

1. **Response to planning consultation paper (Pages 2-23)**

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS**

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

<b>REPORT TITLE:</b>	Response to planning consultation paper – 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 .
<b>OPEN/EXEMPT</b>	Open
<b>LEAD OFFICER</b>	Stuart Ashworth
<b>IS DECISION SUBJECT TO CALL IN?:</b>	No - urgent decision in this case – consultation came to light late in the process, and response needed to be submitted by 25 September 2023.
<b>DATE DECISION ADVERTISED:</b>	
<b>DATE OF DECISION:</b>	
<b>DEADLINE FOR CALL IN:</b>	
<b>PRE-SCREENING EQUALITY IMPACT ASSESSMENT COMPLETED:</b>	YES

**Delegated Power**

*Specify the particular delegated power being exercised by reference to the Scheme of Delegation or the Council body minute and date.*

The planning scheme of delegation allows for consultation responses to be made. 1.3.8 of the scheme states "To exercise all other planning related functions.....lodgement of comments or objections upon consultation....."

**Decision Taken**

*Specify precise details of the decision taken.*

Local Planning Authority (LPA) response to a government consultation paper on proposed changes to permit development. The consultation is quite a wide ranging one, including dealing with permitted development rights relating to agricultural/rural buildings to dwellings, hotels and guest houses to dwellings, markets, and other uses. It is aimed at increasing the supply of housing predominantly, although it also looks at more flexibility for agricultural uses, and increasing agricultural and industrial/business permitted development rights. It consists of 88 questions. Further details are included within the Member Briefing of 18 September (attached).

It should be noted that the latter part of the consultation is carried out jointly with DEFRA, and some of those questions have not been replied to, because they are aimed at the practical experience of farmers and land managers.

**Reasons for the Decision**

*Specify all reasons for taking the decision*

Which there is no requirement to respond to the consultation papers, it was felt that a response to this technical consultation should be made.

**Details of alternative options, if any, considered and rejected.**

Do not respond to the consultation.

**Any declarations of interest and details of any dispensations granted in respect of interests (in relation to officers and any Members consulted).**

None

**List of Background papers**

A copy of the response to the questions is attached.  
A copy of the member briefing is attached.

**Authorisation**

Post Held Assistant Director

Signature: 

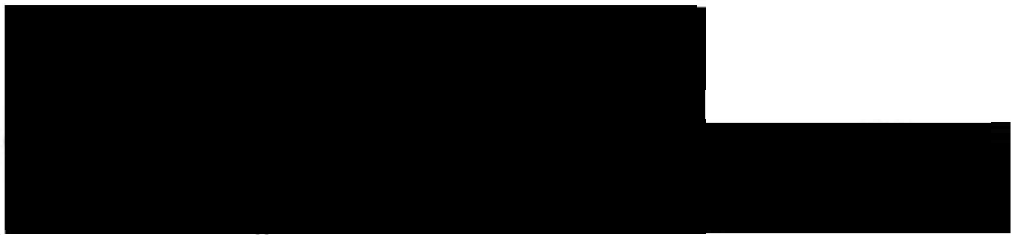
Date 22/9/23

**Consultation with members/officers**

**If the decision is taken following consultation with the members/officers, please give details:**

**Name of Members/officers consulted:**

Cllr Moriarty, Cllr Parish



**Signed by Member/officer as consulted:**  
**Date: 27.09.2023**

# Pre-Screening Equality Impact Assessment

Borough Council of  
**King's Lynn &  
West Norfolk**



Name of policy	Response to government consultation on changing planning policy & legislation relation to permitted development				
Is this a new or existing policy/ service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Aims to increase the supply of housing through permitted development, and increase other aspects of permitted development, relating in particular to agriculture and business/commercial uses.				
<b>Question</b>	<b>Answer</b>				
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (eg low income)			X		
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
<b>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</b>	No	This is national policy, potentially to be implemented across England.			
<b>3. Could this policy/service be perceived as impacting on communities differently?</b>	No				
<b>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</b>	No				
<p><b>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</b> If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	<b>Actions:</b> N/A			
		<b>Actions agreed by EWG member:</b> Name .....			
<b>Assessment completed by:</b> Name Stuart Ashworth					
<b>Job title</b> Assistant Director -Environment & Planning	<b>Date</b> 22/9/'23				
<b>Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.</b>					

## Response ID ANON-DEZB-M4P6-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 14:42:18

### Scope of the consultation

#### Introduction

What is your name?

