

## **Decision under Delegated Powers**

### **Officer Requesting Decision**

Local Plans Team Leader

### **Officer Making the Decision**

Head of Planning and Regeneration

### **Recommendation**

That the attached response to the Government's consultation on changes to Permitted Development Rights be submitted to DLUHC.

### **Reason**

The Government is seeking views on proposed changes to a number of permitted development rights that allow certain existing buildings to change to residential use without requiring a full planning application. This includes the rights that allow the change of use of buildings within the commercial, business, and service use class and of agricultural buildings to dwellinghouses.

The consultation contains proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015. It covers the following areas:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of and to allow markets to operate for more days.
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

A full response to the questions is set out in an appendix below.

While there could be some benefits to the proposed changes such as encouraging changes of use of unused or underperforming buildings in town centres to bring them back into productive use, nevertheless there are some real concerns that the proposals could impact on the vitality and viability of town centres, while in rural areas

the proposed changes could lead to unsustainable development as a result of sporadic development rather than a planned approach to concentrate development in centres of population which provide a greater range of services and facilities.

The Lead Member was consulted on the proposed response but made no comments.

### **Authority for Decision**

Heads of Service have delegated authority to respond to consultation documents in relation to those Council functions for which he or she has responsibility, in consultation with the relevant Lead Member.

### **Decision and Date**



26 September 2023

### **Comments from HR**

The report has no HR implications

### **Financial Implications**

There are no financial implications associated with this decision.

### **Risk Management**

No specific risks have been identified with this report.

### **Key Decision: No**

**Background Papers:** Charnwood Borough Council Response to Government Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons.

## Appendix: Consultation Response

### Design Codes

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.

No – prior approvals for design and external appearance in existing permitted development rights should be considered alongside design codes where they are in place locally. This is so that each proposal can be considered on a case by case basis taking account of local circumstances. A variation in the scope of prior approval on design matters amongst local authorities does not mean that the process itself should be changed. We would urge caution in the introduction of blanket approaches as the essence of the planning system is to consider each case on its own merits.

Development under design codes, rather than through consideration of design within the prior notification process, runs the risk of resulting in generic development across the borough. Charnwood's current Design Supplementary Planning Document does not provide specific 'guidance' on each area of the borough and so we assume that something to a much greater detail would be required for this 'design code' replacement to be fit for purpose. There would also need to be scope for local planning authorities to refuse an application on design terms, which still requires consideration of the design within the prior approvals process.

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.

There is potential for the proposed changes to impact on local authorities by requiring additional resources to implement the principles of the design code and to monitor that they are being adhered to. There could also be potential cost implications for businesses depending on the standards set out in individual design codes. If an assessment as to whether the proposal adheres to the design code will still be required within the prior approval process, then this may not free up officer time or speed up the process, which we assume is what this is intended to do.

### Housing

*Commercial Business and Service uses to dwellinghouses*

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**
- d) Don't know

Please give your reasons.

We fully accept that town centres are facing challenges as a result of the loss of retailing due to economic factors and changes in customer behaviour. Maintaining their vitality and viability is therefore a key issue for planning. While we accept that residential uses can play a useful role in maintaining the sustainability of town centres we also recognise that what makes successful town centres is the mix of uses including retailing, hospitality and leisure uses. Town centres will cease to become attractive destinations if residential uses are over provided for to the detriment of other uses. Residential use must be compatible and supportive of other town centre uses.

We agree that amending the amount of commercial, business and service floorspace that can change to residential use under permitted development rights will help to provide greater flexibility for owners and improve housing delivery however, there needs to be requirements in place locally to ensure that the right balance is effectively struck between housing and employment and commercial needs and to ensure that employment and commercial uses are not unnecessarily displaced. This balance is not something that can be addressed on a national scale with blanket PD changes, and requires consideration on a case by case basis at the local level.

The Consultation Document refers to 1,500 square metres as providing for 20 2 bed homes (Para 21). This sounds rather simplistic as it is the suitability of the building for residential use that is most important. Merely applying an equation in this way is unhelpful as it will not ensure the creation of attractive, well designed residential buildings which are integrated with their surrounding environments. We would not agree that increasing the size threshold would help to achieve the full range of planning objectives.

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.

