



House of Commons
Communities and Local
Government Committee

**The Committee's response
to Government's
consultation on permitted
development rights for
homeowners**

Seventh Report of Session 2012–13

Report, together with formal minutes

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The Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

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Contents

Report	<i>Page</i>
Summary	3
1 Introduction	5
2 The Government's proposals and responses	7
The Government's proposals	7
The Government's rationale for the changes and responses	8
Unnecessary process	8
Permitted development rights are already integral to the operation of the planning system	10
Article 4	11
Impact assessment	12
3 Conclusions	15
Conclusions and recommendations	18
Formal Minutes	20
List of Reports from the Committee during the current Parliament	21

Summary

On 12 November 2012 the Department for Communities and Local Government published proposals extending the current permitted development rights for extensions to houses which would remove the need to apply for planning permission for development falling within “permitted” dimensions and criteria. The effect of the changes would be, in certain circumstances, to double the size limits for the depth of single-storey extensions for detached houses from 4 metres to 8 metres and from 3 metres to 6 metres for all other houses in non-protected areas for a period of three years.

The Committee examined the Government's reasons for the changes and the impact assessment it produced to support its case for change. On the Government's arguments—that the need to submit planning applications for small domestic extensions was unnecessary and the changes would speed up development and reduce costs—the Committee finds that the Government's assumptions are so tentative, broad-brush and qualified as to provide little assurance that the financial benefits suggested will be achieved.

In addition, the Committee found that the Government has failed to address or evaluate the social and environmental arguments put forward against the proposed changes. Its approach has therefore disregarded two of the components of sustainable development as set out in its own National Planning Policy Framework.

The Committee was uneasy that the changes were for three years. In its view, the effects of the changes in terms of new development on neighbours and localities will be permanent. The Committee calls for the proposed changes to be subject to a fresh and extensive consultation which should include a range of options for change, if the Government decides to make a permanent alteration.

If against the Committee's views the Government persists with its proposals, the Committee suggests a number of changes that must be made.

1 Introduction

1. On 12 November 2012 the Department for Communities and Local Government published “Extending permitted development rights for homeowners and businesses: Technical consultation”. The Government’s proposed changes include increasing the size limits for extensions to houses and offices and for new industrial buildings. The proposal which we examine in this report is

Increasing the size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.¹

The consequence of the changes would be that fewer house-owners would need to apply for planning permission for dwelling extensions falling within the new permitted development limits.

2. The Government’s intention to change the permitted development rights for domestic extensions was announced by the Secretary of State for Communities and Local Government, Rt Hon Eric Pickles MP, as part of a package of planning and housing measures on 6 September.² In response we decided to take oral evidence from the newly appointed housing and planning ministers, Mark Prisk MP, Minister for Housing, and Nick Boles MP, Parliamentary Under Secretary of State for Planning. Ahead of the evidence session we invited written memoranda. One of the matters on which we asked for evidence was: “What will be the impact of the proposed changes to the rules on permitted development intended to make it easier to undertake home improvements such as house extensions?”³ We received 40 memoranda and many raised concerns about the proposed changes to the permitted development rights for domestic extensions. When we took oral evidence from the ministers on 15 October these representations informed our questions, including those on the changes to permitted development rights.⁴

3. On 12 November Nick Boles wrote to us enclosing a copy of the consultation document. He said that the consultation exercise would run until 24 December. We have reviewed the written and oral evidence we took in October and have decided to respond ourselves to the consultation document in respect of the changes to the permitted development rights for domestic extensions. As we had sought written submissions for the session on 15 October it was not necessary to issue a fresh call for memoranda. We took the opportunity on 12 December to ask both Mr Pickles and Mr Boles further questions about the changes to

1 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, para 6

2 HC Deb, 6 September 2012, cols 400-01

3 “Communities and Local Government Committee to take evidence from the new Ministers for Planning and Housing”, Communities and Local Government Committee Press Notice, 12 September 2012

4 Oral evidence taken before the Communities and Local Government Committee on 15 October 2012, HC (2012–13) 626-i; the written evidence cited in this report is published with this oral evidence.

permitted development rights when they gave oral evidence on the work of the Department.⁵

4. In this report we set out, in chapter 2, the Government's proposals and the points made in support and against the proposals. Chapter 3 contains our conclusions and response to the Government's consultation exercise.

