



Department for
Communities and
Local Government

Reducing planning regulations to support housing, high streets and growth

Government response to the consultation



© Crown copyright, 2016

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

May 2016

ISBN: 978-1-4098-4788-5

Contents

Introduction	4
Summary of responses	5
Increasing housing supply	6
Supporting a mixed and vibrant high street	10
Supporting Growth	15
Other comments	17

Introduction

1. The Government is committed to reducing the administrative burden of the planning system, to support growth and increase the supply of housing. So that more development can take place without the need for an individual planning application, it is further extending permitted development rights with an increased use of prior approval, where appropriate. This will further reduce bureaucracy and cost to business.
2. Section 2 of the 'Technical consultation on planning' (July 2014), outlined proposals on permitted development rights to increase housing supply, support a mixed and vibrant high street, and to support growth.
3. The measures on increasing housing supply included proposals to allow change of use from a range of business uses to residential use, as well as continuing to permit larger domestic extensions.
4. The package to support a mixed and vibrant high street included measures to change the retail use classes, allow more change of use between different uses on the high street, and allow retailers to expand their retail facilities more freely. It also included a proposal to require a planning application for the change of use to a betting shop or pay day loan shop.
5. The measures to support growth included a new specific permitted development right for film and TV production, larger capacity solar panels on non-domestic buildings, continuing to allow larger business extensions, new rights for waste management facilities and extra rights for equipment housings for sewerage undertakers.
6. The consultation invited the submission of information on the potential impact of these proposals. It also sought views on how Article 4 directions and the compensation regulations should relate to any new measures. Consultees were also asked if they had any other ideas about extending permitted development rights.

Summary of responses

7. There were 943 responses to Section 2 of the consultation, from a variety of groups and across a range of sectors. Local planning authorities and members of the public formed the two largest groups of responders. Respondents also included businesses, developers, community groups and sector representatives.
8. There was great interest in the proposed measures, and a wide range of views were expressed. Respondents welcomed many of the measures, recognising the benefits of further extending permitted development rights across a number of development types. Respondents provided many helpful comments which have been considered during further policy development.
9. This report provides an overview of the responses received to the individual consultation questions. The Government has used this information to help policy development and further thinking on these issues. The document also explains Government action on the individual measures, some of which were introduced in April 2015, and others brought forward in April 2016. This report has been published to coincide with this second tranche of changes. In April 2015 a new consolidated version of The Town and Country Planning (General Permitted Development) (England) Order was published. In this the protected landscapes such as National Parks etc, which had previously been known as Article 1 (5) land became Article 2 (3) land, and any references to Article 1 (5) land should be read in this context.
10. It should be noted that in reaching decisions, the Government was particularly interested in the issues raised, and consequently did not reach a view based solely on the absolute level of support.

Increasing housing supply

Creating new homes from light industrial and warehouse buildings

Question 2.1: Do you agree that there should be permitted development rights for (i) light industrial (B1(c)) buildings and (ii) storage and distribution (B8) buildings to change to residential (C3) use?

Question 2.2: Should the new permitted development right (i) include a limit on the amount of floor space that can change use to residential (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?

11. Among the responses to Question 2.1, there was some support for the proposals for light industrial, and for storage and distribution buildings to change use to residential use.

12. Respondents to this proposal thought that:

- there was a need for housing and that some premises would be suitable for conversion
- some change of use would be likely to conflict with local and national policies and plans, and undermine the community's ability to manage development in their area
- the potential for new uses for vacant buildings was welcomed
- businesses and employment opportunities, including rural businesses in agricultural buildings, may be required to relocate where owners sought to benefit from the higher land use value
- although the proposal would bring new homes, there would be no associated contributions to new affordable housing
- the pepper-potting of new uses within an area could have adverse consequences for existing land uses.

13. In response to Question 2.2 regarding the implementation of the proposal:

- there was strong support for a limit on the amount of floorspace that could change use
- there was support for the right not applying in Article 1 (5) land
- it was variously suggested that designated employment / business areas, the Green Belt, environmentally sensitive land and areas with neighbourhood plans should be excluded from the proposal
- it was suggested that other factors should be considered as part of the prior approval process, such as air quality, sustainability, the quality of the proposed

development for the new residents, the impact on drainage systems and the impact - both individual and cumulative - on neighbours, including businesses.

