



Ministry of Housing,
Communities &
Local Government

Government response to consultation on Planning Reform: Supporting the high street and increasing the delivery of new homes

A summary of responses to the consultation and the
government's response



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Contents

Foreword	4
Overview	5
Part 1. Permitted development rights and use classes	6
Allow greater change of use to support high streets to adapt and diversify	6
A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes	9
The permitted development right to install public call boxes and associated advertisement consent	13
Increasing the height threshold for the permitted development right for electric vehicle charging points in areas used for off-street parking	14
Making permanent two time-limited permitted development rights	15
Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential	16
Part 2. Disposal of local authority land	20
Part 3. Canal & River Trust: draft listed building consent order	23
Part 4. New town development corporations: draft compulsory purchase guidance	25

Foreword

1. The government is committed to ensuring the planning system supports the creation of new businesses and homes. It has a critical role to play in the future of our high streets and in underpinning the delivery of much needed new homes.
2. The revised National Planning Policy Framework¹ sets out policies to ensure the vitality of our town centres by taking a positive approach to their growth, management and adaptation. The Framework will drive greater housing delivery where it is needed most and promote more efficient use of our land. With good design, protections for valued green spaces and community support, we can revitalise the high street, support business and deliver new homes.
3. The National Planning Policy Framework is a key element of our reforms. However, we wish to go further to give greater certainty and speed wherever possible. We want to give local areas the opportunity to make the most effective use of existing buildings both for business and residential use. In doing so we can reduce the need to build in our valued countryside and green spaces, improve our streetscapes, and make our town centres more attractive. The government announced at Budget 2018 that it would consult on planning reform to make it simpler to create more homes, jobs and choice in town centres.
4. This consultation was published on 29 October 2018 and ran for a period for 11 weeks, ending 14 January 2019. The consultation sought views on separate proposals on:
 - Part 1: Permitted development rights and use classes
 - Part 2: Disposal of local authority land
 - Part 3: Canal & River Trust: draft listed building consent order
 - Part 4: New town development corporations: draft compulsory purchase guidance
5. We are grateful for the quality and breadth of the responses received to the consultation. They have been carefully considered and the government's response was set out in our Planning Update Written Statement² at Spring Statement on 13 March 2019. Our more detailed responses to the individual proposals are set out below.

¹ <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

² <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-13/HCWS1408/>

Overview

Summary of responses

6. There were 522 responses to the *Planning Reform: Supporting the high street and increasing the delivery of new homes* consultation. Not all respondents addressed every part or answered every question. We received responses from a wide range of interested parties from across the public and private sectors, as well as from the general public. We are grateful to everyone who took the time to respond.
7. The table below provides a breakdown of responses to the consultation survey by type of respondent.

Type of organisation	Number of responses
Personal response	184
Local authority (including national parks, Broads Authority, the Greater London Authority and London boroughs)	127
Neighbourhood planning body / parish or town council	10
Private sector organisation (including housebuilders, developers, housing associations, businesses, consultants)	78
Trade associations, interest groups, voluntary or charitable organisation	82
Professional bodies	11
Other	30

8. This document provides a summary of the consultation responses received. We have carefully reviewed and analysed the responses.

Part 1. Permitted development rights and use classes

Allow greater change of use to support high streets to adapt and diversify

9. Permitted development rights are a national grant of planning permission. They provide a more streamlined planning process with greater planning certainty, while at the same time allowing for local consideration of key planning matters. The consultation sought views on proposals to support high streets to adapt and diversify through new and amended permitted development rights and changes to use classes for uses commonly found on the high street to make it easier for certain uses to change use.

Question 1.1: Do you agree that there should be a new permitted development right to allow shops (A1), financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shops and launderettes to change to office use (B1)?

10. There were 303 responses to this question, and support and opposition was equally balanced, while less than a third of responses were not sure. Responses welcomed the potential for greater flexibility and recognised that more office use on the high street could stimulate economic activity and promote a more mixed economy. However, there were concerns that the ad hoc introduction of office use may undermine the ability of local authorities and communities to plan their high streets and have an impact on the vitality of shopping areas, and it would be important to ensure this would be a consideration for prior approval.

Question 1.2: Do you agree that there should be a new permitted development right to allow hot food takeaways (A5) to change to residential use (C3)?

11. There were 308 responses to this question, less than half of which supported the proposal for a new permitted development right to allow hot food takeaways to change to homes. There was support for the flexibility of easier change of use from hot food takeaways and the potential beneficial impact on childhood obesity. However, responses were concerned that where there are already concentrations of hot food takeaways the provision of homes in these areas would be inappropriate as it would be potentially unhealthy for residents or could undermine the vitality of an area planned for entertainment and the night-time economy.

