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Open consultation

Introduction of a use class for short term lets and associated permitted development rights

Published 12 April 2023

Applies to England

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Scope of the consultation

Topic of this consultation:

This consultation contains proposed changes to the Town and Country Planning (Use Classes Order) 1987, as amended and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. It covers the following areas:

- The introduction of a new use class for short term lets
- The potential introduction of a new permitted development right for the change of use from a dwellinghouse to a short term let
- The potential introduction of a new permitted development right for the change of use from a short term let to a dwellinghouse
- How a flexibility for homeowners to let out their home for a number of nights in a calendar year could be provided through either changes to the dwellinghouse use class or an additional permitted development right
- The introduction of a planning application fee for the development of new build short term lets

Scope of this consultation:

To address concerns in certain areas about the increase in the numbers of short term lets and the impact this can have on the sustainability of communities and the availability and affordability of homes for local people, this consultation seeks views on proposals in respect of use classes and permitted development rights for short term lets.

We are consulting on the introduction of a short term let use class. The consultation also seeks views on the introduction of new permitted development rights to provide flexibility where short term lets are not a local issue, and which allows for this flexibility to be removed where there is local concern. We are additionally seeking views on how homeowners might be provided with flexibility to let out their sole or main home for a number of nights in a calendar year. Finally, we are seeking views on the planning application fee required where permission is required for the development of a new build short term let.

Subject to the outcome of the consultation and any necessary clearances, any changes would be brought forward as amendments to the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (secondary legislation). The planning application fee would be brought forward as an amendment to the Town and Country Planning (Fees for Applications, Deemed

Applications, Requests and Site Visits) (England) Regulations 2012, as amended, at the earliest opportunity.

Geographical scope:

These proposals relate to England only.

Impact assessment and Public Sector Equality Duty:

The consultation seeks views on any potential impacts on businesses, local planning authorities and communities from the proposed measures. The government is mindful of its responsibility to have regard to the potential impact of any proposals on the Public Sector Equality Duty, and therefore views are additionally sought on whether there are any impacts arising from these measures on those with a protected characteristic.

Basic information

Body/bodies responsible for the consultation:

Department for Levelling Up, Housing and Communities.

Duration:

This consultation will run from 12 April 2023 to 7 June 2023.

Enquiries:

For any enquiries about the consultation please contact:
short.term.lets.consultation@levellingup.gov.uk

How to respond:

You may respond by completing an [online survey](https://consult.levellingup.gov.uk/planning-development-management/short-term-lets-use-class-and-pdrs/) (<https://consult.levellingup.gov.uk/planning-development-management/short-term-lets-use-class-and-pdrs/>).

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

Alternatively, you can email your response to the questions in this consultation to:
short.term.lets.consultation@levellingup.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Planning Development Management
Department for Levelling Up, Housing and Communities
Planning Directorate
Short term lets consultation
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number.

1. Introduction

1. As set out in the National Planning Policy Framework, planning has a clear and important role in supporting sustainable development and communities, with local plans providing a framework for addressing local housing need, including for long term rent or to buy. Through the Levelling Up and Regeneration Bill and other measures we are modernising the planning system for the 21st century, and building the right homes in the right places with the right infrastructure.

2. In some areas, delivering for local housing needs is challenged by high demand for visitor accommodation. The scale and nature of England's guest accommodation offer has changed significantly over the last 10 to 15 years. In particular, we have seen the growth of innovative platforms that provide new opportunities for guest accommodation and more choice for consumers. Short term lets can play an important part in supporting the visitor economy, for example where there is less hotel or bed and breakfast accommodation available or in the period around certain major tourist events. The recent Department for Culture Media and Sport (DCMS) [call for evidence on a tourist registration scheme](https://www.gov.uk/government/consultations/developing-a-tourist-accommodation-registration-scheme-in-england/developing-a-tourist-accommodation-registration-scheme-in-england-call-for-evidence) (<https://www.gov.uk/government/consultations/developing-a-tourist-accommodation-registration-scheme-in-england/developing-a-tourist-accommodation-registration-scheme-in-england-call-for-evidence>), set out the government's ambition to ensure that we

sustainably reap the benefits of short term and holiday lets, whilst also protecting the long-term interests of holidaymakers and local communities.

