

Response ID ANON-DEZB-M49C-2

Submitted to Permitted development rights 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.

Submitted on 2023-09-25 16:35:09

Scope of the consultation

Introduction

What is your name?

Name:

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What is your email address?

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What is the type of organisation that you work for?

Statutory consultee

If applicable, what is the name of your organisation?

Organisation:

Council for British Archaeology (CBA) and Chartered Institute for Archaeologists (CIfA) (joint response)

What is your position in the organisation?

Position in the organisation:

Head of Listed Buildings Casework

Privacy notice

Design codes

Do you want to complete this section?

Yes

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?

Don't know

Please give your reasons :

The use of design codes where PDRs are deemed appropriate should help ensure new development sits well within a location, contributing to rather than detracting from a sense of place. Design codes are established as a concept, but far from established in practice. How easy they are for developers to successfully apply is far from proven and likely to vary between different places. Due to uncertainties around the creation and implementation of design codes we believe the idea of relaxing a requirement for the expertise of planning professionals around the premise of design codes to be premature. As and when design codes are in place around the country to inform quality development consistent with local design, we recommend that a requirement for 'compliance' rather than 'consideration' of design codes would be necessary to ensure good design. We recommend design codes should specify appropriate materials to be used as well as design options for a building's superficial appearance. How design codes will be applied to alterations of existing structures will need careful consideration and management. Whether this will be the case is not clear at present.

Design codes - impact assessment

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?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

There will be less demand on local authority planning departments to process planning applications if works do not require full planning. However, communities and businesses could suffer the consequences of inappropriate or unsympathetic development if the criteria that need to be adhered to, e.g. design codes are not clearly established.

We consider that there may be some benefits to, over time, increasing the expectation that design codes will lessen the need for prior approval and scope appropriate PDR. However, for the foreseeable future, a combination approach is needed to ensure that officers can apply local plan policies, ensure appropriate management of change to heritage assets, and monitor the impact of design codes, which are yet to be fully established and implemented. In practice PDRs tend to primarily benefit the developer by facilitating a fast-track process for development that bypasses regulatory 'checks' of the planning process. In the case of some PDRs there are benefits to planning authorities in relieving planners' caseloads of applications for minor or uncontroversial developments or changes associated with an existing development. However, PDRs remove the oversight provided by planning departments that ensure appropriate outcomes from development including a mix of use classes in a place to support its vitality and enact the policies of its Local Plan. When applied to inappropriate forms of development, PDRs weaken local democracy through removing the opportunity for local voices to be heard within the planning process. They also undermine the principles set out in paragraphs 7 and 8 of the NPPF that individual economic interests should not outweigh social and environmental objectives. They facilitate an individual's economic objectives and bypass the social and environmental objectives in local and national policies.

Supporting housing delivery through change of use permitted development rights

Do you want to complete this section?

Yes

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:

Don't know

Please give your reasons :

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?

Don't know

Please give your reasons :

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?

No

Please give your reasons :

Article 2(3) land is designated for its special interest / landscape character that could be easily harmed by inappropriate development. It is essential that changes to these places, which are by definition more sensitive to change, are able to be considered through planning application. The planning process looks at the complex factors of the site, its setting and their significance in the round to inform appropriate development. This rightfully involves engagement with statutory consultees and the ability of people locally to have their say on the acceptability of new development to secure successful schemes.

Some proposals are inappropriate in Article 2 (3) land which would be acceptable elsewhere. As such they need to be subject to greater consideration than PDR allows . The use of PDR in these sensitive locations has the potential for an unjustified level of harm to the protected landscapes' special interest and to create tension within local communities.

In our experience as a statutory consultee, appropriate development affecting Article 2(3) land is not refused permission, but initial proposals are often improved upon through the engagement of planning officers and statutory consultees. Negotiations and revisions achieve a mutually acceptable outcome for communities, developers and protected landscapes. Planning is about managing land in the wider public interest. Removing the ability of Authorities to negotiate any necessary revisions to remove / minimise the potential harm that a development could cause to the special interest / significance of sensitive and exceptional landscapes as well as environmental and heritage protections would undermine the important protections for Article 2(3) land to achieve short term efficiencies that are ultimately against the wider public interest.

The Government's response to Glover acknowledged in relation to Planning Reform that: 'A strong and effective system must sustainably balance protections with supporting local communities and economies. The balancing exercise must be carried out differently in protected landscapes, to ensure their statutory purposes and special qualities are meaningfully protected. This involves giving greater weight to their special qualities in planning policies, procedures, and decisions.' Extending PDRs into these protected landscapes would undermine their protections and the ability of local communities to 'have their say'.

