

# Response ID ANON-FAEG-5QDS-G

Submitted to Introduction of a use class for short term lets and associated permitted development rights  
Submitted on 2023-06-07 15:24:24

## Scope of the consultation

What is your name?

Name:  
Ruth Bradshaw

What is your email address?

Email:  
ruthb@cnp.org.uk

What is the type of organisation that you work for?

Charity or voluntary organisation

If applicable, what is the name of your organisation?

Organisation:  
Campaign for National Parks

What is your position in the organisation?

Position in organisation:  
Policy and Research Manager

## About this consultation and privacy notice

### Introduction

#### Using the planning system to manage short term lets

#### Introduction of a short term let use class

Q.1 Do you agree that the planning system could be used to help to manage the increase in short term lets?

Yes

Please give your reasons :

By providing accommodation for visitors who make use of local services and tourist attractions, short term lets can play an important role in the local economy of National Parks. They also provide opportunities for farm diversification. But in many parts of the National Parks, high numbers of holiday lets and second homes are having a negative impact on local communities. Some National Park Authorities (NPAs) are now introducing planning policies which require all new housing to be for 'permanent residency' only, but as a recent media article highlighted (Holiday lets nearly negate supply of new homes in tourist areas, study shows | Housing | The Guardian) this will only have a limited impact if there is no way of preventing the existing housing stock becoming holiday lets. This means changes are needed at a national level. We therefore welcome the use of the planning system to help to manage the increase in short-term lets. However, we have significant concerns about the ability of local planning authorities to be able to implement this change effectively without additional resources. If changes to the planning system are to have the desired effect, they must be accompanied by:

- More resources and funding for local planning authorities to enable them to employ additional staff to deal with the associated increase in workload.
- The introduction of a compulsory licensing scheme for short term lets. It is currently very difficult to gather accurate information because of the lack of regulation. We note the DCMS consultation on proposals to introduce a registration scheme but we would prefer to see a compulsory licensing scheme.
- Clear definitions for use in all three relevant processes - the taxation process, the planning process and the registration scheme. Having clear and consistent definitions would make it easier to get an accurate picture of the number of homes affected in order to formulate policies, and to monitor and control numbers more effectively.
- Clear national guidance and policy for local planning authorities.

Q.2 Do you agree with the introduction of a new use class for short term lets?

Yes

Please give your reasons :

We agree that a new use class for short term lets should be introduced. As set out in our response to Q1, it is clear that further measures are needed to tackle the high numbers of short-term lets in certain parts of the National Parks. However, for this amendment to have the desired effect, the new use

class will need to be accompanied by the changes we set out in response to Q1, including a mandatory licensing scheme for short-term lets. A clear understanding of the current situation is required in order to understand the location of existing holiday lets.

Q.3 Do you agree with the description and definition of a short term let for the purpose of the new use class?

Yes

Please give your reasons. :

We agree with the proposed definition but there is a need for the same definition to be used in all three regulatory processes - the taxation process, the planning process and the registration scheme for short-term lets. Having clear definitions would make it easier to get an accurate picture of numbers in order to formulate policies, and to monitor and control numbers more effectively. The lack of regulation currently makes it difficult to gather accurate information on the number of short term lets.

Although council tax figures are considered the most accurate source of information, they are not completely reliable and rely on the owners of short term lets using the correct council tax or business rates category for their property. There are also many properties marketed as self-catering holiday accommodation online, on platforms such as Airbnb, which may not be identified through traditional data collection methods. It is important that all such properties are identified and registered.

There will also be a need for careful co-ordination between taxation, registration and planning processes, in order to be able to manage the new use class effectively.

Q.4 Do you have any comments about how the new C5 short term let use class will operate?

No

Please make your comments here. :

Q.5 Do you consider there should be specific arrangements for certain accommodation as a result of the short term let use class?

Don't know

Please give your reasons here. If yes, please say what these should be. :

## New national permitted development rights

Q. 6 Do you agree that there should be a new permitted development right for the change of use from a C3 dwellinghouse to a C5 short term let (a)

No

Please give your reasons :

We support the use of the planning system to manage high levels of short-term lets in areas where these are a particular problem but we are concerned that the proposed approach puts the onus for determining when to require planning permission on local planning authorities and means that it will only be applied in relatively small areas. Where an Article 4 Direction has been issued, the planning department will require additional resources to deal with the increased number of planning applications. Meanwhile some areas that do not currently have sufficient numbers of short term lets to justify Article 4 Directions will be likely to see increasing numbers of them as the issue is displaced to other, often neighbouring, areas.

Given these concerns we believe that it would be more effective to amend primary legislation so that creating a short-term let would be a material change of use requiring planning permission throughout England. If there were good reasons to do so (supported by evidence) in a certain area, a Local or Neighbourhood Development Order, or similar mechanism, could be used to bring in the permitted development rights.

If this new right is to be introduced then we believe that it should not apply in National Parks and other Article 3(2) land as is the case with other permitted development rights.

Q.7 Do you agree that there should be a new permitted development right for the change of use from a C5 short term let to a C3 dwellinghouse (b)

Yes

Please give your reasons :

We support this as a way of increasing the housing stock where there are high levels of holiday lets. However, where a short-term let becomes a dwelling house without the need for planning permission, there will be a need for additional measures to ensure that NPAs are still able to seek a contribution for affordable housing provision, and to apply the same local occupancy conditions which would apply if this was a new-build.