Name:

Stuart Ashworth

What is your email address?

Email:

stuart.ashworth@west-norfolk.gov.uk

What is the type of organisation that you work for?

Local authority

If applicable, what is the name of your organisation?

Organisation:

King's Lynn & West Norfolk BC

What is your position in the organisation?

Position in the organisation:

Assistant Director - Environment & Planning

#### 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?

Yes

Please give your reasons :

It is logical to ensure consistency with a local design code if it is in place within the local authority area.

#### 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?

No

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

- a) Overall it should not be an extra burden on businesses although if local stone is required for example, there could be extra costs
- b) There is no additional impact on LPA's
- c) Positive impact on communities in terms of built form, although there could sometimes be extra costs as outline above in a)

#### 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 :

The current regulations seem to strike the right balance already.

#### 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 :

Difficult to assess impact of the short 3 month period now, but we would question whether it could lead to an increased likelihood of businesses being evicted in favour of higher value residential uses?

#### 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 :

Many of these areas are tourist areas, because of the special landscape designation. There will be pressure to convert business premises (& therefore local services) to residential, often for high value holiday uses, leading to the loss of local services for local residents living there permanently. This could actually be harmful to those communities, and do the opposite of the stated aims of this proposal.

#### 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?

Yes

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

The character of a conservation area may be due to the mix of uses, especially on the ground floor, so any watering down of this aspect, by removing that protection where that has to be considered by the LPA, is considered to be a backward step.

#### 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 :

Potential to lose guest houses and hotels in tourist towns, for example a seaside resort like Hunstanton, could be very harmful to the tourism trade and therefore the local economy. The best way to consider these impacts is through a planning application.

#### 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 would need to be a consideration of impact on the tourism sector but it will be extremely difficult to do in practice. Perhaps room sizes, which may not always be suitable for permanent accommodation needs to be considered as well.

It is difficult to put a size limit on this because of the diverse range of accommodation needs, where small B & B's and guesthouses also play a part in the tourism accommodation sector.

### 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.:

a) Loss of premises in favour of high value residential facilities would be a negative impact on businesses.

b) No identifiable impact as still have to deal with a form of application (either prior notification or a planning app)

c) Potential loss of businesses/services in favour of residential

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 :

Difficult to asses, but it could do if it is a lighter touch approach (prior notification), rather than everything needed for a planning application.

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 :

No real view as hasn't really been an issue at this authority, although doubling the limit to 300 sq m does seem a large jump in thresholds, and given the existing sizes of these premises (usually smaller premises), it is probably not necessary.

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 :

Seems sensible given the important role these facilities can play in local areas.

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 :

Although in many cases this won't be an issue, need to consider holiday resorts, where these facilities serve that local tourism economy and are part of the tourism offer.

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 :

No real comments on this aspect.

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 :

No real comments on this aspect.

### 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 :

It could lead to further loss of services/facilities in these areas, albeit in practice betting offices, pay day loan shops and launderettes are not prevalent in the AONB covering our local area.

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 :

In practice, this probably doesn't make much difference, given the character and facilities found in AONB's for example.

### 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.:

a) Could lead to a change from business uses so could be a negative impact on some sectors

b) No real issues

c) could lead to loss of some types of facilities

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 :

Difficult to assess but given the niche elements of some of these proposals it is unlikely.

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?

Yes

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

Seems a sensible approach.