Question 1.3: Are there any specific matters that should be considered for prior approval to change to office use?

12. There was considerable support for there to be appropriate prior approval consideration in the 273 responses to this question. Responses proposed a range of

matters that should be considered in a prior approval. These included parking considerations, the adequate provision of services, the sustainability of the shopping area, and inclusion of the existing prior approval considerations required for the permitted development right for change from retail use to dwellinghouses.

Government response to Questions 1.1 to 1.3

13. As set out in our Planning update Written Statement³ at Spring Statement on 13 March 2019 we will bring forward regulations to introduce a new permitted development right to allow shops (A1), financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shops and launderettes to change to up to 500 square metres of office use (B1), with prior approval by the local planning authority of certain planning impacts, including on the sustainability of the existing shopping area. We will also amend the existing permitted development right for change of use of up to 150 square metres of shops (A1), financial and professional services (A2), betting offices, pay day loan shops and launderettes to residential use (C3) to include change from hot food take-aways (A5).

Temporary change of use

14. Views were sought in the consultation on proposals to extend the period for the permitted development right for temporary change of use to enable businesses to test the market and avoid premises being left empty. It was also proposed to widen this right to allow temporary change of use to a range of community uses.

Question 1.4: Do you agree that the permitted development right for the temporary change of use of the premises listed in paragraph 1.9 should allow change to a public library, exhibition hall, museum, clinic or health centre?

15. There were 282 responses to this question, with considerable support to allow temporary change of use to these community uses, helping to make these more accessible and bringing additional footfall to the high street. It was suggested that more community uses on the high street may potentially require additional parking provision and create noise, and that landlords may be reluctant to allow community uses of their premises.

Question 1.5: Are there other community uses to which temporary change of use should be allowed?

16. Of the 262 responses to this question less than half considered that there should be temporary change of use to other community uses. These included use as an art gallery, cinema or theatre and place of worship within the non-residential institution (D1) and assembly and leisure (D2) use classes. Concerns were expressed that uncontrolled assembly and leisure uses in the town centre could potentially attract substantial crowds at unsuitable hours, with impacts on noise and parking

³ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-13/HCWS1408/>

demands. The point was also made that out of town centres might make greater use of the right which could have an adverse impact on high streets.

Question 1.6: Do you agree that the temporary change of use should be extended from 2 years to 3 years?

17. There were 274 responses to this question, more than half of whom agreed with extending the period for temporary change of use from 2 to 3 years, to provide greater confidence and give sufficient time to establish new businesses. Some suggested that even though the temporary right is for change to a “flexible” use”, after three years it could be difficult for a local planning authority to refuse a subsequent planning application seeking to change use even where there were community concerns.

Government response to Questions 1.4 to 1.6

18. We intend to amend the existing permitted development right for temporary change of use to allow change to specified community uses, including change of use to an art gallery, and to extend the period of temporary use from 2 years to 3 years to give businesses and community uses sufficient time to test the market.

Support for the high street through the Use Classes Order

19. Recognising that with changes in how people use the high street views were sought on how the Use Classes Order can support greater flexibility, and whether any changes are required to ensure it supports the modern high street.

Question 1.7: Would changes to certain of the A use classes be helpful in supporting high streets?

Question 1.8: If so, which would be the most suitable approach:

- a. that the A1 use class should be simplified to ensure it captures current and future retail models; or
 - b. that the A1, A2 and A3 use classes should be merged to create a single use class?
20. More than half of the 276 responses to question 1.7 agreed that changes to the A use classes would support the high street, and of the 211 who expressed a preference there was considerable support to simplify the A1 use class to accommodate new and emerging retail models. Responses considered that retaining a separate, simplified A1 use class would allow local areas to manage change to create and maintain flourishing high streets, while recognising that retail models continue to evolve. There was concern that merging the A1, A2 and A3 use classes would enable change to restaurant use without any local consideration of the potential impacts from longer opening hours and increased noise and odours. It could lead to a proliferation and increased concentration of restaurants, including fast food restaurants, in an area with an impact on the health of local residents and local amenity. There was also a concern that it would limit the ability of local communities to shape their high streets as set out in local or neighbourhood plans.

Government response to Questions 1.7 & 1.8

21. We intend to amend the shops use class to ensure it captures current and future retail models, which will include clarification on the ability of the A use classes to diversify and incorporate ancillary uses without undermining the amenity of the area.

A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes

22. The consultation outlined the role building upwards can play in delivering new homes by using the airspace above existing buildings. Reflecting national planning policy it invited views on options for a permitted development right that would go further to support the creation of new homes.

