

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.

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