Government response

14. The Government has introduced a new temporary permitted development right, subject to prior approval, for three years to allow buildings used for storage or distribution (B8) to change to residential use (C3). In response to the strong support for a floorspace limit, the change of use is limited to up to 500 square metres of a building. The rights apply in conservation areas but not in other Article 1 (5) land. To further support the delivery of new homes, in April 2016 the Government introduced for three years a further right in respect of light industrial buildings up to 500 square metres. Recognising the comments made regarding the impact on businesses, the right will come into effect on 1 October 2017 to enable local planning authorities to consider whether to bring forward an Article 4 direction in line with national policy. The right is subject to prior approval and applies in Article 1 (5) land.

Creating new homes from sui generis uses

Question 2.3: Do you agree that there should be permitted development rights, as proposed, for launderettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3) use and to carry out building work directly related to the change of use?

Question 2.4: Should the new permitted development right include (i) a limit on the amount of floor space that can change use to residential and (ii) a prior approval in respect of design and external appearance?

15. In response to Question 2.3, there was some support for new permitted development rights for launderettes, amusement arcades/centres, casinos and nightclubs to change to residential use. In response to Question 2.4(i) there was strong support for some limit on the amount of floor space allowed to change use. There was strong support for a prior approval in respect of design and external appearance.

16. Respondents to this proposal thought that:

- the introduction of new residents to the area would make town centres safer
- more residents within a town centre would increase footfall to local businesses
- the local community would lose control over development within their area and the ability to secure funding to provide infrastructure, local services and affordable housing
- not all buildings in these uses would be suitable for conversion to residential use
- there could be a potential impact on existing uses, leading to loss of vitality, viability and vibrancy of a high street
- amusement arcades/centres in coastal and holiday towns should be excluded, so that they could continue to offer these leisure facilities to attract tourists
- launderettes should be excluded because they serve an important community purpose and are greatly valued by those people who do not have access to a washing machine within their accommodation

- nightclubs should be excluded given small numbers, their likely location in entertainment zones, and that nightclubs and pubs share the same licencing provisions.

Government response

17. The Government has introduced a new permitted development right to allow amusement arcades/centres and casinos to change to residential use (C3), subject to prior approval, within a 150 square metres size limit. To further support the delivery of new homes, from 6 April 2016 the Government has additionally amended the existing retail to residential (Class M) right to allow the change of use from launderettes to residential use. This right is subject to prior approval, including consideration by the local planning authority of the impact of the loss of the building on the provision of such services.

Office to residential permitted development rights

Question 2.5: Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?

Question 2.6: Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

18. In response to Question 2.5 there was some support for the continuation of a permitted development right allowing change of use from office to residential.

19. The views of respondents were wide-ranging, and included that:

- the right had successfully brought underused office buildings back into use in some areas
- it could lead to a more efficient occupancy and use of office premises
- the economy had improved so there was no continuing need for this measure
- the impact of the right required further assessment
- the right was considered by some to not always be consistent with local and national policies, with reduced opportunity for communities to be involved in development in their area and so influence the local economy
- the quality of new housing the right provided for had yet to be demonstrated
- not providing for affordable housing was a lost opportunity
- not all offices were suitable for conversion
- there could be a reduced amount of commercial space for start-ups and small / medium sized companies as land use changed to the higher value use
- the current exemptions should be continued or additional specified areas exempted

20. The consultation also sought views on how the prior approval consideration of the impact of the significant loss of the most strategically important office accommodation might be defined. Many thought that it would be difficult to define significant loss of the most strategically important office accommodation in a sufficiently robust manner to avoid misapplication of the prior approval.

Government response

21. The office to residential permitted development right has been successful in bringing forward permissions for thousands of new homes. In March 2015 the Government said it would give further consideration to the right. Having done so, the Government announced on 13 October 2015 that it would make the right permanent, taking into account the need to protect strategically important office space by extending the current exemption areas until 30 May 2019, allowing time for Article 4 Directions to be introduced where appropriate. It also announced the intention to allow those with prior approval three years from the date of prior approval in which to change use. The right has been amended from 6 April 2016 to reflect these changes, and extend the prior approval to allow consideration of the plans to mitigate the impact of noise on new residents. The Government announced that the right will also allow for the demolition of offices and replacement as residential use on a like-for-like basis. This element will be brought forward to a separate timetable.

Extensions to dwellings

Question 2.7: Do you agree that the permitted development rights allowing larger extensions for dwellinghouses should be made permanent?

22. There was some support among the responses to Question 2.7 for making permanent the permitted development right allowing larger extensions for dwellinghouses.