3. The sharing economy can bring benefits both to individuals and to the tourism sector. It can bring benefits for homeowners to have some flexibility to let out their home or part of their home, for short periods. Such lettings help to support the visitor economy, such as around major sporting or musical events, such as Eurovision.

4. The rise in the number of short term lets in certain areas has however prompted concerns. High concentrations of short term lets in areas such as coastal towns, national parks and some cities is reported as impacting adversely on the availability and affordability of homes to buy or to rent for local people and on the sustainability of communities more broadly.

5. In recent [parliamentary debates \(https://bills.parliament.uk/bills/3155\)](https://bills.parliament.uk/bills/3155), several MPs have warned of the ‘hollowing out’ of communities, with the viability of local shops, schools and other local services impacted by the lack of a permanent population and properties being left vacant over winter. The [analysis of responses to the DCMS call for evidence \(https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england\)](https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england) noted that **‘many respondents felt that short-term lets had negatively impacted the social dynamics and economic trajectory of local communities, in part by limiting the available housing stock and pricing residents out of the communities.’** Some councils have reported that local employers are facing difficulties filling vacancies owing to a lack of housing for local people, including in the health and education sectors. Other concerns have been raised about the increase in [temporary overnight accommodation \(https://hansard.parliament.uk/Commons/2022-12-09/debates/9CEF7388-4625-4D6D-824F-6B367F78E41C/Short-TermAndHoliday-LetAccommodation\(Licensing\)Bill\)](https://hansard.parliament.uk/Commons/2022-12-09/debates/9CEF7388-4625-4D6D-824F-6B367F78E41C/Short-TermAndHoliday-LetAccommodation(Licensing)Bill), such as on home sharing digital platforms, putting pressure on the [housing rental market \(https://www.propertymark.co.uk/resource/the-impact-of-short-term-lets.html\)](https://www.propertymark.co.uk/resource/the-impact-of-short-term-lets.html) and, in some cases, impacts on neighbours from noise and traffic etc. The government response noted that 39% of members of the public and 50% of other organisations that responded considered noise, anti-social or other nuisance behaviour from short term and holiday lets to be a major problem.

6. Estimates of the volume and growth of the sector vary, reflecting the variation in definition of what comprises a ‘short term let’ and the lack of a single robust source of data, as noted in a recent House of Commons [briefing paper \(https://commonslibrary.parliament.uk/research-briefings/cbp-8395/\)](https://commonslibrary.parliament.uk/research-briefings/cbp-8395/). This report noted an estimate that 148,000 properties in England were being used for short term lettings in September 2021 via online platforms. It also noted that in Cornwall, short-term listings had increased 661% in the 5 years to September 2021. The DCMS call for evidence noted a 33% increase in Airbnb listings in the UK between 2017 and 2018, with 223,000 listings in 2018. The analysis of responses to the DCMS call for evidence notes that ‘one plausible estimate for the total number of short-term and holiday lettings in England in 2022 is 257,000’.

7. The government has already taken steps to help manage such uses. For example, from April 2023 we have tightened requirements so that properties must

be available to let for 140 days or more in the previous and current year and actually be let for 70 days or more in the previous 12 months to qualify for business rates. HMRC has also set stringent conditions that properties must meet to qualify for the income tax regime covering Furnished Holiday Lets (which is more generous than that for long-term lets), including that properties must be available for commercial let for at least 210 days and actually let commercially for at least 105 days of the year. Through the Levelling Up and Regeneration Bill we will also be introducing a registration scheme for short term lets and are consulting on the detail of how that will operate.

Using the planning system to manage short term lets

8. There is a wider public interest in supporting sustainable communities and providing homes to rent or to buy. We consider therefore that there is a clear rationale for planning changes to give local communities greater ability to control the number of short term lets in their area and support the retention of existing dwellinghouses to buy or to rent, and to facilitate where possible short term lets returning to such use. Where particular areas want to use these planning tools to effect change, they will be able to do so, where it is justified locally. In those other areas where there is no local issue, the planning changes should not adversely impact on existing flexibilities for use of a dwellinghouse.