Question 1.9: Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

23. There were 326 responses to this question. There was recognition that using the airspace above existing premises may increase housing supply and that this approach is already supported by national policy. More than half of those who responded did not consider that upwards extensions should be delivered through a permitted development right. Concerns were raised that communities and local planning authorities would have no say over how and where a permitted development right might be applied; the quality of homes delivered by building up; how access and safety would be addressed; and the impact on the existing occupiers and neighbours of the premises being extended. The introduction of a permitted development right to build upwards may mean existing telecommunications infrastructure would be moved or removed and increase the value of rooftops, increasing the cost of future mobile infrastructure. Support for a permitted development right recognised that increasing density may relieve pressure for additional housing sites, allow for additional homes to be created by transport hubs and in town centres, and reduce the need for development in the green belt. There were also suggestions that local development orders may be a more suitable approach to achieve well designed upwards extensions in appropriate locations.

Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

24. About half of the 287 responses, regardless of their view on the introduction of a right, agreed that if one were to be introduced there was a role for local design codes to ensure development was of good quality, reflected the character of an area, had access to natural light and does not have a negative impact on neighbouring premises. It was recognised that developing local design codes for a range of locations would place additional burdens on local planning authorities' resources which could be used to bring forward local plans that support building upwards. Those who did not see a role for local design codes were concerned that they would be

applied subjectively to turn down development, or would not be applied stringently enough to protect the local area.

Question 1.11: Which is the more suitable approach to a new permitted development right:

- a. that it allows premises to extend up to the roofline of the highest building in a terrace; or
- b. that it allows building up to the prevailing roof height in the locality?

25. There were 184 responses to this question, more than half of whom considered that a permitted development right that allowed certain premises to extend up to the roofline of the highest building in a terrace (a) was the most practical approach, providing greater certainty as a terrace is more easily identifiable and providing more uniform development. It was recognised that allowing building up to the prevailing roof height in the locality (b) may potentially allow more storeys, and therefore homes, to be added. However, as the local planning authority would have to define the locality for each proposed development, it would not provide certainty which is an objective of a national permitted development right.

Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

26. Of the 253 responses to this question views were balanced on applying an overall limit of no more than 5 storeys above ground level to the extended premises. It was recognised that it may not be appropriate in all locations. Some sought tighter controls such as no more than one or two additional storeys regardless of the height of the existing building, and others considered five storeys would be too restrictive in some areas of taller buildings. Others considered that assessment on a case by case basis would ensure optimum development in individual locations and ensure the impact on neighbours and the amenity and character of the area could best be addressed.

Question 1.13: How do you think a permitted development right should address the impact where the ground is not level?

27. Options were suggested to address building up on sloping ground where the impact may potentially be greater on the amenity of surrounding premises. These included setting an overall height or storey limit measured from the lowest or the highest ground level in the terrace or locality; that building up should only be allowed where there was no more than a set variation, for example 3 metres, between the ground levels in a terrace; or, through a prior approval to assess whether there was an unacceptable impact on neighbouring properties and/or character of the area and street scene.

Question 1.14: Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

28. There were 273 responses to this question, of which more than half did not support the proposed permitted development right for additional storeys on free standing blocks of flats. It was noted that free-standing blocks varied in height and location,

some being higher than neighbouring premises while others would potentially be able to be doubled in height by adding up to 5 additional storeys. Responses considered that the impact on the amenity and character of an area, and the transport impacts of increasing the height of blocks of flats should best be considered through an individual planning application. Concerns were also raised about the structural requirements, safety implications, access and design of adding additional storeys to existing blocks. Those supporting building additional storeys on free-standing blocks considered the limit should be based on what is structurally possible on individual buildings; others suggested that no more than 1 storey or the prevailing roofline in the area would be appropriate; or that only blocks of 5 storeys or fewer should be extended upwards, by 1 or 2 storeys.

Question 1.15: Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Question 1.16: Are there other types of premises, such as those in paragraph 1.22, that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

29. Responses recognised that it was important that new residential accommodation was only introduced in appropriate locations. Less than half of the 281 responses to question 1.15 agreed that premises suitable for building upwards should include premises in use as shops (A1), financial and professional services (A2), restaurants and cafes (A3), offices (B1(a)), residential (C3), betting offices, pay day loan shops and launderettes, and buildings in mixed use within these uses. Concerns were raised that introducing residential use in commercial areas may not be appropriate in some cases, with certain uses, such as a launderette or restaurant, having a detrimental impact on those living above them. Therefore, it was suggested that given the likely broad range of circumstances and existing uses where building up might be considered, proposals would best be considered through individual planning applications determined in line with the National Planning Policy Framework. Some of those who agreed with the range of premises wanted to ensure that high quality accommodation could be secured and that a permitted development right would apply if appropriate in out of town retail locations.