The CBA and ClfA oppose this extension of PDR. It is not an adequate mechanism for securing the environmental outcomes, including safeguards and protections of the historic environment, that this government are seeking to legislate for in the Levelling Up Bill. Instead this PDR would undermine the ability of LPA planners to implement local plans and secure appropriate environmental outcomes from development.

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?

Don't know

Please give your reasons. 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?

No

Please give your reasons :

Permitted Development Rights work well for developers in the speed with which they can achieve works without going through the full planning process. The use of PDRs also reduces the caseload of planning officers through bypassing full planning application considerations. However, a benefit of the planning system is in implementing local plan policies that reflect the needs and aspirations of the local area for their built environment. For example, converting Use Class C1 premises to dwellinghouses maybe financially attractive for the owner/ developer but leave an area with a shortfall of guest accommodation contrary to local plan aspirations. This PDR would bypass the mechanism designed to retain the right mix of building uses for the vitality and sustainability of an area.

Guest accommodation supports local tourism, which is an important part of many local economies. Facilitating this change of use via PDR risks a cumulative loss of Use Class C1, resulting in a lack of necessary guest accommodation, causing tourism to go elsewhere. The subsequent loss of footfall will harm other local businesses such as independent shops, pubs and coffee shops that benefit from tourism trade. These changes could bring about significant changes in places that rely on tourism for local jobs and secondary spend.

An alternative impact of a shortage of Class C1 could be the unintended consequence of causing a rise in the number of dwellinghouses used for Air BnB style short term lets, which has a harmful impact on communities and the availability of housing locally.

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

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?

Yes

Please give your reasons. If yes, please specify. :

There needs to be a safeguard that retains a sustainable mix of use classes, including C1, for an area's vitality and visitor economy. Without this there will be unintended implications for other business types in an area that benefit from a local visitor economy and potentially a rise in the use of dwellinghouses as holiday lets to make up the shortfall in visitor accommodation.

The cultural and historic significance of the built environment should not be overlooked, and should be appropriately safeguarded in any change of use, as set out in the NPPF. We do not believe this extension of PDR provides an adequate mechanism for securing appropriate environmental outcomes from development. It would weaken the ability of LPA planners to implement Local Plan policies and national environmental legislation.

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?

Yes

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 and c) communities.

Many hotels, guest houses and boarding houses are historic buildings that contribute to the character of a place as well as supporting a visitor economy.

If there is widespread use of a PDR to convert Use Class C1 premises to dwellinghouses within an area the collateral impact could be on its historic character and create a shortfall in guest accommodation, contrary to local plan aspirations. There would be knock on consequences for other businesses that rely on a local visitor economy. This PDR would bypass the mechanism designed to retain the right mix of building uses for the vitality and sustainability of an area. In areas where tourism is in decline, LPAs are able to approve change of use for vacant hotels and guest house into residential homes. So it is questionable whether this PDR would bring any additional benefit beyond working well for developers in the speed with which they can achieve works without going through the full planning process and reducing the caseload of planning officers. This does not equate to sustainable development that secures appropriate environmental outcomes or public benefit.

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?

Don't know

Please give your reasons :

While the Class MA PDR may result in more homes, it has been previously shown (e.g. by a 2021 HCLG Committee report) that these Rights may result in poor quality homes. Furthermore, it is important that local authorities retain sufficient ability to influence appropriate use classes for given areas, for instance, to maintain visitor accommodation, office space, or industrial units. This can include protected appropriate uses for heritage assets or in areas where a change of use may impact heritage.

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:

Don't know

Please give your reasons :

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?

Don't know

Please give your reasons :

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:

Don't know

Please give your reasons :

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?

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?

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?

Don't know

Please give your reasons :

It is beneficial for any area to have buildings in a sustainable use rather than redundant, which can lead to dereliction, harming local character. However, converting Class M use to Class N use in Article 2(3) land may detrimentally impact local amenities. We also note that the street frontage for Class M use contains a lot of glazing, whereas Class N use generally doesn't operate with large shop windows. Despite the right only allowing for the change of use and not permitting any operational or building works that would impact on the appearance of the premises. It would be naive to expect this change of use through PDR not to subsequently result in planning applications to change shop fronts to a more domestic arrangement, both for privacy and improved insulation. This will impact on the character of high streets and commercial areas of villages, towns within these sensitive character areas.