23. There were a variety of opinions on this proposal, reflecting contrasting views on the existing temporary rights, which included:

- that they were working well
- householders welcomed the flexibility to adapt their home to reflect changing needs instead of having the upheaval of moving house
- some extensions were large and poorly designed
- it could change the mix of housing, with less smaller homes available for first time buyers or for those downsizing
- local planning authorities had a limited opportunity to consider the impact on their area and immediate neighbours did not always object where a development could have an impact
- the lack of planning fees resulted in the council funding the light touch prior approval application process
- the deadline to complete the works should be retained, to incentivise development.

Government response

24. The Government is of the view that this is a popular, beneficial measure for householders but notes that there are some concerns about its operation. It has extended the right for householders to build larger rear extensions, subject to a neighbour amenity test, for a further three years.

Supporting a mixed and vibrant high street

Increasing flexibilities for high street uses

Question 2.8: Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?

Question 2.9: Do you agree that a planning application should be required for any change of use to a betting shop or a pay day loan shop?

Question 2.10: Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?

25. Among the responses to Question 2.8 there was support for proposals to encourage mixed and vibrant high streets. Many recognised that including financial and professional services (A2) within the shops use class (A1) was seen as the means to secure a separate use class for betting shops and payday loan shops.

26. Consultees expressed a broad range of views, including:

- welcoming the proposal as a way to maintain high occupancy rates through increased flexibility
- noting that increased flexibility could lead to reduced diversity, with a resulting decrease in the attractiveness of shopping areas, challenging their viability
- noting that it will reduce the ability for the local community to shape their high street and town centres through their neighbourhood plan
- noting that it will reduce the ability of local planning authorities to plan effectively for town centres in their local plan, and to effectively apply town centre first policies
- suggesting that it could lead to the loss of corner or village shops to higher land use value A2 premises, thereby reducing convenience and access to fresh food, and increasing car use.

27. The proposal to require a planning application in future for any change of use to a betting shop or pay day loan shop received overwhelming support. The comments received raised a range of issues:

- a strong call for greater local decision taking in respect of such uses
- some recognition that the clustering and proliferation of betting shops and pay day loan shops could be perceived to impact negatively on the vitality of shopping areas
- that large numbers of betting shops it is not an issue in all areas
- such uses met local need and add to the mix of uses and footfall on a high street
- the issues related to betting shops and pay day loan shops are not planning matters and that alternative approaches, such as licensing or a demand test, were more appropriate.

28. Alternative suggestions of how local consideration of proposed new betting shops and pay day loan shops might be achieved were proposed, such as classifying betting shops and pay day loan shops as sui generis or putting them in a sub class of A2.
29. Question 2.10 asked for suggestions for the definition of pay day loan shops. The comments received reflected the lack of a common definition of a pay day loan shop, with some uses identified falling into the shops A1 use class. It was acknowledged that a definition broad enough to incorporate pay day loan type businesses and specific enough to exclude other lending bodies, such as banks and credit unions, was very difficult.

Government response

30. The Government recognises the strong support for requiring a planning application to be submitted when a change of use is proposed to a betting shop or pay day loan shop. Therefore it has amended the Use Classes Order (which names 'betting shops' as 'betting offices') to define such uses as sui generis – i.e. a class of their own. This means that planning permission is required for such changes. This allows the local planning authority to determine any planning application in accordance with its local plan, and provides an opportunity for the community to comment. Betting shops and pay day loan shops retain their current permitted development rights to change to other uses.
31. The Government has considered the views expressed over the proposal to merge the shops (A1) and financial and professional (A2) use classes, and has decided the desired flexibility should instead be secured through a new permitted development right to allow change of use from shops (A1) to financial and professional services (A2). This compliments the existing right allowing the change of use from A2 to A1. This retains the flexibility to protect areas at the local level by bringing forward an Article 4 direction where communities consider it is desirable.

Supporting a broader range of uses on the high street

Question 2.11: Do you agree that there should be permitted development rights for (i) A1 and A2 premises and (ii) launderettes, amusement arcades / centres, casinos and nightclubs to change use to restaurants and cafés (A3)?