### 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?

Yes

Please give your reasons :

However, there should be minimum size standards, to ensure quality accommodation is being provided.

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?

Yes

Please give your reasons :

Seems sensible and consistent

### 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?

No

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.:

These changes seem fairly low key and will have limited impact

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:

150 square metres per dwellinghouse

Please give your reasons :

There are issues in principle with this right and relationships with adjacent yards, but restricting the maximum floorspace would be sensible.

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 :

As above there are in principle issues. It is noted this is up from the current 865 sq m, so it is a relatively modest amount, but increasing the number of houses in often unsustainable locations does not seem sensible, and against the thrust of sustainable development in national policy.

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 :

The issue is 10 dwellings is essentially a small estate of houses in often unsustainable locations in rural locations. There will be total reliance on the car for services.

#### 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 :

Seems to run counter to the ethos of converting existing redundant buildings. If allowed however, the previously developed aspect must be part of the qualifying criteria.

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 :

This is essential to protect neighbours existing amenities.

#### 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?

Yes

Please give your reasons :

To ensure better quality housing is provided.

#### 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 :

There could be impacts on these landscape character areas that need to be properly considered through a planning application. For example in dark skies areas, the impact of a conversion could be significant.

#### 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?

No

Please give your reasons :

This could lead to many more unsuitable buildings coming forward.

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?

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 :

Will extend further unsuitable buildings coming forward. Likely to be often remote sites, away from services and facilities, and therefore unsustainable.

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 :

Definition of suitable will be needed. Must be a safe access.

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. :

There is no requirement to show that structurally buildings are capable of conversion, as often they are not, and amount to little more than a frame that actually can be used.

The current rebuilding rules effectively allow for almost a complete rebuild, and are used in fall-back arguments to justify a completely new dwelling.

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?

Don't know

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

Seems pretty comprehensive, including reference to case law

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.:

This could lead to some unsuitable buildings in unsuitable locations coming forward. For example stables would very often not appropriate to convert. Forestry buildings will often be in remote locations, again in areas not usually suitable for a residential use.

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?

Don't know

Please give your reasons If yes, please specify. :

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.:

- a) Would benefit the owners of these buildings, including businesses
- b) Would create poor planning decisions, and make it more difficult to argue against applications given the fall-back position
- c) could lead to resentment that unsuitable buildings i.e. stables, are being converted to residential.

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?

Yes

Please give your reasons :

Although many will potentially be wholly unsuitable.

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?

Yes

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

In principle yes, although they would need to be in sustainable locations.

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?

Yes

Please give your reasons :

Some uses such as paintballing are better located in rural locations, but a large gym in regular use may be less appropriate for example.

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?

Yes

Please give your reasons :

Seems sensible to process what is grown/produced on site.

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?

No

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

Other commercial uses may not be appropriate so should continue to be assessed through a planning application

### Allowing mixed uses

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

Yes

Please give your reasons :

It would however entirely depend if the mix of uses was appropriate or complimentary.

### 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?

No

Please give your reasons :

Doubling the floorspace seems excessive

### 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)?

Yes

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?

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.:

- a) would be positive for businesses potentially, through enhanced flexibility
- b) could go against sustainable development and the thrust of the NPPF and local planning policy
- c) unknown impacts

### 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?

No

Please give your reasons :

1000 sq m is seemingly generous already and a more than doubling of the previous figure in 465 sq m.

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 :

This is a current anomaly & the proposal will safeguard SAM's.

#### 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?

No

Please give your reasons :

Already seems generous and a previous doubling (in 2018) of the former thresholds before assessment was needed.

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?

No

Please give your reasons :

Already seems generous and a previous doubling (in 2018) of the former thresholds before assessment was needed.

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

Yes

Please give your reasons :

Sensible to deal with the current anomaly here.