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?

Don't know

Please give your reasons :

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?

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?

Don't know

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?

Don't know

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?

Don't know

Please give your reasons :

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?

Don't know

Please give your reasons :

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?

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?

Don't know

Please give your reasons :

Agricultural buildings to dwellinghouses (Class Q of Part 3)

Size limits and maximum numbers of homes delivered

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:

Don't know

Please give your reasons :

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)?

No

Please give your reasons :

Our concern is that setting a bar at 1,000 square meters of redevelopment of agricultural sites could lead to inappropriately large developments. This scale of redevelopment being undertaken without full planning scrutiny could also result in a significant loss of traditional character to historic farmsteads. Whilst we support the principle of converting redundant agricultural buildings into domestic use, we do not support this scale of works being undertaken through PDR. LPAs should approve decisions at this scale to ensure appropriate design, including for domestic curtilages, to avoid creating unjustified impacts on rural character. Also, full planning ensures that nearby services and infrastructure can cope with additional residents.

Development carried out under this PDR also carries high potential to impact on buried archaeological remains. This is because many agricultural buildings will have involved limited ground disturbance in their construction, with replacement or adapted buildings for domestic use likely involving significantly more ground disturbance. Without a planning application, or at least prior approval notification, areas of high archaeological significance are likely to be impacted without the opportunity to secure assessment and agree appropriate mitigation .

The CBA and ClfA do not support this PDR. We view it as an inadequate mechanism for securing appropriate environmental outcomes from development, including proportionate safeguards and protections for the historic environment.

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?

No

Please give your reasons :

PDRs are a helpful tool in simplifying the planning process in straight forward instances where the potential for wide reaching / unintended consequences are minimal. The potential impact of creating 10 new homes in an undeveloped rural location is considerable on many fronts. The creation of an increased number of dwellings should therefore require full planning consent to ensure the design and logistical considerations for amenity, services, highways and creation of multiple domestic curtilages on the character of open landscapes, and the historic environment, are considered and any harmful impacts minimised and mitigated as per planning policy.

The CBA and ClfA do not support this PDR. We view it as an inadequate mechanism for securing appropriate environmental outcomes from development, including proportionate safeguards and protections for the historic environment. This PDR would undermine the ability of LPA planners to implement local plan policies and national legislation including the Environment Bill and the Levelling Up and Regeneration Bill.

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?

No

Please give your reasons :

We strongly advise against the proposed revision to permit extensions to agricultural buildings under PDR. Extending buildings in rural locations should be sensitive to the impact this can have on their open setting and in many instances the historic agricultural character of the buildings.

Farmyards are often not previously developed land. In most instances they are an open area of hard standing that facilitates vehicles and animals to be moved between buildings and fields. The relationship between the form and function of agricultural ranges means that, at the majority of farms, yards are in front of the principal elevation of buildings where the largest apertures are located (not to the rear of buildings). This is almost invariably the least sensitive location for building an extension, with the highest impact on the farm's agricultural character, the legibility of the building's historic use and the

farm complex's contribution towards the character of the rural area.

Unrestrained domestic influences can harm the rural character of farmsteads and their landscape setting. Although there are shared characteristics to agricultural sites at a national level, regional variation often determines local identity and character. Suitable locations for extensions to buildings will vary depending on the site. Developing extensions to farmyards (which are predominantly to the front of farm buildings to enable access for vehicles and animals from a hard standing) would enclose their open character. Modest scale extensions to the rear of agricultural buildings, where there are minimal apertures are often a lot easier to achieve with minimal harm to the character and significance of the site. However, appropriate extensions are site specific so should be agreed through the planning process and not deregulated through PDRs.

Any harm can be greatly reduced through thoughtful quality design. This proposed extending of PDRs creates a high risk of inappropriate suburban pockets harming the character of much cherished landscapes. Adaptive reuse of agricultural buildings into dwellinghouses is best achieved through the full planning process to minimise harm to the character of the countryside.

In principle we support the adaptive reuse of redundant agricultural buildings into residential use. In the CBA's capacity as a statutory notifyee for LBC applications we assess and advise on a great number of applications to achieve this. Converting agricultural buildings for residential use is widely executed. On historic farmsteads and farms in a rural landscape the character and appearance of the site and its setting can be harmed by insensitive development that creates suburban enclaves in rural settings. At present the professional expertise of local authority planners ensures against this. Applying due planning processes weeds out and improves upon a vast array of poorly designed schemes that would create poor quality homes and harm the rural character of farms. Good quality design restrains the impact of domestic curtilage (cars, garages, play equipment) from harming open rural character.