Q.8 Do you agree that the permitted development rights should not be subject to any limitations or conditions?

No

Please give your reasons :

As set out in our response to Q7, it is essential that there is an opportunity to seek a contribution for affordable housing provision when a new dwelling house is created so it would not be appropriate to allow a change from C5 to C3 without some form of condition to allow for this.

Q.9 Do you agree that the local planning authority should be notified when either of the two permitted development rights for change of use to a short term let (a) or from a short term let (b) are used?

Yes

Please give your reasons :

It is essential that local planning authorities are able to monitor and keep track of the number of short term lets in their area so they should be notified if these permitted development rights are used.

Q.10 Do you have any comments about other potential planning approaches?

Yes

If so, please provide details here :

Please see our response to Q6.

### Flexibility to let out your own home

Q.11 Do you agree that we should expressly provide a flexibility for homeowners to let out their homes (C3 dwellinghouses)?

Don't know

Please give your reasons :

Defining the usage by the number of days will create difficulties for monitoring and enforcement. It will be difficult to prove the number of days, without a compulsory licensing system to accompany the planning system as it will be hard for local planning authorities to prove how many days a property has been occupied for.

Q.12 If so, should this flexibility be for: i. 30 nights in a calendar year; or ii. 60 nights in a calendar year; or iii. 90 nights in a calendar year

Not Answered

Please give your reasons :

Q.13 If so, should this flexibility be provided through: i) A permitted development right for use of a C3 dwellinghouse as temporary sleeping accommodation for up to a defined number of nights in a calendar year ii) An amendment to the C3 dwellinghouse use class to allow them to be let for up to a defined number of nights in a calendar year.

Not Answered

Please give your reasons :

### Planning application fees

Q.14 Do you agree that a planning application fee equivalent to each new dwellinghouse should apply to applications for each new build short term let?

Yes

Please give your reasons :

We are concerned that this new approach will put a great deal of pressure on the resources of local planning authorities, so we support the introduction of a planning application fee for each new build short term let. However, such a measure is likely to have little impact in National Parks where there are often local plan policies preventing the development of new build short term lets.

There is also a strong case for making an exception to the usual approach where Article 4 is applied and requiring the standard planning fee in such cases. Otherwise, there will be no additional resources available for local planning authorities having to deal with a high volume of planning applications, certificates of lawfulness and enforcement cases.

### Existing permitted development rights

Q.15 Do you agree with the proposed approach to the permitted development rights for dwellinghouses (Part 1) and minor operations (Part 2)?

Not Answered

Please give your reasons :

Local and neighbourhood plans

Any other comments on the proposed planning changes?

Q.16 Do you have any further comments you wish to make on the proposed planning changes in this consultation document?

Yes

If yes, please provide comments :

Displacement effects: As set out in response to Q6, we do not support the proposed new right as we are concerned about the impact of displacement, where areas which are not controlled by an Article 4 direction will come under increased pressure from holiday accommodation. Consideration should, therefore, be given to allowing Article 4 Directions to be implemented at a local planning authority or regional level and encouraging local planning authorities to work together to avoid moving the problem to neighbouring areas. Allowing local planning authorities to choose whether or not to adopt an Article 4 direction may have significant, unintended consequences on neighbouring local planning authorities. It will also create long-term uncertainty as an Article 4 direction can be revoked at any time. It would be better to introduce a consistent approach by amending primary legislation so that creating a short-term let becomes a material change of use throughout England.

Second homes: In many parts of the National Parks, it is not just high numbers of short-term lets which have an impact on communities, and the availability and affordability of housing for local residents. High levels of second home ownership can also have similar impacts and we believe that there is just as strong a case for introducing equivalent changes to the planning system to require planning permission for the change of use from a permanent home to a second home. This would allow local planning authorities to control the number of second homes and/or short term lets in any community where it is clear that high numbers of either or both such properties are having a negative impact. We believe the Government should be adopting an approach which addresses both second homes and short term lets as the Welsh Government has already done.

Local occupancy restrictions: Changes are needed to ensure that existing properties with local occupancy restrictions are not lost to the open market. For example, there is a need for stricter rules on removing occupancy restrictions and it should be clear that properties with local occupancy conditions cannot be converted to short term lets through either permitted development or a planning application. There is an issue that if a local person in a given area moves out of a non-restricted property into a property with local occupancy restrictions, the property they are leaving, which had by default previously housed a local person, is then free to be sold unrestricted and could potentially become a short-term let, meaning no net benefit has been achieved in applying the restriction to the new build. In the Lake District National Park, this issue has contributed to a reduction in the permanent population of the Park even during a time when the NPA was exceeding its housing targets and restricting the occupancy of all new builds in the years immediately prior to the adoption of its current Local Plan.

Public Sector Equality Duty and Impact Assessments

Q.17 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Don't know

Please give your reasons :

Q.18 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could give rise to any impacts on: a) businesses b) local planning authorities c) communities?

Yes

If so, please give your reasons and specify whether your comments relate to a) businesses, b) local planning authorities, c) communities or a combination.  
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As set out in our response to Q16, there is a risk that the proposed approach will lead to increased pressure for short term lets in neighbouring areas to those where Article 4 Directions are introduced with subsequent impacts for local planning authorities and communities in those areas.