32. There was some support among the responses to Question 2.11 for the easier change of use from shops (A1) and financial and professional services (A2) to cafes or restaurants (A3). Similarly, there was some support for the proposal to allow launderettes, amusement arcades/centres, casinos and nightclubs to change use to cafes and restaurants. Respondents suggested that the changes may:
- be a welcome boost to the night-time economy and allow more flexibility
 - lead to a reduction in vitality and vibrancy in existing shopping areas
 - lead to the loss of a corner or village shop to a higher land use value
 - impact on neighbouring premises through different hours of operation, ventilation systems and waste management
 - be improved by allowing the wider community to comment on the prior approval, because the impact extended beyond immediate neighbours

- impact adversely on the provision of launderettes, which were considered a vital local service
- lead to the loss of amusement arcades/centres in seaside locations, which formed a vital part of what attracted tourists to the area.

Government response

33. The Government has introduced new permitted development rights to allow change of use from shops (A1) and financial and professional services (A2), betting shops and pay day loan shops to restaurants and cafes (A3), subject to prior approval in respect of noise, odours, transport and highways, hours of opening and impact on the shopping area. There is a floorspace limit of 150 square metres changing use. The rights allow some minor physical works for ventilation systems and waste storage, subject to prior approval. The right applies to casinos, subject to the same prior approval, but not to any other sui generis uses.

Supporting diversification of leisure uses on the high street

Question 2.12: Do you agree that there should be permitted development rights for A1 and A2 uses, launderettes, amusement arcades / centres and nightclubs to change use to assembly and leisure (D2)?

34. In response to Question 2.12, there was some support for the easier change of use from A1 and A2 uses, launderettes, amusement arcades/centres and nightclubs to assembly and leisure (D2) uses.

35. Comments from respondents covered a range of views, including:

- welcoming the flexibility this measure would bring
- a desire to ensure diversity in the high street was retained and well-used local convenience stores, and village shops were protected
- suggesting there could be an adverse impact on the provision of launderettes, which were considered a vital local service
- suggesting there could be a loss of amusement arcades/centres in seaside towns, challenging their continuing ability to attract tourists
- proposing a size limit
- proposing that the prior approval should include hours of operation, design, appearance and environmental impact.

Government response

36. The Government has introduced a new right allowing the change of use of shops (A1), financial and professional services (A2), betting shops and pay day loan shops to assembly and leisure (D2) for premises under 200 square metres, subject to prior approval in respect of noise, transport and highways, hours of opening and impact on the shopping area.

Expanded facilities for existing retailers

Question 2.13: Do you agree that there should be a permitted development right for an ancillary building within the curtilage of an existing shop?

Ancillary buildings (click and collect)

37. There was considerable support for the proposal, with responses welcoming the certainty it brought.

38. Respondents had further suggestions for implementing this policy, including:

- varying the proposed limits
- excluding development within 10 metres from any boundary
- excluding the Green Belt, in addition to the proposed exclusion of Article 1(5) land, because of the many garden centres located within it.

39. In addition to the proposed prior approval criteria some suggested that other impacts should be considered including noise and light pollution.

Government response

40. The Government has introduced this measure as proposed so that retailers are able to erect small ancillary buildings within their curtilage, with a prior approval for design, siting and external appearance. There is a limit to the number of ancillary buildings of one per shop, to manage development impacts.

Loading bays

Question 2.14: Do you agree that there should be a permitted development right to extend loading bays for existing shops?

41. In response to Question 2.14 there was support for the proposal for a permitted development right to extend loading bays for existing shops, welcoming the increased certainty this would provide to potential investment decisions. Some respondents wanted more restrictions, such as a limit on development near the boundary, with others wanting fewer. It was suggested that the policy had the potential to undermine town centres, and should only apply to smaller premises.

42. It was suggested that there should be a prior approval to consider, for example, design, siting and traffic.

Government response

43. Government has introduced this proposal, as consulted, allowing loading bays to increase in size by up to 20%, with the added condition that the materials used in the development must match the existing building.

Mezzanine floors

Question 2.15: Do you agree that the permitted development right allowing shops to build internal mezzanine floors should be increased from 200 square metres?

44. Among the responders to Question 2.15 there was support for a review of the threshold at which a mezzanine floor requires planning permission. Comments included:

- this was an efficient way of creating new space, compared to constructing new buildings
- while it enabled businesses to grow without having to relocate it also meant the demand for larger vacant units was reduced
- the 200 square metres threshold was large enough for any retail property on the high street with any larger limit likely to benefit and increase only retail space in out of town locations
- those properties likely to be able to accommodate mezzanine floors had already made the change, with new development more likely to be built with mezzanines where there was a demand
- that any change should be directed only at town centres to support national planning policy.

Government response

45. The Government is working to support the high street and town centres. It considers this measure is unlikely to contribute further to this objective given the scope of the existing provision.