30. Around a third of the 276 responses to question 1.16 suggested other premises had the potential for building up and could be considered in scoping a permitted development right to build upwards. Appropriate uses suggested included any of those usually found on the high street including leisure and community uses, health facilities, nursing homes, hotels, student accommodation, agricultural buildings, builders' merchants and car parks. It was considered that out of town mixed use retail and leisure centres would be particularly inappropriate for building up for residential use due to the sustainability of their location and hours of operation. Concerns were also raised that once upwards residential development was carried out more comprehensive and better quality redevelopment of a building or area would not occur to the detriment of the community.

Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

31. There was considerable support for allowing the local authority to consider the extent of the works proposed from the 276 responses to this question. Many considered that a planning application was the appropriate way to consider proposals to build up, but if a permitted development is to be introduced it should allow the local authority to consider the extent of the works proposed, and also their design. This was seen as a recognition of the complexity of developing a permitted development right for building upwards.

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 to 1.27 should be considered in a prior approval?

Question 1.19: Are there any other planning matters that should be considered?

32. There was considerable support from the 269 responses for including the range of matters set out in a prior approval to mitigate the impact of a permitted development right, including from those who would prefer building up to be taken forward through an application for planning permission. There was also support for local communities to be able to comment on prior approval applications. It was noted that the extent of matters that should be considered would require significant local authority resources, and in effect could be equivalent to a full planning application and therefore should be subject to an appropriate fee.

33. Suggestions for other planning matters that should be included in a prior approval included the need for infrastructure including affordable housing, air quality, water and drainage, mobile connectivity and the location of existing telecommunications equipment, transport and parking, access to education and health facilities, recreation and play space, construction safety and site management, the provision of green infrastructure, the size and quality of the homes proposed, as well as any potential impact on the vitality or viability of a shopping area.

Question 1.20: Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home? If so, what considerations should apply?

34. There were 281 responses to this question, more than half of which did not agree that existing homes should benefit from a permitted development right to build upwards. It was considered this could have adverse impacts on neighbour amenity and the character of residential areas, lead to additional parking from larger homes and make existing homes less affordable and lead to a loss of bungalows and the creation of homes in multiple occupation from family homes. It was noted that existing permitted development right for loft extensions, which do not allow building above the existing roofline, already raised concerns about design and overlooking. It was felt that a permitted development right to build upwards should create additional homes, otherwise there would be no community benefit. Those who supported allowing homes to extend upwards sought generous limits, including higher than neighbouring properties.

Government response to Questions 1.9 to 1.20

35. We welcome the range and detail of responses to the questions on the introduction of a permitted development right for upward extensions of existing buildings to create new homes. As set out in the Planning Update Written Statement we intend to take forward a permitted development right to extend upwards certain existing buildings in commercial and residential use to deliver additional homes. We want a right to respect the design of the existing streetscape, while ensuring the amenity of existing neighbours is considered. The review of permitted development rights for change of use of buildings to residential use in respect of the quality standard of homes delivered announced in the Written Statement will inform this work. We recognise the complexity of designing a permitted development right to build upwards and will continue to engage with interested parties on the technical details.

The permitted development right to install public call boxes and associated advertisement consent

36. The consultation sought views on proposals to remove the permitted development right to install, alter or replace public call boxes (telephone kiosks) and the deemed consent for advertisements displayed on telephone kiosks.

Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

37. From the 227 responses to this question there was overwhelming support (90%) to remove the permitted development right. Respondents noted that there is now a comprehensive network of public call boxes, delivered under the Universal Service Obligation, at the same time as usage is falling as a result of the widespread use of mobile telephones. They also had concerns that additional public call boxes were adding to street clutter. It was suggested by some respondents that new public call boxes were being installed under the existing permitted development rights primarily for other purposes such as the display of advertisements rather than to provide a public telephone, with some local planning authorities receiving high levels of prior approval applications for new public call boxes in certain urban locations. The majority of responses thought that, where additional public call boxes were desirable, this would best be considered through an application for planning permission enabling consideration of need and location. There were mixed views from the electronic communications code operators who responded who generally saw the right as useful to help roll out new public call boxes. Code operators also set out how they believed a right for public call boxes could be built on to support their ambitions to deliver more modern infrastructure, including the small cell systems that will be required for 5G networks.

Question 1.22: Do you agree that deemed consent which allows an advertisement to be placed on a single side of a public call box (telephone kiosk) should be removed?

