

Cambridge City Council

Record of Executive Decision

Response to Government Consultation: Permitted development rights

Decision of: Councillor Thornburrow, Executive Councillor, Planning Policy and Transport

Reference: 23/Urgency/P&T/15

Date of decision: 18/09/23 Date Published on website: 26/09/23

Decision Type: Non-Key

Matter for Decision: Response to Government Consultation: Permitted development rights.

Why the Decision had to be made (and any alternative options): The Department for Levelling Up, Housing, and Communities (DLUHC) is seeking views 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.

Given the broad range of topics covered and the need to focus resources, the following approach has been taken with the response:

- Focussed response to those proposals which may affect the Councils' current and future LP approach and other material concerns
- Not respond to questions relating to the extension of PD (Class M) to include open prisons
- Not respond to the call for evidence regarding nature-based solutions, farm efficiency projects, and diversification
- Not respond to Farm efficiency projects questions

Consultation closes on 25 September 2023 and further information can be viewed on the DLUHC webpage for the consultation document:
HYPERLINK- [Permitted development rights - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Response to the consultation

Feedback is requested via submission of written responses to the answered questions included within the document; the councils' response is set out in Appendix 1 with responses proposed for many of the questions but not all.

Within the draft response, many of the key responses relate to:

- the application of local design codes to certain permitted development rights
- 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 land to allow markets to operate for more days

Note that the response is proposed to be joint by Cambridge City Council and South Cambridgeshire District Council, subject to each council's individual decision sign of process.

Alternative options

The options available to members are:

- Agree to submit the response in Appendix 1, with possible minor amendments
- Agree an alternative on no response.

The Council could choose to not respond to consultation, but if no response is made by GCSP, DLUHC would not be made aware of the

Council's views on the proposed changes to the Permitted Development Rights consulted on through the consultation.

The Executive Councillor's decision: The proposed response addresses issues of importance to the Council on the matters raised in the consultation.

Reason for the decision: To submit the response to the open consultation on permitted development rights as set out in Appendix 1.

Delegated authority is given to the Joint Director for Planning and Economic Development to agree any minor amendments to the response in order to finalise the joint response.

Scrutiny Consideration: The Chair and Spokesperson of Planning and Transport Scrutiny Committee were consulted prior to the action being authorised.

Report: Appendix 1 – Council's Response to Government Consultation: Permitted development rights

Conflict of interest: None known.

Comments: Cllr Porrer (Lib Dem Spokes) raised the following points and amendments for the Executive Councillor's consideration

Q3 - is it worth highlighting how retail also activates ground floor frontages and PD would remove this (even more that it already does). I note that Q8 already covers this but for conservation areas - should the government not include the same restrictions throughout?

Q30 minimum building size under PD for agricultural conversions. We have answered Don't Know to whether they should have a minimum size of at least 37 m² to have the right to convert to dwellings. Surely we agree with this as 37m² is not even the size permitted under national homes standards for a one-person dwelling. If smaller conversions are

allowed, then these would be under minimum space standards. Suggest Yes we agree with a minimum size of 37m² rather than Don't Know.

Q53 and Q54 are missing the reasons and just say no. Could we add reasons?

Q57 - I am not sure why we are supportive of this particular expansion under PD - surely we would want any extension to be assessed for its impact on the local area and neighbours rather than granted via PD? This is an issue even if not on protected land. Could you explain why we are proposing the support just this increase when we are saying no (rightly) to others.

For Q58 and Q59, are you saying that you only support a restriction for heritage assets and therefore not for other areas? As for Q57, surely PD is not great in any area.

Q63 to 88 are blank. Is this because we don't have a view or are we missing the last part of the document?

The Principle Planner Office the circulated a draft with a proposed scheduled of changes to the Executive Councillor who approved the changes (Appendix A – see below).

Appendix 1:

Open consultation: Permitted development rights

Summary: 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

Duration: closes at 11.59pm on 25 September 2023

Response by South Cambridgeshire District Council and Cambridge City Council

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.

Greater Cambridge is piloting a design code, and exploring how they can operate in an area in the north of Cambridge. They provide a real opportunity to guide the form of development and create high quality places. They will certainly have an important role to play in considering development proposals, and provide clarity regarding the quality expected from developments.

