

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

POS response to consultation

Sep 2023

1 Planning Officers Society

- 1.1 POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the social, economic and environmental aspirations of the community.
- 1.2 We operate in three main ways:
- As a support network for planners in the public sector
 - As promoters of best practise in planning
 - As a think tank and lobbying organisation for excellence in planning practice
- 1.3 Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out this advice to Government so we can plan together for a better future.

2 Key Messages

- 2.1 POS objects in principle to the use of permitted development rights being used to create homes as it results in sub-standard accommodation, runs counter to the drive in the NPPF for high-quality design and does not allow the delivery of necessary supporting infrastructure. Government is committed to a plan led system yet is encouraging housing in a unplanned, unsustainable way, putting pressure on non-residential uses and harming communities. Permitted development takes away vital controls from local planning authorities and communities. It often provides low-quality homes with little or no amenity space, as well as not providing affordable housing.
- 2.2 POS believes the further expansion of Permitted Development would have significant adverse consequences in our rural and urban communities and exacerbate the decline of our high streets, far outweighing any positive contribution to new housing supply.
- 2.3 Post-Covid high street recovery depends on a vibrant and carefully curated mix of retail, residential, leisure, hospitality, education, healthcare, logistics and community facilities and services. Yet, rather than encouraging careful consideration of what might be the most appropriate use for a store and its location, within the context of the entire high street, this new PDR will result in property developers prioritising residential.

- 2.4 This will impede any impetus for lower value uses – such as independent retailers, crèches or community hubs – which do not offer the same short-term financial returns but are vital to providing our communities with their unique identity, and meeting the aims of the Levelling Up and Regeneration Bill.
- 2.5 POS suggests removing permitted development rights to change from commercial uses to residential. These have had a negative impact on communities and generally provide poor quality accommodation (especially office to residential conversions) as DLUHC’s own research has shown. The resulting low-quality residential accommodation is often occupied by vulnerable people and is adding to the issues the levelling up agenda seeks to achieve.
- 2.6 It is important for LPAs to feel supported in seeking good design. POS considers the National Model Design Code, refreshed Manual for Streets, changes to the NPPF and the National Design Guide are all very supportive. However, the recent changes and suggested changes in the consultation document to permitted development rights which enable development to occur without planning permission or engagement with local communities serves to undermine the Government’s objective to deliver high quality design and POS struggles to see how the two policy agendas can be aligned. POS urge’s government to review and remove these types of permitted development rights. In particular change of use from office to residential and upward extensions, instead encouraging these through the National Development Management policies.
- 2.7 The role of PDR is to deliver development that is unlikely to have an adverse effect or to allow trusted institutions (such as local authorities and educational establishments) to carry out more extensive development. Changes in the last 10 years has seen the introduction of PDR as a means of delivering government policy, almost irrespective of the potential for harm to be caused. The use of the Prior Notification process complicates the process, is confusing for local communities and the One-size-fits-all approach can miss issues on specific sites which are not covered by the criteria.
- 2.8 If government wishes to continue with the use of PDR to deliver policy, rather than its original role, POS recommends that the use of Prior Notification to control potential impacts should be dropped and a new approach adopted. The result would be that the GDPO would essentially give the PDR development a Permission in Principle. The Technical detailed consent process can then be used to deal with the details. This would ensure that consideration of impacts would be comprehensive and improve the planning fee situation for such matters.
- 2.9 More generally the roll out of PDR has had an impact on morale in planning departments across the country as it goes against a plan led system, and leads many planners to ask what is the point? This consultation seems to consult on what else is left which could possibly be included into PDR and will only add to the shortage and low morale of planners.

- 2.10 The ongoing austerity measures have had a devastating effect on local government finance and it is recognised across the sector that funding of planning services is a vital issue that must be addressed if we are to deliver the growth that the nation needs. Government must continue to explore ways within which funding can be leveraged into planning services. This includes charging appropriately for permitted development applications.
- 2.11 Rather than looking to PDR, POS has released manifestos over recent years, which would be more positive to process and support communities, the economy and the environment as opposed to these proposals. They make recommendations on;
- Improving local plans
 - Funding infrastructure
 - We need to talk about the Green Belt
 - Redesigning outline applications
 - Delivering affordable housing
 - Making the system more flexible
 - Improving compulsory purchase
 - Land value capture: exploring the options
 - Spatial Planning: simplifying the process
 - iDM: managing development in industry 4.0
 - Improving enforcement services
 - Planning Resources: designing a more efficient system
 - Addressing the Housing Crisis

[They are summarised in: https://www.planningofficers.org.uk/uploads/news/posmanifesto-02-23.pdf](https://www.planningofficers.org.uk/uploads/news/posmanifesto-02-23.pdf)

3 Questions

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.