Maximum parking standards

Question 2.16: Do you agree that parking policy should be strengthened to tackle on-street parking problems by restricting powers to set maximum parking standards?

46. There was some support among responses to Question 2.16 that parking policy should be strengthened in support of growth by restricting powers to set maximum parking standards. Many respondents who nonetheless agreed that setting maximum parking standards was unhelpful thought that this was a purely local matter, which local councils were best placed to deal with.

Government response

47. Having considered all the responses, in March 2015 the Government issued a Written Ministerial Statement ¹ which makes clear that local planning authorities should impose local parking standards only where there is clear and compelling justification that it is necessary to manage their local road network.

¹ <https://www.gov.uk/government/speeches/planning-update-march-2015>

Supporting Growth

Permitted development right for the film and television industries

Question 2.17: Do you agree that there should be a new permitted development right for commercial film and television production?

48. There was considerable support for the proposal for a new permitted development right for commercial film and television production. There were mixed views on whether the right should be extended to Article 1 (5) land. It was generally considered that filming is beneficial to the local economy. The film industry provided evidence that in most cases a higher height threshold than that proposed in the consultation would be required if the new right was to be of benefit as it would allow lighting gantries to be included. An increase in the area covered was also sought.
49. There were suggestions that the prior approval should be expanded to include, for example, flood risks, start and end dates, and hours of operation.

Government response

50. The Government has introduced a new permitted development right for temporary use of land or buildings for commercial filming and associated temporary physical works. The right allows for temporary use for nine months in a 27 month period on sites of up to 1.5 hectares. It includes a height limit of 15 metres, to better reflect the needs of the industry, with a maximum height limit of 5 metres for temporary structures, etc, within 10 metres of the boundary.
51. In addition to the proposed transport and highways, noise and light, the prior approval additionally considers flooding, hours of operation and a requirement to provide start and end dates. The rights do not apply in Article 1 (5) land.

Solar PV panels for non-domestic properties

Question 2.18: Do you agree that there should be a permitted development right for the installation of solar PV up to 1MW on the roof of non-domestic buildings?

52. There was strong support for the proposal that the installation of solar PV of up to 1 MW should be allowed on non-domestic buildings. Both higher and lower alternate thresholds were suggested. With technology in this area developing fast some suggested that the limit should be the square metres of panels, rather than wattage.
53. Among those who commented, there was general agreement that siting and design should be a prior approval consideration, so that the impact of glare could be

considered.

Government response

54. The Government has introduced the permitted right as proposed, allowing solar PV up to 1MW on roofs of non-domestic buildings, subject to a prior approval on design and external appearance, including the impact of glare.

Extensions to business premises

Question 2.19: Do you agree that the permitted development rights allowing larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings should be made permanent?

55. Among those who responded to Question 2.19 there was some support for the retention of the permitted development right allowing larger extensions for business premises.

56. There was a range of views on this proposal, including:

- businesses welcomed the flexibility offered by the permitted development rights
- the impact of the temporary rights should be assessed before being made permanent
- no account could be taken of increasing land intensification, and local planning authorities could not manage the resulting cumulative impact on an area.

57. To improve the implementation, it was suggested that:

- areas with a neighbourhood plan should be excluded
- additional limits should be introduced
- existing limits should be increased, to allow larger extensions.

Government response

58. The Government has introduced the measure as proposed, making permanent the right for shops, offices, financial and professional services to extend by up to 100 square metres or 50% whichever is the lesser, and warehouses and industrial premises to extend by up to 200 square metres or 50% whichever is the lesser, so that businesses retain the flexibility to develop their premises in response to changing business demand.

Permitted development rights for waste management facilities

Question 2.20: Do you agree that there should be a new permitted development right for waste management facilities to replace buildings, equipment and machinery?

59. Among those who responded to Question 2.20 there was some support for the proposal to introduce a new permitted development right for waste management

facilities to be able to replace buildings, equipment and machinery within existing waste management sites. It was noted that:

- this new right provided a good balance between flexibility and appropriate limitations
- there may be an impact from potentially noisier and larger replacements
- the measure could be improved with a prior approval, if not a full planning application, to allow third parties to comment
- the permitted development right could be extended further to cover a wider variety of development.

Government response

60. The Government has introduced the measure as consulted, believing that any impact of replacement buildings is likely to be positive overall. The rights allow operations for the replacement of plant or machinery, subject to limitations and conditions.

Equipment housings for sewerage undertakers

Question 2.21: Do you agree that permitted development rights for sewerage undertakers should be extended to include equipment housings?