However, they should not be the only consideration. It is unlikely they can provide the detail needed for every site circumstance when in many cases they will be prepared at a district level. Character will vary greatly in historic settlements. There may be other considerations, like local or neighbourhood plan policies. There will be other issues to consider, such as in Conservation areas where there is likely to be a conservation area appraisal. There may also be Locally Listed Buildings (non-designated heritage assets) to consider as which can be varied in nature.

So whilst we consider Design Codes have an important role to play, they should not become the only consideration when assessing design and external appearance in prior approval decisions.

Impact Assessments

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.

Supporting housing delivery through change of use permitted development rights

Commercial Business and Service uses to dwellinghouses (Class MA of Part 3)

Floorspace limits

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.

Area-wide

Any increase to the permitted development floorspace limit will increase the opportunity for residential proposals to circumvent the requirement for a contribution towards Affordable Housing. This will increase demand for Use Class E floorspace (both new and existing) to circumvent the need to contribute towards Affordable Housing.

The High Street

In terms of land valuations, many types of Class E retail units are less valuable compared to residential land valuations and therefore these will be more susceptible to conversion, even if they are occupied by a sustainable business. Retail (and

other) units provide (and will continue to provide) a unique range of retail/leisure experience/business uses that cannot be offered online. These spaces also help foster new local businesses that can respond to changing consumer trends and local circumstance.

It should not be forgotten that the high street is the centre of the community and most people view the high street as the centre of their community. No matter what issues there may be with parking, or litter, or ugly buildings, etc, it will always have a central role in providing its identity. A major part of that identity is provided by the range of retailers. While it can be argued that smaller, independent retailers very much help give centres character and individuality and prevent high streets simply becoming nondescript shopping centres, larger stores (both food and non-food retailer) are often considered to be 'anchor' stores which draw people to a centre on a regular basis and support footfall to the benefit of smaller retailers.

Retail uses create active frontages at ground floor level, and changes to the floor space limit have the potential reduce these active ground-level frontages in an uncontrolled manner, without the consideration that would be given through a planning application process.

If larger retail units are allowed to convert to residential units without a planning application process to consider the impact of their potential loss, the high street risks losing the very 'anchor' stores which draw people into a centre and generate footfall to the mutual benefit of niche independent retailers and service providers.

Village Shops / Local Centres

The proposed right could have a profoundly detrimental effect on local people's access to larger retail/business (Commercial, Business and Service - Class E) units. If people are unable to access these services, to meet their day-to-day needs, their lives will be profoundly affected; not only will this lead to further exclusion, but it will also undermine their ability to lead a sustainable and, or independent lifestyle.

People could be forced to travel, often by car to access these shops and services. In addition to a less sustainable lifestyle, their closure risks alienating those who cannot drive or do not have access to a car, often younger and older sections of society. Less mobile people will also have to travel further undermining their ability to lead an independent lifestyle placing further pressure on already stretched social services.

In addition, these shops and business are also an important source of local employment and social interaction. If they are replaced with residential units without consideration of the impacts through a planning application, these opportunities will disappear, to the detriment of a village's sustainability and sense of community; two key objectives sustainable planning is supposed to support, not remove.

Out-of-town Centres

Technically, with no size limit, there is no reason why current out-of-town centres could not convert to residential use. Although not intended, there is a significant risk that if there was no size limit, then out-of-centre retail locations could convert to residential use. Under the proposed right, these developments would not be required to provide any associated social infrastructure. This would place exceptional pressure on any existing infrastructure which may not have any excess capacity to absorb this unmet demand. Their out-of-town location will also encourage car usage

to access social infrastructure and other services and undermine the Government's own target of achieving net-zero emissions by 2050.

Employment locations

The strength of business and innovation in Greater Cambridge is important for the rest of the UK. The area has nationally significant life sciences and ICT sectors and above average proportions of high growth businesses. Knowledge-based spin-outs from Cambridge University, Greater Cambridge based research institutes and some of our larger businesses have grown to become internationally significant businesses including Abcam (which offers research tools into proteins and other chemicals), Crescendo Biologics (therapeutics in oncology) and Kymab (developing antibody technologies).

Key to maintaining a growing and evolving economy is the availability of a range of suitable premises for businesses in the different stages in their life cycle. Insufficient supply of space for new start-ups and early stage firms can lead to both start-ups and expansions being undermined or delayed.