### 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?

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.:

- a) will potentially help farmers in not having to apply for planning permission
- b) Little impact
- c) need to be safeguards otherwise could impact on nearby neighbours

### 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?

No

Please give your reasons :

It is already generous, and further alterations ought to be considered through a planning application, as a doubling of the size could have impacts on for example neighbouring residential uses.

### 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?

No

Please give your reasons :

It is already generous, and further alterations ought to be considered through a planning application, as a doubling of the size could have impacts on for example neighbouring residential uses.

### 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.

No

Please give your reasons :

It is already generous, and further alterations ought to be considered through a planning application, as a doubling of the size could have impacts on for example neighbouring residential uses.

### 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?

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.:

- a) Positively as it would allow businesses more flexibility
- b) No significant impact, as an application would still need to be dealt with (planning application or prior notification). Fees would likely decrease though for this type of application.
- c) potentially negatively, unless safeguards are in place, including covering impact on neighbours.

### 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?:

Seems a sensible approach

### 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?

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.:

- a) more markets can be held in the year before permission is needed, thereby reducing that administrative burden
- b) No real impact
- c) Will allow more markets to take place, which could benefit communities

### 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).

No

Please give your reasons :

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? :

Unknown

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. :

Unknown

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

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

Potentially yes. This may make it easier and quicker to bring forward nutrient mitigation schemes.

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.:

N/A

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?:

N/A

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?:

N/A

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

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

Yes. Perhaps more care would be needed on smaller agricultural units, which may not have the amount of land required for such schemes.

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?:

There shouldn't be with suitable safeguards, and nature-based solutions should be the way forward.

## 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?

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

N/A as aimed at farmers and land managers

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.

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. :

N/A as aimed at farmers and land managers

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.

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.:

N/A as aimed at farmers and land managers

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

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

N/A as aimed at farmers and land managers

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

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

Not aware of any.

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

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

N/A as aimed at farmers and land managers

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?:

N/A as aimed at farmers and land managers

## 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?

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

N/A as aimed at farmers and land managers

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.

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. :

N/A as aimed at farmers and land managers

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.:

N/A as aimed at farmers and land managers

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

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

N/A as aimed at farmers and land managers

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?:

N/A as aimed at farmers and land managers

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

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

N/A as aimed at farmers and land managers

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?:

N/A as aimed at farmers and land managers

## **Government consultation paper on extending permitted development rights**

The Government are currently consulting on a range of changes to permitted development (PD) rights. Permitted development rights allow certain forms of development to take place without the need for planning permission, subject to parameters such as size limits and excluding certain protected areas. They also are subject to a light touch prior notification procedure.

The current consultation covers the following areas:

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

This consultation also contains a call for evidence led by the Department for Environment, Food and Rural Affairs (DEFRA) seeking views on nature-based solutions, farm efficiency projects and diversification.

A copy of the consultation can be viewed in full [here](#).

[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 - GOV.UK \(www.gov.uk\)](#)

The consultation is made up of 88 specific and technical questions, covering the above areas, and finishes on 25 September. Set out below is a brief description of some of the main changes that are considered to be of particular interest to the borough council as the local planning authority.

### **Design codes**

Local Authorities have been encouraged to prepare design codes consistent with the national design code, which was published in 2021. These codes are designed to help with the Government's ambition to seek better, or more 'beautiful' development going forward. However, the Levelling Up & Regeneration Bill is seeking to introduce a duty for all councils to produce a local design code for their areas, as formal supplementary guidance. This will therefore need to come forward in due course.

This consultation paper seeks to ensure local design codes, when and where in place, are also used for relevant permitted development rights, to ensure consistency of decision-making in an area.

### **Supporting housing delivery through change of use permitted development rights**

For this element, the government reference the changing nature of the high street and town centres, and that residential uses can help diversify these areas. It is therefore seeking to increase floor space limits on changes of use of commercial, business and service buildings to 3,000 sqm or unlimited, from the current 1500 sqm limit. There is also a current vacancy restriction of 3 months before permitted development kicks in, and it is proposed to remove this altogether.

