

Planning Service

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22 September 2023

Dear Planning Development Management

Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets, open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification

Thank you for providing the opportunity to respond to the above consultation. Overall, we have concerns about the implications of some of the proposed changes to permitted development rights.

We have responded to the questions online; however, we would like this letter to be considered as part of our response.

One of the aims of the Levelling Up and Regeneration Bill is to give local communities control over what is built, where it is built and what it looks like. Through reforms the aim is to ensure that the right infrastructure comes forward where needed, local democracy and engagement is enhanced and allow neighbourhoods to shape their surroundings. We currently have a plan led system, and this will remain a fundamental approach going forward.

We are supportive of a simplified planning system where there is more certainty and efficiency. However, we are concerned that the proposed changes to permitted development rights could undermine the aims of the Levelling Up and Regeneration Bill and the plan led system.

We are also supportive of farm diversification and food production; however, we want to ensure support for farmers is sustained. Whilst some of the changes to permitted development rights to convert buildings or create new housing may create an initial cash injection, we want to ensure support for farming is sustainable.

We support housing delivery; however, this must be in the correct place. Allowing an increase in housing delivery through permitted development rights could undermine the

local plan, reduce local engagement and result in development that is not in a sustainable location and dependent on the private car. Permitting hotels to be converted to create homes could allow housing in areas where it is not normally permitted, especially in the rural areas. It could also conflict with visitor policies in the local plan.

Housing delivery through permitted development rights reduces the delivery of affordable housing as there is not a mechanism to secure affordable rent or social rent homes.

Development undertaken through permitted development rights including the prior approval process reduces community consultation compared to the planning application process. This reduces the control local communities have in their areas, which is a fundamental aim of the Levelling Up and Regeneration Bill.

By introducing more permitted development rights in areas such as the AONB and allowing more housing delivery through barn and farm building conversions also raises some concerns. In many cases these buildings will be in more isolated locations, not only will the conversion of the building itself potentially have an impact on the character and appearance of the area, but also the garden area with associated residential paraphernalia, lighting and driveway could be detrimental to the area and undermine planning policies that are in place in relation to this type of development. We are not supportive of the proposal to allow an extension to conversions are part of the permitted development process and consider this type of development in sensitive locations should be controlled through the planning application process. We are also concerned about the ecological impact of this, with potential impacts on roosting bats and other protected species being missed through the permitted development rights systems, instead of being considered as part of the planning application process.

We recognise the importance of diversification within farming, and we are supportive of sustainable diversification. Some of the changes propose amending the right for the change of use of agricultural buildings to residential use on agricultural units and buildings that may not have been solely used for agricultural purposes. If other uses apart of agriculture have been established on the land or other buildings diversification is already happening and in some cases the land or the building may have had a range of uses since its original agricultural use. However, to then allow it to be converted into residential is likely to end this as often once a building is converted to a residential use it rarely converts to other uses. We are supportive of proposals to allow the processing of raw goods produced on the site and to be sold on the site (excluding livestock). This allows for locally grown produce to be processed for sale.

Regard to Green Belt locations is also important and permitted development rights should not undermine Green Belt planning policies. The use of and conversion of buildings and land within the Green Belt under permitted development should be carefully considered. We have concerns about the creation of ‘fallback’ positions under permitted development rights which could drive larger scale development under planning applications within the Green Belt.

Heritage assets are also an important aspect of the environment and in many cases are unique and require careful consideration which is more appropriate through the planning application process rather than permitted development or the prior approval process.

We are also concerned about the proposed changes in requirements to allow conversions of business and commercial premises to residential by reducing the vacancy period, especially in the town centres. Whilst we understand that a number of vacant units in town centres can be a factor contributing towards a spiral of decline and reduce the quality of the environment, allowing more residential could also reduce shops and businesses people rely on and also once they are converted to residential it is unlikely, they will be converted back. There could be situations where landlords serve notice on businesses that are thriving to convert the premises to residential. Areas also vary in terms of their vacancy rates. Whilst there may be a benefit to allowing more residential development through extended PD rights in some town centre areas with high vacancy rates, it could impact on the areas where the vacancy rates are not as high and result in businesses being lost.

There can also be tensions within town centre locations between the uses. Town centres have take-away, restaurant and pub uses. Having more residential units near other uses can cause noise and odour issues. Instead of this being managed through the planning application system there is a risk that some of these issues will be missed through the permitted development rights and therefore create more issues for Environmental Health services.

We are also concerned about the impact these changes will have on the determination of planning applications as permitted development rights are a fallback position and material consideration when assessing planning applications. Having increased permitted development rights and in some cases creating new permitted development rights is likely to result in planning applications proposing greater levels and potentially more harmful levels of development and being able to rely on a permitted development fallback position. This could lead to Local Plan policies being undermined alongside reduced community consultation.

Whilst some elements of the proposed changes will be through the prior approval process, this is not always a simplified or more efficient process. In some cases, prior approval applications can generate as much cost to the LPA as a planning application, however we receive a smaller fee.

Overall, we are not supportive of the level of change being suggested through this consultation.