The councils' Employment Land and Economic Development Evidence Study has found that there are severe supply pressures for small to mid-sized office occupiers in Cambridge city core. It also found that older and less prime office stock outside the core, which could have been utilised for SME's, has been lost to alternative uses like student flats through permitted development. Values in this outer area are much higher for residential compared to office use and developers have been keen to maximise residential space on the land, which exacerbates supply in the area that would have been suitable for SME's.

Overall, the Study identifies a floorspace affordability issue in the office and employment market in Greater Cambridge. Common issues include tenants being priced out of the market, long-waiting lists for new space and paying high rents. As a result, the consultants that prepared the Study concluded that workspace market in Greater Cambridge can be difficult for micro-enterprise and SME's to enter.

Introducing a new permitted development right which allows the conversion of medium and large-sized office, research and development and light industrial spaces without planning permission is likely to exacerbate the premises shortage in Greater Cambridge which is unlikely to be addressed by the market. This will impact on the key early stages of the lifecycles of businesses and ultimately therefore on the creation and growth of Greater Cambridge's, and ultimately the UK's, key economic clusters.

Vacancy requirement

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.

This proposal could easily lead to established, essential and, or viable Class Use E businesses being evicted from their premises.

The proposed permitted development right could have a profoundly detrimental effect of local people's access to local shops and other useful services in village centres and even individual shops which provide a lifeline to local residents with limited mobility. Examples of these valuable retail units include a post-office, a bakery, a newsagent, a hairdresser or a small, convenience food shop many of which are often found in local/neighbourhood or rural village centres occupying small, low value retail/business (Commercial, Business and Service - Class E) units. If people are unable to access these services, to meet their day-to-day needs, their lives will be profoundly affected; not only will this lead to further exclusion, but it will also undermine their ability to lead a sustainable and, or independent lifestyle.

Article 2(3) land

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.

The permitted development right would threaten the viability of towns and villages in protected areas and the resultant reduction in available premises would hamper new start-ups.

Prior approval – conservation areas

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.

It is working and it is necessary - the character of a conservation area is influenced by uses and activity as well as physical appearance. For example, changing the use of retail units to residential could harm the character of a town centre regardless of any physical works.

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

Hotels, boarding houses, and guest houses (Use Class C1) to dwellinghouses

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.

Area-wide

This permitted development right will allow the conversion of Use Class C1 uses to convert to residential use without the requirement for a contribution towards Affordable Housing. This will increase demand for Use Class C1 floorspace (both new and existing) including serviced apartments to circumvent the need to contribute towards Affordable Housing. In effect, this right will undermine the Councils' strategies to support local education institutions, business operators and other tourism strategies by providing various types of visitor accommodation, in different locations which is reflected in adopted local plans.

The City Centre

High volumes of day trippers to Cambridge can put significant pressure on the city centre, its transport network and the public amenity of both residents and visitors. Visitor accommodation encourages overnight stopovers and allows the city to benefit directly from the visitor economy.

The permanent loss of Use Class C1 floorspace will undermine Cambridge's ability to support itself as an important and economically successful international visitor destination. Domestic visitors, visiting business people, academic staff and international tourists all provide a key form of income with overnight visitors contributing significant income for the local tourist economy, itself a key source of local employment. Changes to PD rights would undermine the Councils' ability to consider proposals against policies in the adopted local plan which consider these issues.

Rural tourism

The diversification of rural businesses such as public houses with ancillary business operations often includes visitor accommodation uses. The conversion of these visitor accommodation units to residential use could, in several circumstances undermine established businesses such as a public house use and lead to its closure due to noise/local amenity issues. Changes to PD rights would undermine the Councils' ability to consider proposals against policies in the adopted local plan which consider these issues.

Social cohesion

The loss of visitor accommodation without consideration through the planning application process risks displacing the demand for visitor accommodation which could impact on availability of residential accommodation. It could also exacerbate issues with short term lets.

Local Plan

This permitted development right will undermine Local Plan policies to ensure there is sufficient visitor accommodation to meet demand, in sustainable locations and its ability to support the local visitor economy which itself supports many small and medium size businesses.

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.

- Noise and impact on existing established businesses
- Loss of business and employment

Impact assessments

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.

Business – impact on commercial tourism

Local planning authorities – undermine local tourism/destination management strategies and Local Plan policies

Communities – adverse impact on social cohesion with increase in short term lets uses in residential units

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.

Any increase in residential units could be off-set by loss of residential units to short term visitor accommodation.