38. There were 223 responses to this question which also gave strong support to removing the deemed consent which allows an advertisement to be placed on a single side of a public call box. Respondents' concerns included that advertisements can be distracting to road users and that the deemed consent is driving the proliferation of new public call boxes for advertising purposes resulting in over-cluttered pavements. Those who wish to retain the deemed consent for an advertisement, 8% of those who responded to Question 1.22, considered it useful to support the infrastructure costs of the provision of a telephone network and it was seen as efficient by reducing the demand for additional advertising hoardings.

Government response to Questions 1.21 and 1.22

39. We intend to bring forward regulations to remove the permitted development rights to install, alter or replace additional public call boxes (telephone kiosks) and the associated deemed consent for advertisements. Existing public call boxes will retain the permitted development right for alteration or replacement and where a surface of a public call box has previously been used to display an advertisement it can continue to be used for that purpose. Appropriate transitional provisions have been made in respect of prior approval applications and appeals already submitted. The Universal Service Obligation to provide public telephones still exists, and there has long been national coverage. By requiring a planning application for any new public call boxes, local authorities will be better able to consider their location to ensure continued access to a public telephone where needed, including for vulnerable people. Existing permitted development rights will continue to allow the installation of other telecommunications infrastructure, including the small cell systems that will be required for 5G networks, for which prior approval is not required.

Increasing the height threshold for the permitted development right for electric vehicle charging points in areas used for off-street parking

40. To support improved air quality and the environment, and to cut fuel costs, the government is committed to increasing the usage of zero emission vehicles. Recognising that rapid charging points for electric vehicles could require a larger unit than allowed by the existing permitted development rights we consulted on increasing the existing height limit allowed to up to 2.3 metres.

Question 1.23: Do you agree with the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

41. There were 165 responses to this question with considerable support to increase the height limit for off-street electrical vehicle charging points to 2.3 metres to support increased use of electric vehicles. Some of those supporting the increased height limit sought assurance that these would not be allowed to display advertisements and

would not have an adverse impact on street clutter. Some responses that did not want any increase in the existing height limit, or considered it should be time-limited, considered that developments in technology should enable the industry to develop more efficient smaller rapid charging points.

Government response to Question 1.23

42. We intend to bring forward regulations to amend the permitted development right for the installation of an electrical vehicle charging point upstand in an off-street parking space to increase the height limit to 2.3 metres to accommodate rapid charging points. Within the curtilage of a dwellinghouse or block of flats the existing height limit of 1.6 metres will remain. No changes will be made to the existing deemed consent to display a modest unilluminated advertisement with the name of the chargepoint installer or electricity supplier.

Making permanent two time-limited permitted development rights

Change of use from storage or distribution to residential

43. In April 2018 the time-limited permitted development right for change of use from storage or distribution (B8) to residential (C3), was extended for one year to enable homes to continue to be developed while consideration was given to making the right permanent. Views were sought on whether the right should be made permanent and, if so, whether the existing conditions, including the matters for prior approval, should remain unchanged.

Question 1.24: Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?

44. More than half of the 244 responses to this question did not support making permanent the permitted development right for change of use from storage or distribution to residential. It was considered there was an economic need to protect the provision of storage and distribution premises. There were also concerns over the quality of homes delivered under the right, that their location may not be suitable for families due to a lack of safe outdoor space, and the lack of infrastructure contributions. Some responses recognised that the permitted development right is adding to housing supply.

Government response to Question 1.24

45. We do not intend to extend the time-limited right for change of use from storage to residential use. Applicants who have secured prior approval on or before 10 June 2019 can proceed and have three years from the date of prior approval in which to change use.

Larger extensions to dwellinghouses

46. The time-limited permitted development right for larger single storey rear extensions to dwellinghouses introduced in 2013 was extended in 2015 to May 2019. The consultation sought views on making the right permanent enabling dwellinghouses to continue to be improved and enlarged.

Question 1.25: Do you agree that the time-limited permitted development right for larger extensions to dwellinghouses is made permanent?

47. There were 231 responses to this question with considerable support to make the right permanent and retain the neighbour consultation on the impact on their amenity. The high level of take-up of this right was seen as an indicator of its value and use. The amenity test was recognised as helping manage any impacts. However, there were some concerns that these larger extensions result in larger, less affordable housing stock.

Question 1.26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwellinghouse?

48. There was strong support among the 226 responses to this question to introduce an appropriate fee for prior approval applications for this permitted development right. There was recognition of the resource impact on local planning authorities in consulting on and considering these applications. Although prior approval consideration is limited to the impact on the amenity of adjoining premises, only where an objection has been made, there were concerns that the volume of applications diverts resources from other planning applications which attract fees.