Yours sincerely

[Redacted signature]

Response ID ANON-DEZB-M4PV-C

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 2023-09-22 11:14:15

Scope of the consultation

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

What is the type of organisation that you work for?

Local authority

If applicable, what is the name of your organisation?

Organisation:

South Oxfordshire and Vale of White Horse District Council

What is your position in the organisation?

Position in the organisation:

[REDACTED]

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?

Not Answered

Please give your reasons :

By taking this approach it will help give clearer requirements for design and help towards the process being more certain.

However, there could be inconsistency as design codes will not all be in place at the same time

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?

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.:

- This is dependent on what the design code requirements are
- In theory it should provide clearer guidance for any potential applicants and therefore any requirements in relation to design and materials can be considered earlier and incorporated in the process

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:

No change

Please give your reasons :

- Could undermine the plan led system
- Parking requirements could become an issue
- Local infrastructure would need to ensure good cycle, walking and bus route, this is not always the case in more rural locations

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?

No

Please give your reasons :

- Once a property has been converted to residential it is unlikely to be converted back again. If the vacancy requirement is removed then it reduces the opportunity for another business as the premises could be converted to residential immediately
- It also removes the market demand and allowing a correction in the market in relation to rent
- Property owners / landlords may give notice on non-residential tenants, which could risk the closure of that business

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 :

- In these areas it is still important for a level of control and assessment that a planning application provides rather than it being permitted development
- It is also important to allow local communities to be consulted and provide comments which would happen through the planning application process

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?

Not Answered

Please give your reasons. If no, please explain why you don't think the prior approval works in practice?:

- The Prior Approval process does give some level of control which is welcomed
- However, as with a number of Prior Approvals the level of work associated with it does not differ greatly from the consideration of a planning application, however the LPA receive less fees.

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 :

- Some hotels and guest houses are not in sustainable locations or areas where new housing is supported through local plan policies, therefore new housing may start emerging in unsustainable locations which are not well served by public transport links or other local amenities.
- Need to consider parking, amenity space, quality of living conditions.
- Affordable housing, how will this be included?
- Loss of visitor accommodation. This could undermine visitor related local plan policies
- Once these types of premises have changed to residential it is unlikely they will be converted back to hotels or guest houses in the future

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. :

- The rights could only apply in areas where new housing is supported in principle to avoid unsustainable development
- It could be limited in relation to the number of new houses created, for example no more than 4
- There should be requirements in relation to space standards and amenity space

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?

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.:

- Communities are at risk of loosing commercial and business services in their areas
- Any rent from commercial properties would be lost, so this could impact a range of individuals and organisations including councils who may be the landlord, so a loss in revenue would occur
- There may be a knock-on impact where some business and commercial uses are converted to residential, which reduces the footfall in areas, which in turn negatively impacts on the trade of other businesses

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?

Not Answered

Please give your reasons :

- Please refer to accompanying letter

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:

No change

Please give your reasons :

- There is a balance that needs to be achieved between providing businesses with the opportunity and guarantee they can change use which helps to respond to changing economical and social factors whilst ensuring towns remain vibrant and attractive, safe places for people to visit and live
- There also needs to be consideration of the use, such as a hot food take-away, its floorspace area and the impact on the amenity of nearby residents in terms of noise and odour. We would want to avoid a situation where this creates increased issues for Environmental Health Teams

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

Yes

Please give your reasons :

- Agree that in some areas launderette facilities are essential and not all households will have a washing machine

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:

No change

Please give your reasons :

- Given the design and of these buildings, which often have limited windows and the location they are often in, the current limit of 150 square metres should remain
- If large areas were to be converted and additional homes created then consideration of more matters which would fall under a planning application would be more appropriate rather than the prior approval process which currently does not include consideration of noise, fire safety and any related design implications or outdoor amenity space

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?

No

Please give your reasons :

Please refer to the attached letter

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?

No

Please give your reasons :

Please refer to the attached letter

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?

No

Please give your reasons :

- Allowing this to be determined through the planning application process is preferable so all material planning considerations can be taken into account and public consultation will be undertaken

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?

No

Please give your reasons :

- Allowing this to be determined through the planning application process is preferable so all material planning considerations can be taken into account and public consultation will be undertaken

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?

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.:

Please refer to the attached letter

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 :

Please refer to the attached letter

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?

No

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

Please refer to attached letter

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?

No

Please give your reasons :

Please refer to attached letter

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?

Not Answered

Please give your reasons :

Please refer to attached letter

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?

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.:

Please refer to attached letter

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?

Not Answered

Please give your reasons :

There are a number of factors which could influence this. Please refer to attached letter

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:

100 square metres per dwellinghouse

Please give your reasons :

- Benefit to limiting the size of a house to ensure smaller agricultural workers houses are provide and to avoid large scale houses being built in the open countryside

Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?

Not Answered

Please give your reasons :

Please see attached letter

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 :

Please see attached letter

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 :

- If setting a floor space limit for conversions, then it could be counter productive to then allow the building to be made larger under PD
- Want to ensure that extensions are appropriate in relation to the original building

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?