Betting offices and pay day loan shops etc to dwellinghouses (Class M of Part 3) and arcades etc to dwellinghouses (Class N of Part 3)

Floorspace limits

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.

Area-wide

Any increase to the permitted development floorspace limit will increase the opportunity for residential proposals to circumvent the requirement for a contribution towards Affordable Housing.

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

Launderettes are valuable, private community facilities which are essential for communities to meet their day-to-day needs. Not everyone can afford their own washing machine / clothes dryer.

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.

Area-wide

Any increase to the permitted development floorspace limit will increase the opportunity for residential proposals to circumvent the requirement for a contribution towards Affordable Housing.

Date the building was in use in order to benefit from the right

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.

Article 2(3) land

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.

The permitted development right should not apply within the setting of Heritage Asset.

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.

The permitted development right should not apply within the setting of Heritage Asset.

Impact assessments

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.

Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G of part 3)

Uses the right applies to

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

The introduction of mixed use residential could adversely affect established businesses, where issues could have been effectively considered through a planning application.

Please give your reasons.

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

Number of flats that can be delivered

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.

This figure is arbitrary and takes no account of local context or amenity which could be impacted upon.

Consequential changes to the permitted development right that allows the change of use from a mixed use to Commercial Business and Service use or betting office or pay day loan shop right (Class H of Part 3)

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.

It is important that the PDR are properly aligned to avoid confusion.

Impact assessments

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.

Agricultural buildings to dwellinghouses (Class Q of Part 3)

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

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 regard for local circumstance/amenity.

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 further splitting up of sites to provide a greater number of homes within the same building can have a detrimental impact on the rural setting e.g. increase in numbers/extents of boundary fences/walls, hard surfacing/parking, domestic paraphernalia.

The cumulative effect of several, separate 10-dwelling conversions under this proposal could alter the character of the local area, put additional pressure on local services and lead to unsustainable travel movements in order to access facilities. The impact of such proposals should be considered against local plan policies, via a planning application.

Rear extensions

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.

Many of the buildings affected by this are likely to be modern barns but which may stand within the setting of an Heritage Asset. The enlargement of such buildings, while being converted under PD, could have an effect on settings as these barns are often already very large. If in the setting of an Heritage Asset, the increase in their size ought to be subject to prior approval/ a planning application to allow consideration of impact on the setting.

The proposals state that the extension of the agricultural building will only be allowed on previously developed land e.g. hardstanding such as the farmyard. The hardstanding for farmyards is usually concentrated in areas to allow vehicles to access the barns, if this then becomes the rear of the site then how is access to the front going to be managed without the need for more hardstanding. The likelihood of greater impact on the wider surroundings is high.

There may also be difficulty in assigning “front” and “rear” to modern agricultural sheds as their form and character is often simple and utilitarian.

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.

The prior approval would help protect neighbouring amenity.

Minimum building size

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.

Article 2(3) land

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 permitted development right would threaten the reason for the area being designated as Article 2(3) land.

Agricultural buildings not solely in agricultural use

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 could technically apply to all sorts of agricultural premises with a tenuous link to agriculture and have unintended consequences without proper assessment that would otherwise be applied via a planning application.

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.

Wedding venues, sports activity areas and facilities (open and covered), storage units of any sort.

Former agricultural buildings no longer on an agricultural unit

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 could technically apply to all sorts of agricultural premises with a tenuous link to agriculture and have unintended consequences without proper assessment that would otherwise be applied via a planning application.

Highways access

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.

New roads/access points would need to be created and this could undermine the local character and appearance of the area or on highway safety without proper consideration.

Works permitted

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.

Please see comment on Q.38 below

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.

Scope of the works permitted should not be increased but more definitive guidance should be published in the PPG and related to *Hibbitt & Anor and Secretary of State for Communities and Local Government*.

Enabling the change of use of other rural buildings to residential

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.

This could lead to all other rural premises not in residential use being converted to residential use. In effect allowing the conversion of a village into a housing estate with no facilities. It could also contribute to unsustainable patterns of development and undermine development strategies established through local plans.

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.

The loss of essential services and facilities should require planning permission.

Impact assessments

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.

Business – impact on availability of business premises in which to operate

Local planning authorities – undermine Local Plan policies to retain essential local services and facilities

Communities – adverse impact on community resilience through loss of access to essential services

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.