9. Short term lets, particularly where there is a concentration of such uses, may be considered to impact on the character of the premises and the area: the premises may be left vacant for part of the year, fewer of the premises are available for the local community for long term rental or to buy, those who use the premises for short periods do not contribute to the community, nor do they access local services which can impact adversely on local services such as schools, health and public transport. Such properties may also attract business rates rather than Council Tax.

10. Individual properties, particularly those used as temporary overnight accommodation can have particular impacts arising from the churn of people, such as noise and traffic from the arrivals and departures, the storage and handling of waste, noise from parties and the inconvenience to neighbours and the burden on local authority resources. These impacts may be amplified where there is a concentration of short term lets in an area.

11. Where there are issues with individual short term lets local authorities have a range of powers in respect of statutory nuisance and anti-social behaviour. Local authorities can for example determine whether an issue such as noise constitutes a 'statutory nuisance', and if necessary, serve an abatement notice.

12. This consultation seeks views on proposed planning changes to use classes and permitted development rights as a further step to help give local communities greater ability to control the number of short term lets in their area and support sustainable communities. We consider that this provides a proportionate and balanced approach.

13. Subject to the outcome of the consultation, the changes would be introduced through secondary legislation and would apply in England only.

Planning background

14. The [Town and Country \(Use Classes\) Order 1987](http://www.legislation.gov.uk/ukxi/1987/764/contents) (<http://www.legislation.gov.uk/ukxi/1987/764/contents>), as amended, (the UCO) groups uses of land and buildings into various categories known as 'Use Classes'. What are generally referred to as 'homes' typically fall within the 'C3 Dwellinghouses' use class in Schedule 1 of the UCO. This use class makes no distinction between whether the dwellinghouse is used as a sole or main home, for personal or commercial use, or its tenure (rental or home ownership). Use classes apply nationally.

15. Section 55 of the Town and Country Planning Act 1990 sets out that planning permission is required for development, including the material change of use. The planning system allows for local consideration of the merits of individual cases "as a matter of fact and degree" as to whether there is a material change of use requiring planning permission. This gives rise to existing properties being used in a variety of ways. For example, a homeowner may be able to let out a room to boost their household income. In other cases, the whole property may be let out for a two week holiday period while the owner is away. Other properties however may be let out as a series of short term lets, over all the holiday periods or for several weekends. Planning permission will be required in respect of any such cases where there has been a material change of use.

16. Permitted development rights (PDRs) are a national grant of planning permission by the Secretary of State, including for the material change of use. These rights are set out in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](http://www.legislation.gov.uk/ukxi/2015/596/contents) (<http://www.legislation.gov.uk/ukxi/2015/596/contents>), as amended, (the GPDO). These permitted development rights can rely on the use classes, including those that provide for the change of use to residential (C3). Local planning authorities may remove a permitted development right by making an Article 4 direction in line with national policy set out in paragraph 53 of the National Planning Policy Framework.

17. Through the Greater London (General Powers) Act 1973, as amended by the [Deregulation Act 2015](https://www.legislation.gov.uk/ukpga/2015/20/section/44/enacted) (<https://www.legislation.gov.uk/ukpga/2015/20/section/44/enacted>) in London, households that pay council tax may let out their home for up to 90 nights in a calendar year for temporary sleeping accommodation. Letting for more than 90 nights constitutes a material change of use and planning permission is required. The analysis of responses to the DCMS call for evidence shows it is difficult to police or enforce the 90 night limit without having a means of knowing the location of short term lets.

2. Introduction of a short term let use class

18. To allow for greater local control where in future additional dwellinghouses seek to become used as a short term let, we propose to introduce a new use class for short term lets. This would also allow local planning authorities to consider planning applications for new build short term lets and grant permission conditioned to the new class where appropriate.

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

Yes/No/Don't know.