5 Uncorrected transcript of oral evidence taken before the Communities and Local Government Committee on 12 December 2012, HC (2012–13) 693-ii

2 The Government's proposals and responses

The Government's proposals

5. In his written statement on 6 September the Secretary of State for Communities and Local Government explained the context in which the proposals to change the permitted development rights had been made:

As a nation, we have great pride in our homes, and I want to make it easier for families to undertake home improvements: not just to cut red tape and strengthen individual homeowners' rights, but also to help generate economic activity which will support small traders in particular.

I am announcing today a further package of simplification measures to remove red tape and ease the burden on local authorities. We will consult shortly on changes to increase existing permitted development rights for extensions to homes and business premises in non-protected areas for a three-year period. This will mean less municipal red tape to build a conservatory and similar small-scale home improvement and free up valuable resources in local authorities.⁶

6. In its consultation document published on 12 November the Government gave more details of the proposed changes:

At present, single-storey rear extensions with a depth beyond the rear wall of 4m for a detached house, and 3m for any other type of house, are allowed under permitted development rights, subject to various limitations. To provide greater flexibility for homeowners who wish to improve and enlarge their properties, we propose that in non-protected areas these limits should be increased to 8m for a detached house, and 6m for any other type of house. This would also cover conservatories at the rear of properties.

We are not proposing any changes for flats, which do not have permitted development rights for rear extensions, and are not proposing any changes for extensions of more than one storey, which under permitted development can have a maximum depth of 3m beyond the rear wall.

To ensure that the amenity of neighbouring properties is protected, other limitations and conditions would remain the same. For example, development will not be able to cover more than 50% of the curtilage of the house, single-storey extensions must not exceed 4m in height, and any extensions which have an eaves height of greater than 3m must not be within 2m of the boundary. In addition, existing protections under other regimes (building regulations, the Party Wall Act or the 'right to light', for example) will continue to apply. There is no weakening of the National Planning Policy Framework policies which aim to prevent garden-grabbing.

6 HC Deb, 6 September 2012, col 34WS; and see also col 401.

The proposals do not grant permitted development rights for the construction of separate outbuildings for residential accommodation, or for the creation of separate residential units. They do not reduce the wide range of powers which local authorities have to tackle the unauthorised 'beds-in-sheds' development carried out by a small minority of unscrupulous landlords.⁷

The Government's rationale for the changes and responses

7. In the consultation document the Government expanded on its grounds for making the changes. The Government said that the proposals would "make it quick, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours".⁸ In our view the Government's rationale for the changes can be grouped as follows:

- a) the need to submit planning applications for small domestic extensions is unnecessary and the changes will speed up development and reduce costs;
- b) permitted development rights are already integral to the operation of the planning system; and
- c) where local circumstances justify keeping domestic extensions within planning control a local authority can use Article 4 of the Permitted Development Order to disapply the relaxation.

We examine each of these below.

Unnecessary process

8. In the consultation document published on 12 November the Government said that:

Under the current system, homeowners wishing to extend their home more than a few metres from the property's rear wall have to fill in complicated application forms that can take eight weeks or longer for the council to consider. The large majority of homeowner applications are uncontroversial: around 200,000 are submitted each year, and almost 90 percent are approved, in almost all cases at officer level. The application process adds costs and delays, and in many cases adds little value.

We propose to make it quick, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours. We estimate that up to 40,000 families a year wishing to build straightforward extensions will benefit from our proposals, and will be able to undertake home improvements to cater for a growing family or look after an elderly relative without unnecessary costs and bureaucracy. Some 160,000 homeowner applications will continue to be considered through the planning system as at present, including all the larger, more complex and controversial cases.

7 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, paras 17-20

8 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, para 2

These measures will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred take forward their plans. For illustration, 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs. In addition, each family who benefits will save up to £2,500 in planning and professional fees, with total savings of up to £100m a year.⁹

9. When he gave evidence to us on 12 December Eric Pickles said that:

an awful lot of [the planning applications] that are dealt with by officers go through on the nod; it is just a process. What we are suggesting is, in order to relieve local authorities, whose planning authorities are hard pressed, that they perhaps spend time on things that are more difficult and worthwhile, rather than just being engaged purely in process. Providing that neighbour rights of light and nuisance are held to the existing arrangements, we do not see that this is as big a problem as some have suggested.¹⁰