No, we do not agree that the vacancy requirement should be removed. A period of three continuous months is a relatively short period of time and allows for the premises to be marketed to other businesses. Removing this vacancy requirement is likely to

lead to an increase in displacement of viable town centre businesses to pave the way for more profitable residential schemes, thereby creating a town centre which is unfit for purpose. It is not clear why the Government believes that this requirement may be ineffective.

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.

We agree that town centres and high streets should be able to respond more effectively to changes in consumer behaviour. This could help to ensure their longer-term viability and make an important contribution housing delivery and high street diversification, but careful consideration will need to be given on a case by case basis.

Many town centres have experienced a significant growth in the provision of residential accommodation for students and young people. While this can help to support town centre uses, and has arisen from a market demand, nevertheless it is one section of the population that has been provided for, and the provision of accommodation for the elderly has been more limited.

Article 2(3) land is defined in Part 1 of Schedule 1 to the General Permitted Development Order as conservation areas, areas of outstanding natural beauty, areas designated under s.41(3) Wildlife and Countryside Act 1981, National Parks, the Broads and World Heritage Sites. These are all areas where new residential development needs to be treated with great sensitivity. As a result extending the permitted development right into these areas would be inappropriate and could lead to insensitive development of these protected areas.

Paragraph 27 of the Consultation states that "the right could be acceptable in these areas as it allows only for the change of use and does not permit any operational or building works that would impact on the appearance of the premises". Having regard to the appearance of a building is clearly a central consideration but so too is the functioning of that building and the role it performs in the wider community.

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?

We would assume that this still facilitates the change of use to residential use provided that there is no harm to heritage assets and so is preferable in affording the local planning authority control over development whilst allowing development to take place.

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.

Agree that in some areas of high housing need, these buildings could better serve their local communities if repurposed as housing, however, it will be important to ensure that this change to permitted development right does not result in the long-term loss of accommodation for the tourism industry and as a result a fall in footfall and economic activity. It is unclear how this could be avoided unless the local planning authority is given the consideration that would be afforded through a full application.

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.

Specific matters which should be considered include, the impact on the local tourism industry including neighbouring uses; sustainability of location for residential development; other listings which relate specifically to a building or area for example listed building and conservation area; and housing mix because a range of house sizes is required to cater for a diverse housing market and to provide levels of affordability. It will be important that any change of use is able to meet a specific local need.

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.

The proposed change could impact on local businesses by reducing the amount of footfall generated by tourism accommodation. A reduction in the availability of tourist accommodation in locations close to tourist attractions could result in people having to travel further and opting for less sustainable ways to travel, for example, by private

car. This could also increase the demand for car parking in town centres and on local high streets.

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.

It is possible that changes to Class MA could lead to the delivery of new homes that would not have been brought forward under a planning application, however, it is difficult to predict how many this would actually be.

*Betting offices and pay day loan shops to dwellinghouses*

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.

Increasing or removing the floorspace limit to allow a change of use to residential could help to increase housing delivery, but it is important to ensure the right balance between housing delivery and retaining commercial uses on the high street is maintained to ensure that a loss of local services does not marginalise members of the local community, for example, those with poor accessibility or mobility issues. There should be a process in place to monitor this to ensure an area does not become oversaturated.

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

Agree that the existing right should be amended to no longer apply to laundrettes given the importance of the community service that they provide.

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.

There is a need to strike a balance between housing delivery and supporting the local economy. The impact of the loss of a leisure activity and local tourist attraction on the local economy should be taken into consideration and altering the floor space could negatively imbalance the capacity of an urban centre to support a growing residential population.

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

The effect of this change would be to reduce the time period applying to these uses. While there is some merit in ensuring a more consistent approach and changing arbitrary dates we are not sure that a 2 year rolling period is the correct choice. A 2 year period may not necessarily establish the use sufficiently and may be a 'back door route' to residential development

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

Same reasons as response to Question 14.

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

The permitted development right should not be extended to apply in other article 2(3) land. This designated land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas. Extending the right to this land could have a detrimental impact on the sensitive nature of its character.

If it was to be extended it would require an extensive prior approval process which afforded the local planning authority consideration of almost all matters (and so would not differ too much from a full application)



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

Similarly, to the point made above - the permitted development right should not be extended to apply in other article 2(3) land. This designated land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas. Extending the right to this land could have a detrimental impact on the sensitive nature of its character.

Q.18 Do you think that any of the proposed changes in relation to the Class Mand 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.