Please give your reasons.

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

Yes/No/Don't know.

Please give your reasons.

19. The term "short term let" can encompass a range of activity associated with a dwelling. Some short term lets may be let out for a limited period while the owner themselves go on holiday. Others may be properties that provide for a series of lets for holidays etc or very short term overnight sleeping accommodation including renting an individual bedroom while the owners are in situ. Business rates, council tax for second homes, HMRC and the proposed DCMS registration scheme take differing approaches to their definitions of this use of property.

20. We want to ensure that the definition of a short term let use class for planning purposes captures the range of activities above. We propose therefore the following definition for the use class under the description "C5 Short Term Let":

“ Use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel.”

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

Yes/No/Don't know.

Please give your reasons.

21. When the use class comes into effect existing properties would fall into the short term let use class (referred to as C5) where they met the definition or remain as C3 dwellinghouse. Any re-classification is not considered development and so property owners should not need to apply for planning permission where they meet the definition of short term let. They would be classified as such and would not require planning permission. The use class of some premises may be unclear because of their individual circumstances, where this is the case owners can apply for a lawful development certificate to confirm the lawfulness of the use for planning purposes.

22. Some homeowners let out a room within their house to boost their income and for some to help with rising costs. The creation of the new use class may provide greater clarity about whether permission is required for a change of use to a short term let. The proposed structure of the new use class means the letting out of a room or rooms, for example to a lodger, within a 'sole or main' dwellinghouse will be unaffected by the introduction of the new class.

23. 'Second homes' that are additionally let out for part of the year will fall into the C5 short term let use class where they meet the definition.

24. The existing primary legislation would mean that homes in London where council tax is paid could continue to be let out for up to 90 nights in a calendar year. Planning permission is required for the material change of use if a property in London is let out for more than 90 nights.

25. Once the new use class is introduced planning permission could be granted for new development conditioned as C3 dwellinghouses or C5 short term lets as appropriate, in line with any development plan policy.

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

Yes/No/Don't know

Please make your comments here

26. Consideration is being given to whether there will be any impact on certain types of housing from the introduction of the proposed short term let use class and the permitted development rights mentioned below, and therefore whether specific arrangements are required. This could include student accommodation, where it sits in C3, that is traditionally only occupied for part of the year, or which

alternatively may additionally be let out over holiday periods when students are not in residence. There may be others.

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

Yes/No/Don't know.

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

3. Register of short term lets

27. The register of short term lets, to be introduced through the Levelling up and Regeneration Bill, will help to provide local planning authorities with information about which properties are being let out in their area. This could provide valuable information to help them apply and enforce the use class changes.

28. The current DCMS consultation sets out 3 high level possible approaches to a registration scheme and asks a range of more detailed questions on scheme design, including the types of information the register will collect such as property address, whether it is the whole or part of the property that is let out, how many nights it is available to let, and whether planning permission has been granted or is not required. The responses to the DCMS consultation will inform decisions on final design of the registration scheme. Please respond to the [DCMS consultation \(https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england\)](https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england) if you wish to share your views on the short term lets registration scheme.

29. DCMS and DLUHC are working closely together to ensure that different measures being considered across government that apply to the short term lets sector are proportionate, complementary and easy to understand.

4. New national permitted development rights

30. High volumes of short term lets are concentrated in some locations and are not considered to be problematic in all areas. Therefore, we are considering whether to introduce new national permitted development rights to provide flexibility where short term lets are not a local issue, and areas would only see a change where the rights have been removed by making an Article 4 direction. This model will provide local areas with tools that they can apply, or not, depending on local circumstances. We do not want to add unnecessary process, and therefore in many areas the changes will appear seamless and people will not see a change unless an Article 4 direction is in place to remove one or more of the permitted

development rights. Separately, we are considering confirming on all homeowners (C3 dwellinghouse) a limited flexibility to let out their home (set out from paragraph 40 below).