10. The following points criticising this argument were made in the written memoranda we received:

- The planning process is a well-tryed channel to resolve and head-off disputes with neighbours over extensions and ensures there is no unacceptable impact on amenity. The planning process is, in effect, an independent mediation service that can lead to substantial improvements in the quality of extensions through agreements to change designs. The potential for disputes about domestic extensions is acute, particularly in compact, urban locations.¹¹
- If more domestic building work is taken out of development control, local communities will have less opportunity to have a say over building in their areas.¹²
- If the proposals apply to Houses in Multiple Occupation landlords will be able to expand their properties without any control even in areas where there are social problems.¹³
- The fact that local authorities currently receive approximately 200,000 applications from householders per year and nearly 90% of all applications are approved once

9 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, paras 1-3

10 HC (2012–13) 693-ii, Q 201

11 HC (2012–13) 626-i, Ev 25 [LGA], Ev 36 [Monks Orchard Residents Association], Ev 45 [Loughton Residents Association], Ev 49 [London Borough of Redbridge], Ev 51 [Royal Institute of British Architects], Ev 54 [Planning Officers Society], Ev 55 [National Organisation of Residents Associations], Ev 63 [Royal Town Planning Institute], paras 10-12., Ev 66 [Simon Hill], para 4, Ev 84 [Westminster City Council], Ev 96 [Friends of the Earth], Ev 99 [The Leamington Society]

12 HC (2012–13) 626-i, Ev 36 [Monks Orchard Residents Association], Ev 39 [London Forum of Amenity and Civic Services], Ev 45 [Loughton Residents Association], Ev 52 [Royal Institute of British Architects], Ev 99 [The Leamington Society]

13 HC (2012–13) 626-i, Ev 35 [Marina Lewycka], Ev 35 [Highfield Residents Association], Ev 36 [Residents Action], Ev 39 [Stewart Morris], Ev 42 [Tower Gardens NVA Residents Association], Ev 43 [North Southampton Community Forum], Ev 49-50 [London Borough of Redbridge], Ev 56 [National Organisation of Residents Associations], Ev 61 [Nottingham Action Group on HMOs], Ev 66 [Simon Hill], Ev 94 [J Shergold], Ev 96 [Jesmond Residents Association], Ev 99 [The Leamington Society]

negotiations have resolved any unacceptable amenity impacts shows that the current arrangements present no barrier to appropriate and well designed applications.¹⁴

- One in 10 applications is refused for good reasons.¹⁵
- The change will have a significant impact on the quality, design and amenity of development and the surrounding local area.¹⁶
- The change will not reduce the amount of red tape because home-owners will need to apply to the local authority for a Lawful Development Certificate. Without a certificate they are unlikely to raise a loan to fund the development or will be caught out when selling the property and the buyer will not exchange without proof the works did not need consent.¹⁷

Permitted development rights are already integral to the operation of the planning system

11. In the consultation document the Government said that:

Permitted development already removes hundreds of thousands of developments from the planning system every year, benefiting homeowners and businesses of all sizes, and reducing costs and delays. Extending permitted development rights further will promote growth, allowing homeowners and businesses to meet their aspirations for improvement and expansion of their homes and premises.¹⁸

12. On the length of time the relaxation would apply, the Minister, Nick Boles, told the Committee on 15 October that:

If, at the end of the three years, it has, as I fully expect, become completely accepted—just like the last lot of permitted development on extensions is now completely accepted—and everybody is happy with it, we may look at keeping it in place.¹⁹

13. The following points were made to us in the written memoranda on these matters:

- The 2009 changes to permitted development rights were based on an impact approach and were regarded as the maximum amount of development permissible before neighbours would be affected.²⁰

14 HC (2012–13) 626-i, Ev 27 [LGA] , Ev 63 [Royal Town Planning Institute], para 12

15 HC (2012–13) 626-i, Ev 37 [Monks Orchard Residents Association], para 15, Ev 40 [London Forum of Amenity and Civic Services], Ev 68 [CPRE], para 14

16 HC (2012–13) 626-i, Ev 36 [Monks Orchard Residents Association] ,Ev 51 [Royal Institute of British Architects], Ev 66 [Simon Hill] , Ev 96 [Friends of the Earth] , Ev 99 [The Leamington Society]