Yes, because the additional residential units provided through this amended permitted development right could have constituted unsustainable development and not been granted planning consent via a planning application, all circumstances being equal.

Supporting the agricultural sector through additional flexibilities

Agricultural buildings to a flexible commercial use (“agricultural diversification”) (Class R of Part 3). Types of uses to which the right applies

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.

This permitted development right could lead to out-of-rural-centre development and undermine existing/established rural shops and services themselves highly susceptible to closure from alternative competition such as from online services.

Out-of-rural-centre development will also encourage more vehicular movement, furthermore these will dis-enfranchise people who do not have access to a car and or are unable to drive.

It could also contribute to unsustainable patterns of development, undermining strategies prepared through local plans.

What flexible uses can buildings be used for

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 Councils have produced several sports strategies covering both indoor and outdoor sports following Sport England's methodology to ensure sufficient provision is provided in the correct location. The introduction of ad hoc permitted development rights for outdoor sports, recreation or fitness will undermine these and future sports strategies.

The provision of outdoor sports, recreation or fitness uses will lead to development in unsustainable locations. Again, these would encourage more vehicular movement, furthermore these will dis-enfranchise people who do not have access to a car and or are unable to drive.

Without their impact on existing facilities within the same catchment area, the introduction of such uses will undermine the viability of existing outdoor sports, recreation or fitness uses.

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.

This permitted development right could lead to out-of-rural-centre development and undermine existing/established rural shops and services themselves already highly susceptible to closure from alternative competition such as from online services. Out-of-rural-centre development will also encourage more vehicular movement, furthermore these will dis-enfranchise people who do not have access to a car and or are unable to drive.

It could also contribute to unsustainable patterns of development, undermining strategies prepared through local plans.

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.

This could lead to unsustainable development in unsustainable locations and undermine the local character and appearance of the area.

If yes, please specify which uses.

Allowing mixed 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.

This could lead to a range of new uses being introduced into an unsustainable location and encourage more vehicular movement. These uses could also undermine existing/established rural shops and services themselves already highly susceptible to closure from alternative competition such as from online services.

These changes could also undermine the local character and appearance of the area.

Amount of floorspace that can change use

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.

To ensure large proposals are considered through the planning application stages to ensure local character and amenity are not adversely affected.

Prior notification/approval triggers

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.

This will ensure large proposals are considered through the planning application stage to ensure local character and amenity are not adversely affected.

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

Impact assessments

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.

Business – impact on existing/established businesses

Local planning authorities – undermine Local Plan policies to retain essential local services and facilities and support sustainable development

Communities – adverse impact on community resilience through loss of access to essential services and character of their rural locale

Agricultural development

Agricultural development on units of 5 hectares or more (Class A of Part 6)

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.

This could adversely impact local character and amenity.

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.

Yes, to avoid damage to designated scheduled monuments from the increased PD floor level allowances and compounded damage from the rolling two-year basis for the PD.

Agricultural development on units of less than 5 hectares (Class B or Part 6)

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.

This could adversely impact local character and amenity and have impacts on sustainability which warrant consideration though the planning application process.

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.

This could adversely impact local character and amenity and have impacts on sustainability which warrant consideration though the planning application process.

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.

Yes, to avoid damage to designated scheduled monuments from the increased PD floor level allowances and compounded damage from the rolling two-year basis for the PD.

Impact assessments

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.

Supporting businesses and high streets through greater flexibilities

Commercial Business and Service use extensions (Class A of Part 7)

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.

The scale of proposal could have design, amenity and sustainability impacts, so should be subject to an application process.

Industrial and warehousing extensions (Class H of Part 7)

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.

The scale of proposal could have design, amenity and sustainability impacts, so should be subject to an application process.

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.

The scale of proposal could have design, amenity and sustainability impacts, so should be subject to an application process.

Impact assessments

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.

Markets – temporary use of land (Class B of Part 4)

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?

A balance is needed to ensure markets complement permanent shop premises and not compete with them. Otherwise, the extended use for market activity could undermine the viability of local high streets.

Impact assessments

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.

Business – impact on existing/established businesses

Local planning authorities – undermine Local Plan policies to retain essential local services and facilities and support sustainable development

Communities – adverse impact on community resilience through loss of access to essential services

Ensuring the sufficient capacity of 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

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

Impact assessments

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.

Public Sector 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