Allowing the proposed changes could have a negative impact on local communities and businesses by reducing footfall and resulting in the loss of valued local services and facilities. With regards to the impact on local planning authorities, the proposed changes could mean a need to review existing local plan policies to ensure that they were still able to support the delivery of sustainable communities within the context of new permitted development rights, for example striking the right balance between housing delivery and supporting the local economy.

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.

Changes to Use Classes M and N could lead to the delivery of new homes that would not have been brought forward under a planning application, however, it is difficult to estimate the overall impact on housing delivery that this would have.

*Commercial, Business and Service, betting offices and pay day loan shops to mixed use residential*

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.

In principle this sounds like a good idea as there are many vacant and underused properties above commercial, business and service uses. Bringing back buildings into productive uses should be supported as long as the conversion could create a suitable residential environment.

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.

The prior approval process would require all homes to adhere to the nationally described space standards and so the size of each unit would be controlled by this. Importance should be placed on giving and / or retaining the local planning authority's consideration of residential amenity as to ensure that the quality of dwellings does not deteriorate. The introduction of a minimum floor space requirement to trigger the allowance for the creation of over 2 units would be useful.

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 Part3 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.

Of course permitted development right changes that affect business use classes would have an impact on businesses.

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.

The description of the proposal in paragraph 50 suggests that the provision of residential accommodation could be negatively affected by the proposal as a change could take place from mixed use to purely commercial or business use.

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

Paragraph 53 of the Consultation Document states that "We want to give farmers greater freedom to change the use of their existing buildings to residential use and support the delivery of new homes in rural communities." This intention runs counter to the principles of sustainable development which underpin the planning system. Planning seeks to provide for new housing in the most sustainable locations. If this comes hand in hand with an increase in the number of dwellings (Q27) as may be likely then it is likely to lead to sporadic development in unsustainable locations, encroaching on the countryside.

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.

No because the proposal would represent an increase over current limits.

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

Please give your reasons.

The proposal seeks to extend permitted development to allow for up to 10 new homes. We disagree that this proposal and are seriously concerned that it could harm the environment and landscape or rural areas and lead to less sustainable patterns of development.

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.

Development on previously developed land is preferable to development on greenfield land. The local planning authority would have consideration over the design etc to ensure this is appropriate for the context of the site and so this change would still afford consideration on a case by case basis. We would expect that this may be controllable via the prior approvals process.

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.

If the proposal were to be introduced then scrutiny of the proposal and a prior approval process would be essential. It is much in the same way that larger householder extension prior approvals are allowed consideration of neighbouring amenity, but we would expect that this amendment would not be reliant on neighbouring properties raising concerns.

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.

We certainly have some reservations as to the appropriateness of this proposal as a whole. We support the reasoning for introducing the size limit as a means of reducing sporadic development in the countryside but the consequence of this proposal would simply be to have fewer larger dwellings in the countryside where the impact could also be significant. However we assume that this would change in line with the published space standards. Increasing the minimum existing floor space required above the described space standards and may encourage higher quality residential development.

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.

No. Such land includes sensitive landscapes and allowing this change could lead to residential development which would have a very negative impact. People living in such areas need houses but agricultural buildings are unlikely to be in sustainable locations. Instead, residential development should be promoted through a planned approach with limited amounts of small scale development at more sustainable locations, which can only be fully considered within a planning application.

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.

This would be a significant extension of the scope for the conversion of buildings in the countryside to residential use seemingly irrespective of whether the building has merit for retention and conversion. It could lead to a significant expansion of dwellings in the countryside.

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.

Only to a very limited extent. Buildings of national or local interest whose future is threatened and where residential conversion could help to secure their future. If such a provision were to be introduced then the bar should be set quite high to ensure that the provision was not abused.

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.

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.

For the same reasons as expressed to questions above, namely this would encourage sporadic residential development in the countryside.

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.

While we have strong reservations about the proposed changes for agricultural dwellings if they were to be introduced then such a provision would be essential.

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.

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.

If yes, please specify which uses.

Paragraph 53 of the Consultation Document states that "We want to give farmers greater freedom to change the use of their existing buildings to residential use and support the delivery of new homes in rural communities." This intention runs counter to the principles of sustainable development which underpin the planning system. Planning seeks to provide for new housing in the most sustainable locations. Encouraging sporadic development in the countryside is unlikely to satisfy that objective.

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.

Extending the relaxation of planning control in the countryside still further to include uses such as buildings in forestry or equestrian use seems entirely inappropriate.

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.