17 HC (2012–13) 626-i, Ev 84 [Westminster City Council]; see also Qq 94–95.

18 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, para 4

19 HC (2012–13) 626-i, Q 87

20 HC (2012–13) 626-i, Ev 84 [Westminster City Council]

- Changing what constitutes permitted development and then changing it back again will require very careful and potentially costly handling and publicity if it is not to result in accidental breaches of planning control.²¹
- To double the length of extensions will inevitably impact on adjoining occupiers and the further erosion of gardens to the cost of family play space and biodiversity.²²
- There will be more complaints to local authorities from adjoining occupiers, who have not been consulted and had an opportunity to comment on the proposals resulting in more enforcement cases as authorities are forced to investigate the complaint and verify that the works do not need planning permission.²³
- Fees from domestic planning applications provide finance for planning departments.²⁴
- Local decision making (for example, by councils 'opting out' through the use of Article 4 Directions) [see below] will also be confusing making planning seem a complex and variable system.²⁵
- Permitted development rights are a very blunt instrument of planning policy which assume that a consistent national approach should prevail in the face of diverse local circumstances.²⁶

Article 4

14. In the consultation document the Government explained that there was scope for local authorities to tailor permitted development rights to their own particular circumstances. The Government said that if there were “genuine local concerns, councils can consult with the community about whether there are exceptional circumstances that merit withdrawal of permitted development rights locally using existing powers known as article 4 directions”.²⁷ The National Planning Policy Framework states that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.²⁸ When he gave evidence on 15 October Nick Boles said that “local authorities will [...] through Article 4 directions [...] be able to make a case for why [the relaxation of] permitted development should not apply to their area”.²⁹

21 HC (2012–13) 626-i, Ev 63 [Royal Town Planning Institute], para 8

22 HC (2012–13) 626-i, Ev 84 [Westminster City Council], Ev 26-27 [LGA], Ev 99 [The Leamington Society]

23 HC (2012–13) 626-i, Ev 50 [London Borough of Redbridge]; see also Ev 45 [Loughton Residents Association], Ev 54 [Planning Officers Society] and Ev 84 [Westminster City Council].

24 HC (2012–13) 626-i, Ev 50 [London Borough of Redbridge]

25 HC (2012–13) 626-i, Ev 78 [RICS]

26 HC (2012–13) 626-i, Ev 106 [City of London Corporation]

27 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, para 16; see also Article 4 of the General Permitted Development Order 1995 (SI 1995/418).

28 DCLG, *The National Planning Policy Framework*, March 2012, para 200

29 HC (2012–13) 626-i, Q 87

15. The following points were made to us in the written memoranda on the use of Article 4:

- Article 4 directions are time consuming, expensive and cumbersome and as a result are not frequently used by local authorities.³⁰
- Article 4 directions are usually subject to limitations of time, and, more significantly, require the authority to compensate those affected by the restriction. These factors mean that Article 4 directions do not provide a practical means for local authorities to restrict development where the intended development is of high value or of wide extent.³¹
- Planning applications which have to be submitted due to an Article 4 Direction are exempt from planning application fees.³²

Impact assessment

16. Finally, we considered the impact assessment attached to the consultation document. It focussed on two scenarios: doing nothing; or implementing Government's proposals as published.³³ Addressing the package of five items, the assessment sets out, in our view, a strong justification for the planning system:

The planning system provides a mechanism through which the impacts and external costs of development to third parties can be taken into consideration when new development is proposed. The planning system plays an important role in promoting the efficient use of land and considering and mitigating the adverse impacts that development can have on third parties.³⁴

Against the importance of planning control the Government counted costs. It said that: "applying for planning permission places an administrative burden on business, estimated at around £1.1 billion in 2006".³⁵ This claim in the consultation document is referenced to *Administrative Burdens of Regulation – Communities and Local Government*, a seven page document "produced by the Better Regulation Executive alongside Communities and Local Government, [which] provides a high level summary of the burdens imposed by the Department and is adjusted to take account of activity that business would choose to do even if the regulation did not exist".³⁶ The document is undated and there is no detail, no

30 HC (2012–13) 626-i, Ev 24 [LGA], Ev 36 [Monks Orchard Residents Association], Ev 41 [London Forum of Amenity and Civic Services], Ev 50 [London Borough of Redbridge], Ev 68 [CPRE], para 15

31 HC (2012–13) 626-i, Ev 106 [City of London Corporation], para 5

32 HC (2012–13) 626-i, Ev 50 [London Borough of Redbridge]

33 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, pp 25-26

34 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, p 22

35 *As above*

36 DCLG, *Administrative Burdens of Regulation – Communities and Local Government*, undated, <http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/corporate/pdf/regulation-burden.pdf>

research cited and no reference to domestic extensions or differentiation of types of planning application.