Farms (both the type of agriculture and buildings designed to support those purposes) greatly inform the character of rural areas. Vernacular buildings, like farmsteads, have a close relationship with the historic building materials that could be negatively impacted by poorly designed extensions.

In addition, extensions built under this PDR also carry higher potential to impact on buried archaeological remains, as farmyards are undisturbed ground. This PDR would be an inadequate mechanism for securing appropriate environmental outcomes from development, including proportionate safeguards and protections for the historic environment. This PDR would undermine the ability of LPA planners to implement local plan policies and national legislation including the Environment Bill and the Levelling Up and Regeneration Bill.

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?

Yes

Please give your reasons :

We do not think that the PDR should be extended, however, if Government does extend the Right, we would expect that it should at least be subject to prior approval for the above reasons and additionally for consideration on impacts on the historic environment.

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?

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?

No

Please give your reasons :

The issues of the need for additional rural homes are capable of being dealt with within local planning policy, with sensitive and sustainable approaches considered to make best use of redundant farm buildings. However, this requires proper case-by-case consideration especially because of the sensitivity of these areas. A PDR would not increase the number of sustainable homes created, but only likely increase the number of unsustainable ones. Residential permitted development right allows extensions within certain criteria but which, as they apply nationally and provide a blanket right, cannot reflect different local circumstances. PD can allow poorly designed extensions on traditional buildings which do not reflect local character. In the New Forest, North York Moors and Exmoor, extensions through PD are being used as a 'back stop' or 'fall back' in negotiations on planning applications. The New Forest has had appeals allowed for proposals that breach the Local Plan policy on extension sizes on the basis that under PD the homeowner could do a larger extension that would be more detrimental. The wording of some existing PD rights is open to interpretation and loopholes in it have been used to create some unattractive environments that detrimentally impact on the landscape character of National Parks. This appears to be contrary to the Government's current focus on improving design.

The CBA and CifA do not support this PDR. We view it as an inadequate mechanism for securing appropriate environmental outcomes from development,

including proportionate safeguards and protections for the historic environment. This PDR would undermine the ability of LPA planners to implement local plan policies and national legislation including the Environment Bill and the Levelling Up and Regeneration Bill.

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?

Don't know

Please give your reasons :

Q.33 Are there any specific uses that you think should benefit from the right?

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?

Don't know

If yes, please give examples of the types of uses that the right should not apply to.:

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?

No

Please give your reasons :

The type of former farm building targeted by this PDR are eligible for planning permission to be turned into homes already. An expanded PDR, which would disproportionately target historic buildings, would provide massively increased scope for potentially harmful change to the character of rural areas and direct harm to the significance of locally characterful buildings.

The CBA and ClfA strongly support the conversion of disused former agricultural buildings to be sensitively converted and historic assets reused, subject to sensitive conversion that conserves and enhances the significance of assets and makes a positive contribution to the landscape.

Extending PDR as proposed here would be absolutely the wrong way to pursue this goal and would likely lead to poor quality conversions which would harm local heritage and landscape value.

Additionally, without careful exemptions, this PDR could be applied to assets hundreds of years old. If the Government decides to proceed with this damaging proposal, a very conservative date range should be set to ensure that remains of, for example, medieval and post-medieval agricultural buildings are not subject to the Right. We would recommend an indicative date of 1900 for buildings, however noting that even 20th Century former agricultural assets may possess heritage significance and make a positive contribution to landscape and beauty.

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?

Yes

Please give your reasons :

If there is not existing access to a public highway, then it would be wholly inappropriate to create a residential dwelling through PDR. The combination of factors to achieve a successful redevelopment in such instances need to be considered through an application for a full planning permission.

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?

Yes

Please give your reasons. If yes, please provide details. :

A lot of redundant farm buildings are historically significant, many are curtilage listed and / or contribute to the historic character of a place. They generally have shallow foundations and are in undeveloped locations, often with archaeological potential. We do not believe that PDR is an appropriate mechanism for this type of change of use, precisely because the nature of such works to convert a redundant agricultural building to residential are likely to be so substantial. Often requiring significant ground disturbance, remedial works to foundations, drainage, and other utilities, alterations to existing

doors and windows and external landscaping.

Works to achieve a new domestic use in a redundant agricultural building poses a considerable risk to buried archaeological remains due to a lack of opportunity to request investigation. Full planning applications consider the archaeological potential of a site. Further oversight of works affecting the fabric of the building and the impact on the setting of the building are also potentially significant.