Yes but it must be for the Local Planning Authority to judge whether any new permitted development right has been met in a design code not the applicant/developer.

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.

Yes, the proposed changes would have an impact on all. It is likely that communities and members will struggle to understand these proposals and object to PDR applications on the basis of design and appearance. It is very challenging for LPAs to explain that legislation does not allow any consideration of certain aspects of a PDR application. It has led to some strong complaints from communities and a lot of time taken by LPAs to deal with these customer complaints.

The proposed process will add another layer of complexity and perhaps a difference in approach across a borough on areas which do and don't have a design code. The proposals are likely to lead to more complaints from the community and for LPAs to answer.

Supporting housing delivery through change of use permitted development rights

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.

C) no change

The existing PDR of 1,500m² is a very large amount of floorspace, POS strongly objects to doubling it to 3,000m².

POS believes the further expansion of Permitted Development would have significant adverse consequences in our rural and urban communities and exacerbate the decline of our high streets, far outweighing any positive contribution to new housing supply.

Post-Covid high street recovery depends on a vibrant and carefully curated mix of retail, residential, leisure, hospitality, education, healthcare, logistics and community facilities and services. Yet, rather than encouraging careful consideration of what might be the most appropriate use for a store and its location, within the context of the entire high street, this new PDR will result in property developers prioritising residential.

This will impede any impetus for lower value uses – such as independent retailers, crèches or community hubs – which do not offer the same short-term financial returns but are vital to providing our communities with their unique identity, and meeting the aims of the Levelling Up and Regeneration Bill.

The reduction of retail floorspace needs to happen in a managed way to ensure town centres remain attractive and vibrant. Residential is a dead frontage in a town centre and to allow it to be created haphazardly is likely to result in severe damage to most centres severing retail frontages and making the whole centre less attractive as a commercial offer.

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.

- b) No

POS fundamentally objects to these proposals, a three-month vacancy period was not a big issue.

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.

- b) No

Heritage and other environmental significance is not just about external aesthetics. The proposal to include Article 2(3) areas would have significant unintended consequences.

It is important to remember that Article 2(3) areas include conservation areas, area of outstanding natural beauty, areas specified under the Wildlife and Countryside Act 1981, the Broads, a National Park, and a World Heritage Site. So, for example the National Parks which people enjoy on UK breaks may be full of small flats, without amenity space and providing no infrastructure rather than ice cream, fudge shops, bakeries, local shops, cafes and other facilities which support communities and tourism which in turn supports the UK plc and local economies. The attractiveness of these areas will decline and lose vital tourism support.

These areas classified Article 2 (3) are protected for their heritage and other environmental significance; it is not just about external aesthetics. These areas are protected for their intrinsic beauty or character. The activities that take place in an area are a key part of that.

It is hard to understand government's logic in saying that Permitted Development is OK in Conservation Areas and other areas designated of national cultural, historical, scientific or other forms of significance but not in areas identified by UNESCO.

POS cannot see the logic or evidence of excluding World Heritage Sites. This seems to be effectively saying that UNESCO designated sites are important, but areas designated of national importance are not.

In summary prior approval must remain in conservation areas and be introduced in other Article 2(3) 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.

No

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

Prior approval must remain in conservation areas and be introduced in other Article 2(3) areas. There is no evidence to suggest otherwise.

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.

b) No

These are important uses both to help tourism and other businesses which contribute toward the levelling up agenda. These proposals would have unintended consequences in terms of placemaking in areas.

These buildings generally don't lend themselves to conversation, they tend to include small rooms with single aspects and access off very long corridors resulting in more substandard dwellings. Neither do they have amenity space or balconies.

It would also have an impact on the ability to house rough sleepers and other families in temporary accommodation. POS recognises hotels, boardings and guest houses are not ideal accommodation for people on the housing list. However, in reality, these forms of accommodation are often used to temporarily accommodate families and others in need, as does government with asylum seekers.

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.

No

It should not happen, but if it does, as with all residential PDR, minimum space and amenity standards should be applied.

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.

