

# Supporting Housing Delivery & Public Service Infrastructure

Campaign for National Parks Response - submitted online

## Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

**First name \***

Ruth

**Last name \***

Bradshaw

**Email address**

ruthb@cnp.org.uk

**Are you responding on behalf of an organisation or as an individual? \***

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

**Organisation (if applicable)**

Campaign for National Parks

**Position in organisation (if applicable)**

Policy and Research Manager

**Please indicate whether you are replying to this consultation as a: \***

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>

Charity or voluntary organisation	X
Town Council	
Parish Council	
Community group, including residents' associations	
Private individual	
Other (please specify):	

**Please indicate which sectors you work in / with (tick all that apply): \***

Education section	
Health sector	
Prison sector	
None of the above	X

# Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

**Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

Agree	
Disagree	
Don't know	

Please give your reasons:

We do not wish to comment on this question as long as the right does not apply in National Parks as specified in Q2.1.

**Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?**

Agree	X
Disagree	
Don't know	

Please give your reasons:

The right should not apply in National Parks, the Broads and AONBS because decisions on new development and significant changes of use in these areas also need to take account of their statutory purposes and the need to protect and enhance their special qualities. The only way this can be done effectively is through a full planning application where a significant change of use such as this is proposed.

Furthermore the introduction of this right would undermine the existing policies National Park Authorities (NPAs) have in place to support affordable housing and ensure new residential development takes place in appropriate locations, as well as those aimed at preventing the loss of 'economic uses' such as retail. Average house prices in National Parks and the Broads are usually significantly higher than the regional average for their area and the introduction of a permitted development right which incentivises conversion to housing would potentially lead to a loss of vital local services while doing nothing to deliver the kind of housing that is most needed in these areas. NPAs currently use policies relating to local occupancy conditions on new homes and conversion schemes to ensure that the majority of new residential development is being used to meet local housing needs. However, such policies would not apply to new housing created through permitted

development and it is highly likely that any new dwellings created in National Parks would become second homes or holiday lets, given the high house prices in these areas.

We note that the consultation proposes that the right would apply in conservation areas even though it would not apply in other sensitive article 2(3) land. However, for the reasons set out above it is important that the new right does not apply in any part of a designated landscapes and many village and town centres in these areas have conservation area status. The Government must therefore clarify and confirm that where a conservation area is within a National Park, the Broads or an AONB, then the new right will not apply.

**Q2.2 Do you agree that the right should apply in conservation areas?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment but please note our response to q2.1 regarding conservation areas within designated landscapes.

**Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment but please note our response to q2.1 regarding conservation areas within designated landscapes.

**Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

Agree	
Disagree	
Don't know	

Please give your reasons:

We do not wish to comment on this question as long as the right does not apply in National Parks as specified in Q2.1.

**Q3.2 Are there any other planning matters that should be considered?**

Yes	
No	
Don't know	

Please specify:

We do not wish to comment on this question as long as the right does not apply in National Parks as specified in Q2.1.

**Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment.

**Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?**

Yes	
No	
Don't know	

Please give your reasons:

No comment.

**Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?**

Yes	
No	X

Please specify:

--

**Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.
-------------

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.
-------------

# Supporting public service infrastructure through the planning system

**Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the larger?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

No, a planning application would be a more appropriate mechanism for approving development as this would ensure that extensions of this size are only built where they are acceptable. The need for planning permission would ensure that full consideration is given to issues such as access, local infrastructure requirements, energy efficiency, biodiversity net gain etc. as well as ensuring that local communities can have an influence over developments which potentially could have a significant impact on a local area. We are particularly concerned about that there is potentially no upper limit to the size of development that would be allowed under this right since it refers to 'whichever is the larger' of the two potential options for increasing the footprint.

We do not support the amendment of this right to allow for larger extensions to schools and hospitals without the need for planning permission but if one is to be introduced then it should definitely not apply in National Parks and other Article 2(3) land where there is an even greater need to avoid inappropriate development. The only restrictions that currently apply to this right in article 2(3) land are requirements to use materials which provide a similar external appearance to the existing building but if the scale of development allowed is to be significantly increased as proposed then the right should not apply at all in Article 2(3) land.

**Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

Development of this type should require a planning application to ensure that the full impacts are properly considered. This right should not apply in National Parks and other Article 2(3) land as set out in our response to Q7.1.

--

**Q7.3 Is there any evidence to support an increase above 6 metres?**

Yes	
No	X
Don't know	

Please specify:

--

**Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

Extensions or additions to prisons should be subject to a planning application to ensure that the full impacts can be properly considered. This right should not apply in Article 2 (3) land, for the reasons we set out in response to Q7.1.
---

**Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?**

Yes	X
No	

Please specify:

The right should not apply in National Parks, the Broads and AONBS because decisions on new development in these areas must take account of their statutory purposes and the need to protect and enhance their special qualities. The only way this can be done effectively is through a full planning application where development of this scale is proposed.
---

**Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?**

Yes	X
No	



Don't know	
------------	--

If so, please give your reasons:

The right should not apply in Article 2 (3) land but if it does it could have a significant impact on businesses and communities in National Parks many of whom rely heavily on the visitor economy which in turn is heavily dependent on the high quality environment in these areas. If inappropriate or unsympathetic development deters people from visiting, it could have a significantly detrimental effect on the local economy. This is another reason why such development needs to be properly determined via a planning application.

**Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.

**Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?**

Yes	X
No	
Don't know	

If so, please give your reasons:

The right should not apply in Article 2 (3) land but if it does it could have a significant impact on businesses and communities in National Parks many of whom rely heavily on the visitor economy which in turn is heavily dependent on the high quality environment in these areas. If inappropriate or unsympathetic development deters people from visiting, it could have a significantly detrimental effect on the local economy. This is another reason why such development needs to be properly determined via a planning application.

**Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.

**Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?**

Yes	
No	

Please give your reasons:

The modified process should not apply to any type of development in National Parks and AONBs or in their settings where there is also a requirement that decisions should take account of the impact on the statutory purposes of adjoining designated landscapes.

We are concerned that while the consultation discusses definitions of major development (para 49), there is no reference to the presumption against major development which applies in National Parks and AONBs as set out in paragraph 172 of the National Planning Policy Framework (NPPF). As the NPPF makes clear, whether a proposal is 'major development' in this context is a matter for the decision maker (footnote 55) and the determination of any such proposals must include a consideration of various additional matters which are set out in paragraph 172 and are collectively known as the major development test. It would be impossible to make use of the modified process for any public service infrastructure proposals to which paragraph 172 applies as it would not allow sufficient time for the additional assessment required.

We are also concerned that the proposal to reduce the time available for consultation with both statutory consultees and the public will make it extremely difficult for people to comment effectively particularly for large or complex proposals

**Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?**

Yes	
No	X

If not, please give your reasons as well as any suggested alternatives:

The modified process should not apply to any type of development in National Parks and AONBs or in their settings where there is also a requirement that decisions should take account of the impact on the statutory purposes of adjoining designated landscapes. As set out in response to Q11 we are concerned that the modified process would not allow sufficient time for adequate consultation and to deal with the additional requirements of the major development test.

**Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?**

Yes	
No	X

Please give your reasons:

We do not support reducing the determination period to 10 weeks. The modified process should not apply at all in National Parks and AONBs or in their settings where there is also a

requirement that decisions should take account of the impact on the statutory purposes of adjoining designated landscapes. As set out in response to Q11 we are concerned that the modified process would not allow sufficient time for adequate consultation and to deal with the additional requirements of the major development test. For these reasons, it would be particularly inappropriate to reduce the determination period in designated landscapes.

**Q14 Do you agree the minimum consultation / publicity period should be reduced to 14 days?**

Yes	
No	X

Please give your reasons:

We do not support a reduction in the minimum consultation period. This would make it extremely difficult for the public and statutory consultees to comment effectively particularly for large or complex proposals. There are also additional reasons why the modified process should not apply in National Parks and AONBs as set out in our response to Q11. It would be impossible for consultees to comment in such a short timescale on any planning application where the major development test applies.

**Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

Yes	
No	

Please give your reasons:

No comment.

**Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**

Yes	
No	

Please give your reasons:

This would be a good idea but only if local planning authorities are sufficiently resourced to enable them to deal with these types of projects alongside the wide range of other types of planning applications they need to deal with.

**Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?**

Yes	
No	X

Please specify:

**Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?**

Yes	X
No	

Please specify:

Ensuring that local planning authorities are sufficiently resourced to enable them to deal with these types of projects alongside the wide range of other types of planning applications they need to deal with.

**Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	

If so, please give your reasons:

No comment.

## **Consolidation and simplification of existing permitted development rights**

**Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment

**Q19.2 Are there any additional issues that we should consider?**

Yes	
No	

Please specify:

No comment.

**Q20 Do you agree think that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment.

**Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?**

Agree	
Disagree	
Don't know	

Please give your reasons:

No comment.

**Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?**

Yes	X
-----	---

No	
----	--

Please specify:

One of the issues that the consultation identifies in connection with this is "where individual rights that either do or do not apply in....protected land are merged we will consider the balance of safeguards to be provided, and whether that could mean that some rights would apply in protected land" (paragraph 78). This implies that new rights could be introduced in protected land without further consultation or a full consideration of whether that would be appropriate. But as we have set out in response to previous questions in this consultation there are good reasons why certain permitted development rights should not apply in National Parks and other Article 2(3) land. Decisions on new development and changes of use in these areas (and their settings) need to take account of their statutory purposes and the need to protect and enhance their special qualities and the only way this can be done effectively is through a full planning application. MHCLG should not be creating additional rights as part of this consolidation and simplification process, but instead should take the opportunity to add further rights to the list of those which do not apply in National Parks and AONBs as recommended in the Glover Landscapes Review.

## End of survey

You have reached the end of the consultation questions. Thank you for taking the time to complete them and for sharing your views. Please note that you will not receive an automated email to confirm that your response has been submitted.

After the consultation closes on 28 January 2021 we will consider the responses we have received and publish a response, in due course.