## **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

## **7. Storage of your personal data**

We are using SmartSurvey to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.

If you submit information to this consultation using our third-party survey provider, it will be

moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).

**8. Your personal data will not be used for any automated decision making.**

**Please confirm you have read this page. \***

Yes	X
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# Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

**First name \***

Fiona

**Last name \***

Newton

**Email address**

consultations@ihbc.org.uk

**Are you responding on behalf of an organisation or as an individual? \***

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

**Organisation (if applicable)**

Institute of Historic Building Conservation

**Position in organisation (if applicable)**

Operations Director

**Please indicate whether you are replying to this consultation as a: \***

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input checked="" type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input type="checkbox"/>
Private individual	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>

**Please indicate which sectors you work in / with (tick all that apply): \***

Education section	
Health sector	
Prison sector	
None of the above	X

# Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

**Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

We object to this proposed change to permitted development rights in principle

**Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?**

Agree	X
Disagree	
Don't know	

Please give your reasons:

**Q2.2 Do you agree that the right should apply in conservation areas?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

Whilst accepting the proposal contains a requirement for prior approval to consider the impact of proposals in conservation areas we do not consider this is enough to prevent damaging changes in conservation areas. The historic character within our conservation areas which is so important to the economy and to people's quality of life and well-being will be threatened by poor quality or



unsympathetic developments and alterations.

**Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

If such a change is made despite objections then the impact of all proposals should be considered not just those in conservation areas.  
The changes to shopping habits which had already taken place and then accelerated by the pandemic may, ultimately, require the reduction of retail areas. But any constriction of high street uses should not be random and opportunist but planned strategically to allow for change of use where change will not be harmful to the vitality of the core area or existing commercial uses. Diversification of public access uses should be the aim in key areas over possibly damaging change of use to residential. The change of town centre uses to residential will not support the future of town centres, it will cause 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.

**Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

**Q3.2 Are there any other planning matters that should be considered?**

Yes	X
No	
Don't know	

Please specify:

This proposal 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 to allow for change of use where change will not be harmful to the vitality of the core area or existing commercial uses.

**Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?**

Agree	X
Disagree	
Don't know	

Please give your reasons:

**Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?**

Yes	
No	
Don't know	X

Please give your reasons:

**Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?**

Yes	X
No	

Please specify:

We do not support the introduction of the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)

The change of town centre uses to residential will not support the future of town centres, it will cause harm to their character, diversity and economic viability.

The pandemic and the associated lockdown measures have caused serious harm to retail, hospitality and cultural venues. The new permitted development rights will make 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 will be threatened by poor quality or unsympathetic developments and alterations.

The new E Use Class already allows ground floor units in high streets to change to uses not open to the public (such as former B1 uses) which works against the vibrancy of high streets and causes dead spots. This new permitted development right to allow ground floor units in high streets to change to dwellings will further exacerbate 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 unchecked introduction of residential uses into commercial areas can further compromise existing commercial uses, especially those associated with the night economy.

It is likely poor quality homes and living environments will be created as a result of these proposals. Already permitted conversion of office to residential conversions has created poor quality residential environments. This proposal 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 will outprice local town centre commercial uses making them no longer viable.

**Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

Yes	X
No	
Don't know	

If so, please give your reasons:

The proposals will

- Fragment town centres
- Damage town centre vitality and viability
- Impact negatively on remaining commercial uses especially those related to the night time economy.  
Damage historic character within conservation areas which is so important to the economy and to people's quality of life and well-being

- Prevent future commercial revitalisation once changes have been made.

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

Yes	X
No	
Don't know	

If so, please give your reasons:

Local town centre facilities are often especially important to the elderly and disabled.