Finally there is also a proposal to relax the restriction of allowing changes of use of commercial, business and service buildings to residential within protected land such as conservation areas and in Areas of Outstanding Natural Beauty (AONB), which is technically described as Article 2(3) land).

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

There is a proposal to allow changes of hotel, boarding houses and guest houses to residential, excluding the right to change to a small House in Multiple Occupation. The government are also asking for thoughts on safeguards attached to this, such as consideration of the impact on the local tourism economy, and potential size restrictions.

### **Agricultural buildings to dwellinghouses**

This proposes to allow more homes to be delivered through these currently existing permitted development rights, expanding the type and location of buildings that can benefit from the rights, and extending the scope of works that can be undertaken under the right. The proposal is to increase the maximum number of homes that can be delivered on an agricultural unit from 5 -10, introducing a single maximum floorspace limit of 100 -150 sqm, and proposing an overall maximum of 1000 sqm floorspace changing use (including any previously developed under this use class). Other changes proposed include:

- allowing rear extensions to agricultural buildings during the change of use, subject to certain caveats;
- a proposal to have a minimum size of building of 37 sqm when benefitting from this permitted development right;
- extending agricultural buildings to dwellings permitted development rights within the AONB and conservation areas;
- extending the rights to allow conversion of agricultural buildings not solely in agricultural use to dwellings, or former agricultural buildings no longer on an agricultural unit;
- ensuring there is an existing suitable access to a public highway;

### **Supporting the agricultural sector through additional flexibilities**

Proposals here include expanding the type of buildings that can benefit from permitted development rights to diversify into a flexible commercial use. Other proposals include:

- allowing for buildings and land within its curtilage to be used for outdoor sports, recreation or fitness;

- allowing 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.
- allowing for more mixed uses to coexist together.
- increasing the floorspace limitations (doubling to 1000 sqm)

### **Agricultural Development**

On larger agricultural units (more than 5 ha):

- increasing the ground area limit of new buildings or extensions erected under the right from 1000 to 1500 square metres.
- removing flexibility for extensions and erection of new buildings where there is a designated scheduled ancient monument.

On smaller agricultural units (less than 5 ha):

- allowing extensions of up to 25% above the original building cubic content.
- allowing the ground area of any building extended to reach 1250 sq m.
- removing flexibility for extensions and erection of new buildings where there is a designated scheduled ancient monument.

### **Industrial and warehousing extensions**

Increases to the maximum floorspace of new buildings and extensions on non-protected land (outside the AONB and conservation areas) are proposed.

### **Markets - temporary use of land (Class B of Part 4)**

Currently markets can take place on land for up to 14 days in a calendar year, without the need for planning permission. It is proposed to increase this allowance, with suggestions being doubling it to 28 days.

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

The final part of the consultation is a call for evidence and is promoted by DEFRA. It seems to be following a summit in May called 'Farm to Fork', which included a promise to review potential planning barriers to farm diversification. Much of it is aimed at applicants, land owners/managers or farmers, to identify any issues that have been experienced in securing permission or consent for works, and is a call for suggestions on how to simplify the process, through for example clearer guidance or support.

The Government says it is particularly interested in planning or other issues associated with:

- nature-based solutions such as ponds, wetlands, reservoirs e.g., for peat re-wetting and other engineering works; and
- farm efficiency projects which improve the use of resources on farms, specifically slurry stores and reservoirs for crop irrigation; and
- diversification of farm incomes beyond what is already covered by permitted development rights.

### **Summary**

There are a raft of proposals in this document to amend permitted development rights, to allow further dwellings to come forward, or to increase/alter allowances for existing permitted

development rights. Officers are considering the implications of these proposals, and will respond to the individual consultation questions. Some of the aspects, especially those relating to farm diversification are more aimed at land owners/managers and farmers.

Members can also comment individually if they wish, with a deadline of 25 September for consultation responses.

Stuart Ashworth

Assistant Director – Environment & Planning