A) yes

a) These proposals will impact businesses negatively by these proposals encouraging a change of use to residential. Any hotels, boarding houses and guest houses which convert to residential will have a negative impact upon the supply chain they currently use, this would not be outweighed by any supply chain used throughout conversion for a finite time. The loss of customers to the hotels, boarding houses and guest houses will have a knock-on impact on pubs, restaurants, cafes, taxis and other businesses relying on the trade of these guests where the target market is tourism. Where the hotel market is business related, similar effects will be experienced plus the added difficulties that those businesses will experience from a lack of hotel accommodation.

b) LPAs, will be impacted by creating poor quality homes in the borough, likely to accommodate vulnerable people and potentially create ghettos in areas which have seen decline. The new homes will have no affordable housing or infrastructure and unlikely to have any amenity space. This will also have an impact on morale of the planning department, many planners came in to help create sustainable communities not to administer legislation that delivers poor quality homes in the wrong areas, without little consideration.

c) The communities close to a proposed site are likely to object and will find it challenging that the principal of the conversion of a commercially active building in their community to homes is not something they can comment on, as the principal is set by central government. This will mean LPAs needing to spend time, explaining legislation and handling complaints about the proposed legislation.

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.

No

A planning application is the best way to decide whether the proposed homes are the right decision and to involve communities in this decision. Such uses can be encouraged through policy such as the NPPF and this is the route government should use.

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.

C) No change

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

Yes, laundrettes provide a vital service in many areas where residents are either unable to afford a washing/drying machine or cannot accommodate them within their property. Ironically this is likely to particularly be in PDR created homes.

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.

C) No change

Permitted envelopment is a poor way of providing housing and should be kept to a minimum as much as possible or preferably removed.

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.

Yes if permitted development is to be kept, this makes sense

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.

Yes if permitted development is to be kept, this makes sense

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.

No, for reasons explained above.

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

b) No

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.

Yes

- a) businesses located in a conservation area, area of Outstanding Natural Beauty, National Parks the Broads and World Heritage Sites are located there to be in an attractive location. Allowing commercial units to be pepper potted with residential will harm the character and vibrancy of these special areas.
- b) Local Planning Authorities, may find it harder to resist poor proposals in protected Article 2(3) land where the character of that area has been damaged by PDR change of use to poor quality residential. This seems to show that government does not want to protect Article 2(3) land and this may well lead to reduced protection when it comes to other policies in Article 2(3) land.
- c) Communities who live in Article 2(3) Land are likely to appreciate the character of their surrounding and will be very upset to see this changed by removing shops and replacing with residential.

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.

No, they are likely to bring forward poor quality homes with no infrastructure. Any land owner would be able to submit a planning application rather than needing to use PDR. If government wishes to encourage such changes of use the mechanism is policy in the NPPF not PDR.

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.

Yes, if the permitted development rights remain mixed use residential above is acceptable, in reality this is often hard to achieve due to access challenges. The homes should meet the national space standards as set out in the consultation.

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.

Yes, subject to them meeting national space standards.

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.

Yes

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.

A) some commercial uses may not be neighbourly and therefore have an unneighbourly relationship in terms hours of operation, deliveries, noise, smells etc impacting on the proposed residential on upper floors.

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.

No, they could be delivered through planning permission and encouragement in NPPF policy.

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

c) No change

This proposal does not support housing in sustainable locations.

POS suggests removing permitted development rights for agricultural buildings. This would remove hope valve for some landowners and allow the land and buildings to focus for food production without the distraction of possible development potential. This would also maintain the supply of agricultural buildings needed to meet the needs of farms and not create a need for additional buildings.

POS also suggests a requirement that following any permitted development conversions any new agricultural buildings on the farm need planning permission with the usual permitted development right for new farm buildings removed. This will prevent farmers abusing the permitted development rights to enable a significant housebuilding programme over time.

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

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.

No

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.

No

These proposals run counter to policies of protecting the countryside for its own sake and ensuring that new residential development is sustainably located and just sees agricultural building as prime housing sites, which given the overall national policy framework in the NPPF is hard to understand.

The proposal relies on areas of hard standing to define previously developed land. The difference between a 4m deep area of gravel/hardstanding and a full width 4m deep rear

extension is significant and should be assessed to consider the impacts on the wider area. These proposals are likely to occur in sensitive areas where policies exist to protect the character of AONB, or the openness of the greenbelt for example.

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.

Yes, if this proposal is to come forward. All PDR should have this as a material consideration. POS recommends that proposals to create new homes should be assessed via a planning application, rather than PDR.

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.

Yes any new homes need to meet the national space standards

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

Article 2(3) land is an important asset in this country. They are unique places to visit and support tourism, as well as bring important to the history of the country. Many areas have been well supported and looked after for centuries. The introduction of PDR shows a fundamental misunderstanding of why these areas are protected and how damaging ad-hoc and some poor-quality conversions and extensions would be to an area. It is possible that the special characteristic of some areas would be damaged and the reasons that they were designated as Conservation Areas AONB etc would be undermined.