31. It is proposed that the GPDO could be amended to introduce permitted development rights to allow:

a. The change of use from a C3 dwellinghouse to a C5 short term let. This would allow for continued flexibility to use a property as a home or short term let where there is no local issue

b. The change of use from a C5 short term let to a C3 dwellinghouse. This would allow short term let properties to be made available to rent or to buy without the need for a planning application for the change of use.

32. Where there is evidence of a local issue, the permitted development right for the change of use to a short term let (a) may be removed by making an Article 4 direction in line with national policy. This should apply to the smallest geographical area possible and could therefore be focussed on those areas or streets that see the highest numbers of short term lets, or individual properties.

33. A second right, (b) could allow the change of use from a short term let to a C3 dwellinghouse. This would allow those premises that fall into the short term let use class when the changes are introduced to return to use as dwellinghouse for rent or to buy without the need for a planning application. This approach may be important where there are already concentrations of short term lets as it would facilitate their move to provide more sustainable housing for the community. Those areas where there is a local issue may choose therefore to retain this permitted development right, even where they remove the permitted development right for the change of use from a dwellinghouse to a short term let (a).

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)

Yes/No/Don't know.

Please give your reasons.

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/No/Don't know.

Please give your reasons.

34. To minimise planning requirements where there is no local issue, it is proposed that the rights would not be subject to any limitations or conditions. This means there would be no size limits or exclusions, and the rights would apply to listed buildings, and in National Parks and Areas of Outstanding Natural Beauty etc. As there would be no matters for prior approval there would be no planning process and therefore no fee payable.

35. We propose that the local planning authority should be notified whenever either of the individual rights for the change of use to a short term let (a) or from a short term let (b) are used.

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

Yes/No/Don't know.

Please give your reasons

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/No/Don't know.

Please give your reasons

36. Where it is necessary to protect the amenity or wellbeing of the area, and there is evidence to support it, an Article 4 direction may be made to remove a permitted development right. We consider that no changes are necessary to paragraph 53 of the National Planning Policy Framework (the NPPF).

37. While this consultation seeks views on the introduction of a new short term let use class, subject to the outcome of the consultation, there may be other planning routes to achieving the same policy aims.

38. For example, rather than introducing a new use class in Schedule 1 of the Use Classes Order, a short term let could be added to the list of uses specified in article 3 (6) as not in a class (commonly known as sui generis). A permitted development

right could also be introduced to allow dwellings to be used for temporary sleeping accommodation. This would not require a new use class to be introduced but risks less flexibility over future use of properties.

39. We would be interested in your views on the merits of these or other approaches.

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

Yes/No

If so, please provide details here.

5. Flexibility to let out your own home

40. It is clear also that some home owners (C3 dwellinghouses) see benefits in letting out their own home for a short time, including to help boost household income to manage the increase in the cost of living. We are therefore seeking views on whether it would be helpful to expressly provide a degree of flexibility for C3 dwellinghouses to be let out for a number of nights. This could for instance be where homeowner is themselves on holiday, or to benefit from where sporting or other events are held locally, or where the owner works away, while retaining its use as a main or sole dwellinghouse. The evidence provided as part of the DCMS Call for Evidence, estimated that on average properties used as short term lets are occupied for a limited period over the year. We therefore propose that a limit of a certain number of nights a year should apply. We are open as to whether this limit should be 30, 60, or 90 nights in a calendar year. Planning permission will continue to be required where a main or sole C3 dwellinghouse is let out for longer than this number of nights in a calendar year where there is a material change of use.

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

Yes/No /Don't know

Please give your reasons.

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**

Please give your reasons.

41. There are two potential ways this flexibility could be delivered:

i) An additional **permitted development right** could allow the use of a main or sole C3 dwellinghouse for temporary sleeping accommodation for up to a defined number of nights in a calendar year. This would provide a flexibility for homeowners where there is no local issue while setting a limit on the extent of that flexibility. The permitted development right could be removed by making an Article 4 direction. This model would help to avoid any unintended consequences to the operation of other housing models in the C3 Dwellinghouse use class. This approach benefits homeowners while providing flexibility for areas to remove the right and is therefore our preferred option.

ii) The **C3 dwellinghouse use class** could be amended to provide that all homes could be let out for up to a defined number of nights in a calendar year. This flexibility would be built into the use class and would apply nationally. It could not be removed, or amended, by the local planning authority and so would apply irrespective of whether there was a local issue. The use class provides for a range of housing models, including for single households, supported housing, small homes where care is provided etc, and will continue to do so. It would however, introduce a degree of uncertainty into the existing operation of the use class that we would seek to manage by applying the change only to dwellinghouses within C3(a) (a single person or people forming a single household).