61. There was considerable support for the proposal to extend existing permitted development rights for sewerage undertakers to include equipment housings. Respondents expressed views such as:

- recognising the benefits of reducing the administrative and cost burden on sewerage undertakers and on local planning authorities, whose costs in processing these applications (including advertising) were not covered by the planning application fee
- raising concerns about the negative impact of any development, suggesting instead that a planning application should be retained
- suggesting that development within Article 1 (5) land and the Green Belt should be excluded.

Government response

62. The Government has introduced the measure as proposed, believing it to be proportionate and beneficial. Sewerage undertakers now have rights to carry out the installation of a pumping station, valve house, control panel or switchgear into a sewerage system.

Other comments

Question 2.22: Do you have any other comments or suggestions for extending permitted development rights?

63. Question 2.22 sought comments and suggestions for extending permitted development rights, continuing the Government's drive to deregulate the planning system. Responses acknowledged the broad range of the proposals in the consultation and

suggested that the operation of permitted development be kept under review to monitor the impact and whether there is potential for upward revision of thresholds.

Question 2.23: Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence regarding the impact of the proposal on the number of new betting shops and pay day loan shops, and the costs and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?

64. Question 2.23 sought evidence on the costs or benefits of the proposed changes, including evidence on the impact of the sole regulatory proposal, for new betting shops and pay day loan shops, and in particular, new openings in premises that were formerly A2, A3, A4 or A5. Responses generally acknowledged that proposals were beneficial for developers and applicants, but may in some instances have adverse, indirect impacts on other businesses, the community and local planning authorities which are covered above.
65. Comments were received on the impact on developers wanting to open a new betting shop, specifically relating to the additional costs and delay of having to seek planning permission. These comments have been reflected in the updated impact assessment².

Question 2.24: Do you agree (i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 direction and (ii) should the compensation regulations also cover the permitted development rights set out in the consultation?

66. Question 2.24 sought views on how Article 4 directions should relate to existing prior approvals and the compensation arrangements for the new permitted development rights. There was some support for the proposal that where prior approval had been granted it should not subsequently be removed by an Article 4 direction. Others suggested it would be an anomaly to retain permission to do something which was no longer permitted. It was also proposed that prior approvals granted should be time limited to bring it in line with the grant of planning permission and to incentivise development.
67. Comments were received on the level of compensation payable by the local planning authority when making an Article 4 direction. It was suggested compensation could be payable for a limited time or not at all, given the rigorous process required to obtain an Article 4 direction. It was widely recognised that Article 4 directions were a useful means for a local planning authority to adapt national planning permission to local circumstances.
68. It was noted that the risk of compensation could disincentivise local planning authorities from acting for the good of the whole community.

² <http://www.legislation.gov.uk/ukxi/2015/596/impacts>

Government response

69. The Government has amended regulations in relation to Article 4 directions to make clear that where prior approval has been granted, but is yet to be implemented, an Article 4 direction will not be able to remove the permission. The Government has also made clear in the regulations the timescales by which development which has prior approval must be undertaken. The compensation regulations have been amended to include the new rights.

Question 2.25: Are there any further comments that you wish to make in response to this section?

70. There was strong support for consolidating the General Permitted Development Order.

Other points made included:

- the increased certainty provided by the extension of permitted development rights was welcomed
- that a prior approval was not always adequate in place of consideration of the full range of planning matters
- concern over a community's reducing power to shape its area as permitted development may not accord with the local plan
- it was suggested that where neighbourhood plans were in place, they should take precedence over permitted development rights
- planning permission should be required for the change of use or demolition of pubs
- fees for prior approval should better reflect the associated work required of the local planning authority.

Government response

71. The Government consolidated the General Permitted Development Order³ in April 2015, incorporating new and amended rights. Further rights have been brought forward on 6 April 2016 as an amendment to this Order.⁴

72. The Government continues to support planning simplification and the creation of permitted development rights where this is appropriate, including those subject to a prior approval. This allows the appropriate and proportionate consideration of new developments. It is proposed that a fee will be introduced for prior approval applications for physical development, for example in respect of the new right for filming, the erection of structures in a retail car park, and the installation of solar panels on non-domestic buildings.

73. The Government removed the permitted development rights for change of use and demolition of pubs and other drinking establishments (A4 use class) where these are also listed as Assets of Community Value from 6 April 2015.

³ <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

⁴ <http://www.legislation.gov.uk/uksi/2016/332/contents/made>