The planning system can support governments aims of delivering homes and an easier route to acquiring that permission, without needing to deregulate and introduce PDR for nearly all building across the country. There is a risk that developers and landowners will

acquire commercial properties, or evict tenants of the premises so they can convert to residential easily. It would be simpler to keep one process of planning applications which helps to manage expectations of developers and communities as well as support good quality homes for the future. Government's policies should be expressed in the NPPF and not transferred into a myriad of PDR.

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.

No, there needs to be support for the agricultural industry and economy. These proposals will have the consequences of losing valuable commercial space, there is no evidence this space will be replaced, harming the economy. Areas need a mix and balance of commercial and residential space, creating jobs, start-up business opportunities, and supply chains close to where they are needed, which all to the character and vibrancy off an area.

There is a risk that rural areas become dormitory areas with homes only and no infrastructure (farms, storage areas etc) for food growing, agricultural and commercial uses. POS finds it hard to understand the government's single focus on delivering homes wherever a landowner might be able to, without considering the impact of the commercial uses and spaces lost. This goes against the NPPF which seeks to support a sustainable triangle of social, economic and environmental goals.

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.

No

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.

Yes, all change of use to new homes should require planning permission to assess the proposal fully, give the community an opportunity to engage and secure affordable housing and necessary supporting infrastructure.

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.

No

The consultation document sets out that these buildings should apply for planning permission, which is the correct approach. The planning system could be simplified rather than creating more complicated loophole type opportunities, which require developers to prove agricultural use.

The proposal to allow new buildings to also acquire the PDR change of use after 10 years is likely to lead to buildings being constructed with the intention to use PDR on the 10-year anniversary. If implemented, it should only apply to buildings in existence on the date of this consultation.

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.

Yes

This makes sense as many buildings will be in unsustainable locations, the minimum should be an existing acceptable access to a public highway.

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.**

No. Fundamentally the PDR is for the conversion of buildings into dwellings. It is not a PDR to change any structure in the countryside into a dwelling by whatever means necessary. Government must resist the calls it will receive that converting certain buildings will be challenging, and it would be easier to knock them down and build afresh.

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.

No

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.

No, new homes should be well planned to create sustainable, mixed and balanced communities.

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.

Yes, PDR should be subject to S106 or CIL if it continues to be rolled out otherwise infrastructure will suffer dramatically and hinder the ability of communities to meet their full potential.

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.

A) Yes

- a) Many businesses are likely to be displaced by landowners wanting to try and convert storage and agricultural buildings to residential. Other businesses may find themselves with new residential neighbours, which is not a neighbourly relationship between uses and businesses may start to receive complaints about noise, deliveries etc. Commercial space may increase in cost to rent due to the lack of supply and the quality may decrease due to the finite supply. Agent of change policies are hard to implement in a PDR situation.
- b) It will be challenging in some areas for LPAs to continue with a plan led system and assessing proposals in line with their planning policies, when unrestricted development through PDR is changing the landscape and character of their rural areas.
- c) The PDR is likely to frustrate communities who will feel that they cannot engage with the change happening in their community. Often in rural areas a relatively small proposal can have a big impact in a community as proportionally there are not as many proposals. Conversion of commercial buildings to new homes in small rural communities can be controversial and one that the LPA and communities will not have much choice or input into. Many communities will support new homes if they come with adequate provision of doctors surgeries, schools, hospitals etc. They are likely to find it challenging that these new homes have not contributed towards infrastructure.

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.

No, these homes could be encouraged through the planning system, where they would be in the right location and with supporting infrastructure. It may be that some additional homes are provided, but it is likely that these are not in sustainable or appropriate locations, or they are delivered at the loss of important commercial floorspace. POS does not consider the provision of new homes at all costs should outweigh all other considerations and uses in an area. The fundamental aim of the planning system is to provide sustainable development (para 7 NPPF). Most of the homes provided through these measures will not meet that aim.

Supporting the agricultural sector through additional flexibilities

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.

No, although these proposals may create jobs in rural areas they are also likely to lead to developments that rely on the use of the car which is not in line with sustainable visions Councils have for their areas nor is it in line with the NPPF.

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.

Yes

POS is less concerned about buildings and land to be used for outdoor sports, recreation and fitness as these still allow future conversion back to commercial or other non-residential uses. Once a building is converted to a home it is very unlikely to be converted back to commercial uses. Hence POS does not have a strong objection to this proposal.

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.

No

This should be assessed by a planning application as the sale of goods could attract large numbers of people, which needs to be considered fully.

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.**

No

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.**

Yes, if PDR is to be rolled out flexibility should be included.

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.

No, 1,000sqm is large and should be assessed through a planning application.