Q.13 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.

Please give your reasons.

6. Planning application fees

42. It is proposed that where new build short term lets are developed a planning application fee for each short term let equivalent to that for new dwellinghouses would apply. This would be delivered through a future amendment to the [fees regulations \(https://www.legislation.gov.uk/uksi/2012/2920/contents\)](https://www.legislation.gov.uk/uksi/2012/2920/contents). Where the permitted development right has been removed by making an Article 4 direction, the standard fee for a planning application for the change of use would apply.

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/No/Don't know.

Please give your reasons.

7. Existing permitted development rights

43. Dwellinghouses currently benefit from a range of permitted development rights set out in Part 1 of the GPDO: Development within the curtilage of a dwellinghouse. These rights allow for improvements including rear or upward extensions, roof alterations or porches etc. We propose that short term lets should additionally benefit from these rights.

44. Part 2 of the GPDO sets out permitted development rights for minor operations such as putting up a fence and external painting etc. These are not limited to dwellinghouses and will therefore apply to short term lets.

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

Yes/ No/Don't know

Please give your reasons.

8. Local and neighbourhood plans

45. The National Planning Policy Framework expects local areas to plan to meet the housing needs of their communities. The loss of existing C3 dwellinghouses to buy or to rent as short term lets can add to the pressure on local housing supply.

46. Local planning authorities and neighbourhood planning groups would in future be able to set out relevant policies in their local or neighbourhood plan the circumstances where they would support, or not, new short term lets as defined by the new class that would achieve the appropriate balance for their area. Any future planning applications for new build short term lets, or for the change of use to a short term let where the permitted development rights have been removed, would be determined in accordance with the development plan and other material considerations.

9. Comment on the proposed planning changes

47. This consultation has set out a range of proposals in respect of a short term lets: a use class, permitted development rights, flexibility for homeowners and application fees. Having now considered them individually we want to provide an opportunity to make any further comments on the proposals or the overall approach.

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

Yes/No

If yes, please provide comments.

10. Public Sector Equality Duty and Impact Assessments

48. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty

Assessment and an impact assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

49. We would welcome your comments as part of this consultation on whether the proposed changes 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).

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).

Yes/No/Don't know.

If so, please give your reasons.

50. We would welcome comments on whether the proposed changes in respect of use classes and / or permitted development rights could have any impacts on business, local planning authorities or communities. There may be different impacts in particular where one or more of the permitted development rights have been removed by making an Article 4 direction.

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 impact on:

- a) businesses**
- b) local planning authorities**
- c) communities?**

Yes/No/Don't know.

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

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK General Data Protection Regulation (UK GDPR). In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Levelling Up, Housing and Communities and the Department for Culture Media and Sport will at all times process your personal data in accordance with UK GDPR and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure) (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK GDPR.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officers can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share [special category](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1>) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

Representations submitted in response to this consultation will with the Department for Culture Media and Sport (DCMS). DCMS are consulting on detail of the register of short term lets and some of the comments made here may be pertinent to the operation of the register. Where information is shared we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation. A Data Sharing Agreement will be in place before any data is shared. DCMS may appoint a 'data processor', acting on their behalf to help analyse the responses to their consultation on the register of short term lets. Personal information provided in response to this consultation on use classes and permitted development rights will not be shared with any external data processor.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

a. to see what data we have about you

- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

dataprotection@levellingup.gov.uk

or

Knowledge and Information Access Team
Department for Levelling Up, Housing and Communities,
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

DLUHC use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for 2 years before it is deleted.

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