Government response to Questions 1.25 and 1.26

49. We intend to make permanent the time-limited permitted development right for larger single storey rear extensions to dwellinghouses, retaining the neighbour consultation. We also intend to introduce an appropriate fee for the prior approval application for this right.

Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential

50. At Autumn Budget 2017 we committed to consulting on a permitted development right that could allow the demolition of commercial buildings and replacement build as residential use, while retaining the ability to secure high quality development consistent with national policy. The consultation invited comments on how such a right could be scoped and designed to ensure that it could operate effectively to bring sites forward for redevelopment. We also invited comments on how prior approval, with an appropriate fee, could mitigate the impacts of development on the local area, and how developer contributions expected towards affordable housing and other infrastructure could be secured.

Question 1.27: Do you support a permitted development right for the high quality redevelopment of commercial sites, including demolition and replacement build as residential, which retained the existing developer contributions?

Question 1.28: What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?

51. Less than a third of the 253 responses to question 1.27 considered a permitted development right for the demolition and replacement build of commercial sites possible. Generally, it was considered that such a right would go beyond what is capable of or appropriate to be delivered through a national permitted development right and that it would require extensive prior approval considerations. There were questions about whether it might have an adverse impact on the supply of commercial uses. The extent of matters that would be required for prior approval is seen as an indication that the redevelopment of such sites should be considered through an application for planning permission considered against local and national policy.
52. There was interest in how redevelopment as mixed commercial and residential use to support high street regeneration could be encouraged, how the proposal fitted with brownfield registers, and a view that it may result in better quality development than change of use.
53. There was agreement that the prior approval considerations set out in the consultation would be necessary, and other matters that would be important in framing the right would be the supply of affordable commercial premises, the quality of the homes to be developed, the provision of open space and play areas and securing developer contributions.

Government response to Questions 1.27 and 1.28

54. We intend to continue to consider the design of a permitted development right to allow commercial buildings to be demolished and replaced with homes, in the light of the views received to the consultation.

Impact assessment and public sector equality duty

Question 1.29: Do you have any comments on the impact of any of the measures?

- i. Allow greater change of use to support high streets to adapt and diversify
- ii. Introducing a new right to extend existing buildings upwards to create additional new homes
- iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks).
- iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces
- v. Making permanent the right for the change of use from storage to residential
- vi. Making permanent the right for larger extensions to dwellinghouses

Question 1.30: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

55. We are required to assess the impact of any measures being taken forward before any secondary legislation is laid to make changes to national permitted development rights. In Question 1.29 we invited evidence on the impact of the introduction of the proposed new or amended permitted development rights, and the removal of the right to install a public call box and associated deemed consent for advertisements.
56. We set out in the consultation that we are also required to assess the proposals by reference to the public sector equality duty contained in the Equality Act 2010. We invited views about the implications of the proposed changes on people with protected characteristics as defined in the Equality Act 2010; what evidence respondents had on these matters; and, whether there was anything that could be done to mitigate any impact identified.
57. Although limited in number, we are grateful for the responses that provided views on any potential implications of the proposed changes on people with protected characteristics and on business.
58. In respect of the impact assessment, it was noted that the change of use from shops, financial services and betting shops etc to offices could impact adversely on the high street by reducing the number of active frontages. Others saw the benefit of greater flexibility, recognising the changes in the way that people shop and that office use can bring footfall to the high street. While some respondents believed that removing the permitted development right for public call boxes and deemed advertisement consent could reduce the potential for speculative applications, and so help improve the public realm by minimising further street clutter, others believed that this would make it more difficult to roll out updated infrastructure with increased public benefits. In addition, the point was made that the removal of the permitted development right for public call boxes and associated advertising consent would impact on electronic communications code operators' ability to cross subsidise their network. Existing permitted development rights will continue to allow the installation of other telecommunications infrastructure, including the small cell systems that will be required for 5G networks, for which prior approval is not required.
59. With regard to equalities, concerns were raised that the proposals may lead to the loss of amenities and shops in the local community due to them changing use, and which could impact on the elderly or the disabled. The prior approvals for both the conversion to offices and to homes from hot food takeaways allow for local consideration of the adequate provision of services and the sustainability of the shopping area by local planning authorities and the local planning authority is required to consider equalities in its decision taking. It was noted that homes in town centres often lack amenity space and therefore are unsuitable for families, and new homes delivered by extending buildings upwards would be unsuitable for those with limited mobility. Concerns were also raised about the impact of larger extensions to dwellinghouses on neighbours. The neighbour consultation scheme allows for local consideration of individual cases. The responses also suggested that removing the

right to install a public call box and advertisement deemed consent would make it more difficult to roll out updated infrastructure which may mean that vulnerable people will not be able to benefit from free calls and other services. Our proposals will not interfere with the industry Universal Service Obligation for the adequate provision of public call boxes in order to meet the reasonable needs of individuals and communities. Nor will they prevent new telephone kiosks coming forward where acceptable, following an application for planning permission.