No

Please give your reasons :

- Simpler not to introduce this and leave it to a planning application process

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?

Not Answered

Please give your reasons :

Please see attached letter

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 :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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

No

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?

Yes

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

- Farm shops
- Any building in existing use

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?

Yes

Please give your reasons :

- Yes at the construction of a road / access may have an even greater impact on the character and appearance of the area
- Some buildings have tracks / access, however they may have become overgrown or have a low key appearance due to their width and materials used to contract the track, however this could be unsuitable for cars and this may lead to upgrading the surface which could impact on the localised drainage and appearance
- More requirements could be set out in relation to this as to avoid buildings with unsuitable access being converted

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?

Not Answered

Please give your reasons :

- Yes at the construction of a road / access may have an even greater impact on the character and appearance of the area
- Some buildings have tracks / access, however they may have become overgrown or have a low key appearance due to their width and materials used to contract the track, however this could be unsuitable for cars and this may lead to upgrading the surface which could impact on the localised drainage and appearance
- More requirements could be set out in relation to this as to avoid buildings with unsuitable access being converted

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?

Not Answered

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

Please see attached letter

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?

Not Answered

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

- It should be amended if changes are made to the PD rights

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.:

Please see attached letter

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. :

Please see attached letter

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?

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.:

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

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

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

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

Please see attached letter

Allowing mixed uses

Q.47 Do you agree that the right be amended to allow for a mix of the permitted uses?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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)?

Not Answered

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

Please see attached letter

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?

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.:

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

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

Not Answered

Please give your reasons :

Please see attached letter

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?

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.:

Please see attached letter

Supporting businesses and high streets through greater flexibilities

Do you want to complete this section?

Yes

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 :

Please see attached letter

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 :

Please see attached letter

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 :

Please see attached letter

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.:

Please see attached letter

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:

28 days per calendar year (in line with other uses permitted under the right)

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?:

This would bring the temporary uses in line

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.:

Please see attached letter

Ensuring the sufficient capacity of open prisons

Do you want to complete this section?

Yes

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?

Not Answered

Please give your reasons :

Please see attached letter

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?

Not Answered

Please give your reasons :

Please see attached letter

Impact Assessments

Q.65 Do you think that the proposed changes to the Class M of Part 7 permitted development right in relation to open prisons could impact on: a) businesses b) local planning authorities c) communities?

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.:

Please see attached letter

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).

Not Answered

Please give your reasons :

Please see attached letter

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

Do you want to complete this section?

Yes

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? :

The NPPF (para 180d) already provides a presumption in favour of development where the purpose of development is to benefit biodiversity. This could be extended to other nature-based solutions such as nutrient mitigation (which indirectly has biodiversity benefits), flood alleviation. Including climate change in this may be problematic, as it could lower standards for renewable energy (solar/wind/nuclear) proposals.

Amendments to PD (discussed below) could streamline certain habitat creation projects (e.g. pond creation).

Natural Environment PPG is updated periodically in a piecemeal way. A wholesale update could be pursued. An update to Circular 06/2005 would be useful, reflecting changes to the planning system (such as district level licensing) and new evidence.

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. :

A new class of permitted development for nature-based solutions could be created. Pond and wetland creation, for the sole purpose of improving the natural environment, could be included – subject to prior approval of other material matters (e.g. flooding, archaeology, etc.). A new use class of land, for natural environment improvement (NEI), could be created. This could potentially streamline the offsite BNG market (not requiring separate planning permissions for habitat creation) and protect created habitats after the minimum 30 management agreement required by BNG. Change of use of agricultural land to NEI could be permitted development, but changes from NEI to other use classes could require planning permission. This could dissuade landowners from losing created habitats and allow for the protection of valuable habitats and species that have occupied NEI land. Registered

environmental charities could benefit from specific PD rights.

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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Streamlining vegetative wetland creation (see response provided under q.68), change of use of land away from agriculture (see response provided under q.68) and improvement of outdated foul water infrastructure (e.g. replacing cesspits with modern package treatment plants) could become PD to reduce nutrient pollution within catchments.

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.

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Freshwater Habitats Trust went to considerable cost to get their wetland creation scheme through the planning process (Vale of White Horse District Council, ref: P21/V3562/FUL). The scheme was uncontroversial and widely supported. Reduced administrative costs would have meant that additional habitat creation could be pursued.

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?:

Permitted development rights, NPPF.

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

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South Oxfordshire District Council, ref: P19/S4697/FUL

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

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

No benefit to this.

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?:

Prior approval process for potentially damaging habitat creation projects, involving significant excavation, could minimise risks of unintended damage but still streamline the process.

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?

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?:

Any farm efficiency PD proposals should be subject to the prior approval process and provide information to the LPA exploring the potential for impacts on the natural environment through nutrient, protected sites and hydrology impacts.

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?

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

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

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Conversion of agricultural buildings can have adverse impacts on protected species (e.g. barn owls and roosting bats). Protected species should be listed as a consideration under the GPDO to ensure that impacts on species are not unintentionally permitted.