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.**

Yes, it should be as small as possible.

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.

A) Yes

a) businesses are likely to see a reduced supply of agricultural, storage and commercial buildings available for use.

- b) LPAs are likely to find it hard to protect rural areas and Article 2(3) land once some sites have implemented these PDR proposals.
- c) Communities will find it frustrating that they don't have a choice about whether a building changes use because that decision has been made by central government through the grant of permitted development rights.

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.

No

The proposed building sizes would be very large, triple the original limit with no analysis or consideration about potential impacts. If this goes ahead prior approval now needs to be expanded to include an assessment of neighbour, landscape and environmental impacts of these very large structures.

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

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.

No – see previous comments on extensions to rural buildings.

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.

No – see previous comments on extensions to rural buildings.

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

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.

A) Yes

Supporting businesses and high streets through greater flexibilities

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.

No PDR should be used in limited situation on simple proposals not large scale proposals.

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.

No, 200 sqm is sufficient.

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.

No – see answer to Q57.

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.

A) yes – with respect to LPAs and Communities, these proposals are for quite large structures which in many instances will have the potential to have adverse impacts which need to be considered through an application for planning permission.

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

a) 28 days – subject to the ability to consider highway impacts that could have an unacceptable impact on highway safety (NPPF para 111). The residual cumulative impacts on the road network is unlikely to be severe because of its temporary nature.

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?

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.

A) Yes with respect to LPAs and Communities, for the reasons set out in the answer to Q61.

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

Yes

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

Yes

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.

No comment

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

No comment

Call for evidence - nature-based solutions, farm efficiency projects, and diversification

Q.67 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

The main support LPAs need to provide a more supportive framework for planning authorities is resourcing and positive support from government and members to deliver sustainable development.

Q.68 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

No comment

Q.69 Would a specific and focused permitted development right expedite or resolve a specific delivery challenge for nutrient mitigation schemes?

This proposal concentrates on the need for planning permission when agricultural land changes to a non-agricultural but nature-based use such as peatland restoration, sand dune reprofiling and the creation of wetland habitats. It does seem sensible for this to be PD but defining it would be a challenge. POS has considered whether this could be a use class to enable it to work effectively, but such land is likely to be used for other purposes so this may not be the best solution. In effect this is the repair and maintenance of land and perhaps that might be the basis for a PDR – the repair and maintenance of land to restore it to a previous beneficial state. There would be a need to ensure that what was involved amounted to repair and maintenance (and isn't for example waste disposal) and that the result is actually a restoration to a condition that is considered beneficial (and isn't just land raising for some other purpose).

Q.70 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to nature-based solutions.

This is for Local Authorities to answer directly.

Q.71 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

See answer to Q69.

Q.72 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

There are many well published examples of poor-quality PD homes created across the Country.

Q.73 Would you propose different solutions for different sized agricultural units?

POS does not support PD conversions for agricultural buildings. This would go against considerations of food security and helping to tackle climate change by growing our food using sustainable methods and reducing food miles. As well as supporting the farming economy as well as considerations of promoting sustainable development.

Q.74 Do you foresee any unintended negative consequences that may result from more nature-based solutions coming forward (e.g., impacts to other species, flood risk, wildfire risk, risk to public safety, releasing contaminants from contaminated land or hydrology etc.)? How could these be avoided?

No comment

Farm efficiency projects

Q.75 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

POS has no comment and would leave to the farming industry and DEFRA to address.

Q.76 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

None - removing permitted development rights to allow quality homes in the right places with infrastructure and community involvement would help.

Q.77 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to slurry stores or lagoons and small-scale reservoirs.

No comment

Q.78 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

No comment

Q.79 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

No comment

Q.80 Would you propose different solutions for different sized agricultural units?

No comment

Q.81 Do you foresee any unintended negative consequences that may result from more farm efficiency projects coming forward (e.g., impacts on nutrient pollution, protected sites or hydrology)? How can these be mitigated?

No comment

Q.82 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

POS considers this is for the farming sector to respond to.

Q.83 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

No comment

Q.84 Are there any other diversification projects which have not been covered in this call for evidence or the wider consultation, that you wish to provide evidence for? If so, please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing.

No comment

Q.85 Would these issues be resolved by amending existing permitted development rights, or any other solutions?

No comment

Q.86 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

No comment

Q.87 Would you propose different solutions for different sized agricultural units?

No comment

Q.88 Do you foresee any unintended negative consequences that may result from more farm diversification projects coming forward? How can these be mitigated?

Unintended consequences could include, frustration from communities that they have not been involved in the process, this may damage community cohesion.