60. These comments have been taken into consideration in preparing an assessment of impact and a public sector equality duty assessment regarding the changes being taken forward.

Part 2. Disposal of local authority land

61. Where local authorities wish to dispose of surplus land at less than best consideration ('undervalue') the Secretary of State's approval is required. Depending on the type of land and the amount of any undervalue, such approval may be granted through a 'general consent'. General consents authorise disposals of land subject to specified criteria or conditions, which if met, mean that specific consent need not be obtained. In other cases, specific consent for a proposed disposal of land needs to be explicitly sought from the Secretary of State. The consultation sought views on whether the thresholds for existing general consents should be amended and whether a new general consent should be introduced in relation to land held for planning purposes.

Question 2.1: Do you think that the threshold for the existing general consent for the disposal of land held for purposes other than planning or housing at undervalue (under section 123 of the Local Government Act 1972) should:

- a. remain at the current level?
- b. be increased?
- c. be removed completely?

Question 2.2: If you consider it should be increased, do you think the new threshold should be:

- a. £5 million or less?
- b. £10 million or less?
- c. other threshold? (please state level)

62. There was strong support from 107 respondents for either an increase in the threshold (about half) or the complete removal of the threshold (around a third). Reasons given included that:

- land values had increased and the existing threshold was now too low;
- it would give local authorities greater flexibility and scope for local decision making; and
- other checks and balances are in place to prevent abuse of the system.

Reasons given by those supporting retention of the current threshold included that given local authorities' current financial challenges the threshold was appropriate and ensured transparency and accountability.

63. Of those who supported an increased threshold, there was strong support for setting it at either £5 million or less or £10 million or less (with support evenly split between the 2 options). A range of options were put forward by those supporting an 'other threshold' including that it should vary according to land values in a particular area.

Question 2.3: Do you agree that the Secretary of State should issue a new general consent under section 233 of the Town and Country Planning Act 1990 for the disposal of land held for planning purposes?

Question 2.4: If yes, do you think any new general consent should apply to:

- a. disposals at an undervalue of £2 million or less?
- b. disposals at an undervalue of £5 million or less?

- c. disposals at an undervalue of £10 million or less?
- d. disposals at some other undervalue threshold? (please state level)
- e. all disposals regardless of the undervalue

Question 2.5: Do you agree that the economic, social or environmental well-being criteria which apply to the existing general consent should also apply to any new general consent for the disposal of land held for planning purposes?

64. There was considerable support from the 93 respondents to question 2.3 for the introduction of a new consent for this type of land. Reasons given included that there was no justification for a different approach to that for land held for purposes other than planning or housing and that it would reduce delays and uncertainty which can deter investors and disincentivise local authorities. Those who opposed a new consent felt that the current arrangements were satisfactory.
65. Among those who supported a new consent, a clear majority favoured the consent applying to all disposals of land held for planning purposes regardless of the undervalue. The main reasons given included that it allowed maximum flexibility for local authorities to respond to local circumstances and land values. The next most favoured options were disposals at either an undervalue of £5 million or less or £10 million or less (there was equal levels of support for both).
66. There was overwhelming support for applying the economic, social or environmental well-being criteria to any new general consent as these were considered to be important safeguards to ensure that local authority land was disposed of appropriately.

Question 2.6: Do you have any additional comments about the current system governing disposals of land at an undervalue by local authorities, and our proposals to amend it?

67. A range of additional comments were received about the current system governing disposals of land at an undervalue by local authorities, and our proposals to amend it. These included that further guidance for example on what is meant by 'best consideration' would be helpful.

Question 2.7: Do you consider that the current £10m threshold contained in the general consent governing disposals by the Greater London Authority remains appropriate?

Question 2.8: If you consider the current threshold is no longer appropriate, or that the limit should be removed completely, please specify what you think the alternative should be and give reasons.

68. About half of the 55 respondents to question 2.7 were unsure whether the current threshold remained appropriate or not. Of those who did express a clear view, more than half felt that the current threshold was no longer appropriate and, within this group, there was considerable support for the threshold to be removed completely. Reasons given included that the Greater London Authority is best placed to decide

when disposal at undervalue is appropriate and removing the threshold would speed up process for disposing of land.

Question 2.9: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

69. Only a very small number of people responded to this question. Comments included that those with protected characteristics would benefit from the delivery of any additional social and affordable housing which might be generated as a result of the disposal of land at an undervalue and that Equality Impact Assessments should be undertaken at an early stage when considering the disposal of land.