The relaxation of planning controls would be likely to lead to more residential dwellings being built.

*Agricultural buildings to dwellinghouses*

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

Not only would this lead to definitional problems as to what was used for "predominantly agricultural purposes" but it would over extend the scope of the original intention to uses which are likely to be only marginally "agricultural". In addition, the consequence, as for other changes is likely to lead to the development of new residential properties in the countryside at locations which are unplanned and unsustainable.

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.

The example of “paintballing” is cited but it could just as easily be other outdoor sports, the planning implications of which may be more significant..

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.

The proposal sounds much more in keeping with the need to support agricultural businesses.

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.

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.

We would not oppose this proposal in principle provided that there were sufficient controls over exactly what the mixed use could be, how these interact and that this is explicitly linked to the functioning of the site.

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.

Probably not unless it could be justified by evidence that showed a clear need for larger limits.

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.

Larger developments are likely to have a greater impact on the wider context of the site and so this affords a level of consideration/control over the change of use.

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.

There are potential consequences for businesses, local authorities and rural communities. Businesses are likely to be supportive of the of the more relaxed planning regime but local authorities are likely to find that directing development to more sustainable locations is prejudiced and rural communities may suffer a deterioration in the quality of rural environment.

#### Agricultural Development

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.

While there is a lack of evidence to support the need for the change, if introduced, it could be acceptable given that development could be carried out following the end of the 'two year rolling period'.

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.

Any impact upon a Scheduled Monument could cause irreparable loss of a historic and cultural asset for short term profit.

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.

There is a lack of evidence to support the need for the change.

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.

There is a lack of evidence to support the need for the change.

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.

Any impact upon a Scheduled Monument could cause irreparable loss of a historic and cultural asset for short term profit.

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.

There are potential consequences for businesses, local authorities and rural communities. Businesses are likely to be supportive of the more relaxed planning regime but local authorities are likely to find that directing development to more sustainable locations is prejudiced and rural communities may suffer a deterioration in the quality of rural environment.

### Businesses and High Streets

#### *Commercial Business and Service use extensions*

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.

This would provide more flexibility for businesses but 100% of 200 square metres seems excessive when compared to the existing amount. Location is an important consideration. Safeguards would need to be built in to ensure this was adhered to. Sites of Special Scientific Interest are of course high level protected designations but the impact upon other important environmental, landscape and heritage designations would also need to be built in. Our support is therefore conditional on adequate safeguards being put in place..

#### *Industrial and warehousing extensions*

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.

We appreciate the importance of the logistics and strategic distribution sector and consider such an increase could be justified. The proposal will aid the transition of businesses outside of town centres and help meet the demand from the growing residential development

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 1,500square metres or a 75% increase over the original building, whichever is lesser.

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

Please give your reasons.

Modern industrial and warehousing units may benefit from such a change.

Q.60 Do you think that any of the proposed changes in relation to the Part 7permitted 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.

The greatest impact would be likely to be upon businesses in these sectors who would find expansion proposals easier to implement.

*Markets – temporary use of land*

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?

At the very least 28 days per year should be set out (for consistency) though there is a case for increasing the figure still further. It is difficult to provide a figure but 52 may be appropriate in town centres because markets play a really important role in attracting people to town centres and in so doing supporting other town centre uses. Outside of town centres in the countryside we would not support any increase.

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.

Businesses involved in markets would be supportive as it would provide them with more flexibility.

### Open Prisons

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

There is a need for enhancements to the prison estate. We are however mindful of the level of the need to ensure the local community are kept sufficiently well informed of proposals.

Para 158 states that "the Ministry of Justice would be required to give prior notification to the local planning authority of the proposed development under the right, and planned start date. This will enable the local planning authority to satisfy itself that the development complies with the legislation. This will ensure local communities are aware of the planned changes." this sounds a very limited form of local consultation which is concerning.

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

The proposal does not include provision for prior approval. If it were to be introduced then it would allow the local authority to be more actively engaged.

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.

Local planning authorities and communities would be impacted by the proposals for open prisons. Local planning authorities may need to deal with local concerns while having little agency to affect decision making as this would rest with the Ministry of Justice..

#### Equality Duty

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

Please give your reasons

The proposed changes to allow for change of use from commercial businesses and services (class MA of part 3) and hotels, boarding houses and guest houses (C1) to residential uses could impact on those with accessibility issues, for example through the loss of an accessible local service.