The extent of these works and their potential impact merit full planning consideration. The CBA and ClfA are in favour of the sustainable development of such assets, but PDR removes the opportunity for development to be considered and for sensible steps to ensure the positive management of the historic environment to be taken. We welcome plan-led approaches to encouraging rural homes to be developed by sustainable means. PDR is not the correct tool for this.

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?

Yes

Please give your reasons. If yes, please provide details of suggested changes. :

It is important that adaptive reuse of agricultural buildings is sympathetic to the site's character. There is excellent published guidance on Historic England's website about how to successfully convert historic farm buildings to domestic uses. We strongly recommend this guidance should be promoted more widely in the context of this type of change of use.

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?

No

Please give your reasons. If yes, please specify which uses.:

For the same reasons described in relation to agricultural to residential right, we object to this proposed right. The CBA and ClfA do not support this PDR. We view it as an inadequate mechanism for securing appropriate environmental outcomes from development, including proportionate safeguards and protections for the historic environment. This PDR would undermine the ability of LPA planners to implement local plan policies and national legislation including the Environment Bill and the Levelling Up and Regeneration Bill.

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?

Not Answered

Please give your reasons If yes, please specify. :

The cultural and historic significance of the built environment should not be overlooked, and should be appropriately safeguarded in any change of use, as set out in the NPPF. We do not believe this extension of PDR provides an adequate mechanism for securing appropriate environmental outcomes from development. It would weaken the ability of LPA planners to implement Local Plan policies and national environmental legislation.

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?

Yes

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.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?

Don't know

Please give your reasons :

Supporting the agricultural sector through additional flexibilities

Do you want to complete this section?

Yes

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?

Don't know

Please give your reasons. If yes, please specify which uses. :

If this change of use has no physical impacts on the structure, then there would be no harmful impact to the historic environment from this PDR. However, if this would entail impacts of the building's built form without any consideration of whether it contributes to the historic environment then we object to this proposed right for the same reasons described in relation to agricultural to residential right.

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?

No

Please give your reasons :

An expanded right, as described, would include uses that could have an impact on the amenity of the surrounding landscape and as such should be subject to planning permission.

What flexible uses can buildings be used for

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?

Don't know

Please give your reasons :

What flexible uses can buildings be used for

Q.46 Should the right allow for the change of uses to any other flexible commercial uses?

Don't know

Please give your reasons. 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?

Don't know

Please give your reasons :

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?

Don't know

Please give your reasons :

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)?

Don't know

Please give your reasons. 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?

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.:

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?

Don't know

Please give your reasons :

The impact on landscape character would be greater from the creation of a new structure that is bigger by 50% than those currently allowed. Is this justified? We recommend this proposed increase in ground area for new buildings should only be introduced if there is an evidenced need to support it.

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?

Yes

Please give your reasons :

Scheduled monuments are amongst the highest designations within the historic environment. Their variety of form means they can be impacted in different ways by development. It is important that archaeological expertise within a planning authority determines the suitability of any proposed development that may affect a scheduled monument. The use of PDR in such locations is wholly inappropriate.

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?

Don't know

Please give your reasons :

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?

Don't know

Please give your reasons :

Q.55 Do you agree that we remove the flexibility for extensions where there is a designated scheduled monument?

Yes

Please give your reasons :

As stated in response to Q.52 Scheduled monuments are amongst the highest designations within the historic environment. Their variety of form means they can be impacted in different ways by development. It is important that archaeological expertise within a planning authority determines the suitability of any proposed development that may affect a scheduled monument. The use of PDR in such locations is wholly inappropriate and may cause unjustified and unmitigated harm to highly significant buried archaeology.

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?

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

Do you want to complete this section?

No

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?

Not Answered

Please give your reasons :

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?

Not Answered

Please give your reasons :

Industrial and warehousing extensions (Class H of Part 7)

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.

Not Answered

Please give your reasons :

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?

Not Answered

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:

Not Answered

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?:

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?

Not Answered

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.:

Ensuring the sufficient capacity of open prisons

Do you want to complete this section?

No

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).

Don't know

Please give your reasons :

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

Do you want to complete this section?

No

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

Nature-based solutions

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

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

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.

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. :

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

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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.

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.:

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

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

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

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

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

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

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?

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?:

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?

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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.

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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.

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

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

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

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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?

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Diversification of farm incomes

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

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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.

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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.

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.:

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

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

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

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

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

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

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