70. These comments have been taken into account in analysing the equalities implications of the proposals.

Government response to Part 2

71. We are considering the responses to this part of the consultation and will announce the way forward in due course.

Part 3. Canal & River Trust: draft listed building consent order

72. *The Planning Reform: Supporting the high street and increasing the delivery of new homes* consultation sought views on a draft listed building consent order under the Planning (Listed Buildings and Conservation Areas) Act 1990 which would grant consent for routine work to the Canal & River Trust's listed waterway structures that is necessary for repair or maintenance and to maintain the safe and effective operation of the waterways.

Question 3.1: Do you agree that the types of work set out in paragraph 3.8 should be granted a general listed building consent? Please give your reasons.

73. There was strong support among the 63 respondents for the proposed types of work to be allowed under the order. Comments included that the proposed works were minor and so unlikely to be of concern and that the Trust's duty to protect waterways' heritage and expertise would ensure that works were undertaken properly. The main view expressed by those who did not support the proposal was that greater clarity was needed on exactly what works were allowed under the order.

Question 3.2: Do you agree that the safeguards included in the order are appropriate? Please give your reasons.

Question 3.3: Do you consider that any additional safeguards are required? Please provide details.

74. There was strong support from the 55 responses for the proposed safeguards which respondents felt were appropriate and proportionate. Some additional safeguards were suggested including that there should be a requirement for the Trust to notify or consult local authorities about individual works under the order.

Question 3.4: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

75. A very small number of respondents commented on the implications of the proposed changes on those people with protected characteristics as defined in the Equality Act 2010. A considerable number of those who responded thought the proposed changes would not have a significant impact on those with protected characteristics. Other respondents made general comments rather than commenting on specific implications.

76. These comments have been taken into account in analysing the equalities implications of the proposals.

Government response to Part 3

77. We welcome the strong support for these proposals. We consider that the methodology which the Trust has developed with Historic England and which must be published on its website will provide the necessary clarity on the types of work covered by the order. We believe that the safeguards already proposed provide the right balance between reducing unnecessary burdens and maintaining the appropriate level of protection for the listed waterways structures. The government has therefore decided to take forward the Canal & River Trust listed building consent order as soon as Parliamentary time allows.

Part 4. New town development corporations: draft compulsory purchase guidance

79. New town development corporations have extensive compulsory purchase orders, which will be important in carrying out land assembly to deliver designated new settlements and associated infrastructure. The consultation sought views on draft guidance on New Town Development Corporations' compulsory purchase powers.

Question 4.1: Do you have any comments on the draft guidance at Annex D?

80. There was considerable support for the draft guidance amongst the 40 respondents. Most supported the new guidance, suggesting that it would provide useful clarity about how the government expects new town development corporations to exercise their compulsory purchase powers and how the Secretary of State would take decisions on new town compulsory purchase orders. Some detailed drafting suggestions were put forward. These included:

- bringing out more strongly the potential benefits of securing the land for development early in the development process
- stating that a proposed new town should at least be identified in an adopted development plan before a compulsory purchase order is submitted for confirmation
- clarifying the degree of certainty that the acquiring authority would be expected to demonstrate in respect of project funding
- extending the range of considerations that the Secretary of State will take account of where owners or other parties put forward alternative development proposals
- clarifying timescales for confirmation decisions and whether those decisions can be delegated to an inspector

81. Views varied regarding the extent to which the guidance should encourage compulsory purchase proceedings to be carried out in parallel to negotiations to acquire land by agreement. Some thought the relevant text should be strengthened, while others suggested the reference should be removed, on the basis that compulsory purchase is intended as a last resort.

82. Some respondents were concerned about new town development corporations' ability to acquire land for which they have no specific proposals, or where proposals are not developed in detail. However, other respondents underlined that this flexibility is necessary given the significant scale and long-term nature of new town developments, and to allow new town development corporations to fulfil their responsibility for delivering comprehensively planned, sustainable settlements supported by adequate infrastructure and community facilities.

Question 4.2: Do you have any views about the implications of the proposed guidance on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

83. None of the respondents suggested that the draft guidance itself would have implications for groups with protected characteristics. It was noted that equality impacts are an increasingly relevant consideration in compulsory purchase order practice more generally, particularly for estate regeneration schemes.

84. These comments have been taken into account in analysing the equalities implications of the proposals.

Government response to Part 4

85. We welcome the support for the draft guidance. We will publish a final version of the guidance in due course, incorporating minor drafting changes where these are consistent with the drafting principles set out in the consultation document.