17. The intended effects of the proposal on domestic extensions are to reduce the burden of the planning system on homeowners and business, and boost growth. Specifically on domestic extensions, the document stated:

A boost for growth by incentivising developers to carry out work in the short term, rather than delaying, and where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission [...]

Reducing the need for local authority assessment of development with more limited impacts to allow them to concentrate on larger development of more strategic benefit to their local area.³⁷

18. In the short assessment that follows in the consultation document we consider that the key points are:

The estimated total savings on the planning application process (including fee) is between £150 and £2470 depending on the level of information required to support the application. If the requirement to seek planning permission were removed these costs would no longer be incurred. [...] In the year ending March 2012 there were just under 195,000 decisions on 'householder development' applications. If we assume that 10-20% of these would fall within permitted development rights after the policy change, between 20,000 and 40,000 developments would no longer be subject to planning requirements. It should be noted that these figures represent a tentative estimate [...] Under this illustrative scenario—between 10% and 20% of existing householder developments no longer require an application—the saving to applicants might range between £5m and £100m annually.

There will be further benefit from householders who were previously deterred from development by the cost of preparation and submission of a planning application. Householders may now choose to develop their homes. It is not possible to estimate the number of applicants that are currently deterred from making changes to their homes because of the economic costs the planning system imposes [...]

Under [the provided] illustrative scenarios, the additional annual construction output ranges between £300m and £600m.³⁸

19. When he gave evidence to us on 12 December we asked Nick Boles about the variation between £5 million and £100 million. He explained that:

we know how many applications there currently are and we can make, therefore, an estimate [...] of the number that therefore will no longer need to have planning

37 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, p 23

38 DCLG, *Extending permitted development rights for homeowners and businesses: Technical consultation*, November 2012, pp 26-27

permission under the permitted development right. What we cannot estimate very easily is how many people there are, who would have been put off from doing it at all by the planning process and the expense and effort involved in going through that, who will now actually come forward.

We can make a reasonable estimate. It is a slight stab in the dark, but it is a reasonable estimate of how many of the existing volume will now come through without planning permission. It is much harder to speculate on how the lack of planning permission requirement will stimulate more activity, particularly as the economy hopefully begins to recover steadily. That is why the figures are necessarily vague. What we do know is that this will be relieving local authorities of a lot of work. While a number of them have said to us, "We will lose fee income," that does not really work as an argument because they also say that fee income is inadequate to cover the costs of processing an application. If fee income is less than the cost then taking away that work saves them money.³⁹

3 Conclusions

20. We start with the impact assessment which provides the evidence, and the assessment of the evidence, justifying the Government's proposals. In our view it has two shortcomings. First, the assumptions on which it is based are so "tentative", broad-brush and qualified as to provide little assurance that the monetary benefits suggested for applicants for planning permission will be achieved. There is insufficient detail and, furthermore, the impact assessment does not analyse how much of the claimed reduction in costs would actually result from the changes. For example, although plans would no longer need to be submitted with a planning application to the local authority, they may still need to be drawn up for much of the building work arising from the new permitted development rights. The Government's estimated range for the possible savings to applicants, of between £5 million and £100 million annually, is so wide that it does not provide a sound basis for the change. If the realised savings are at the bottom end of the range, there must be a question of whether the changes are worth the disruption. Second, the assessment ignores all costs foregone in lost benefits of leaving the current arrangements unchanged such as increased neighbour disputes or additional costs because of the need to secure Lawful Development Certificates. While Eric Pickles dismissed arguments about the significance of these additional costs as "thin and insubstantial" and Nick Boles said that it would "be a much less onerous duty [...] to go around, after it is built, and check that it is less than four metres and only single storey",⁴⁰ neither they nor the impact assessment had any figures to support these contentions. The difficulty of estimating these costs is likely to be on a par with estimating the costs the Government does cite in the impact assessment. **We conclude that the impact assessment is inadequate and does not provide a sound basis justifying the proposed changes to permitted development rights for domestic extensions.**

21. As to the merits of the change, we go back to our Report on the National Planning Policy Framework published a year ago. As we noted in that Report, the definition of sustainable development was critical to discussions when the Framework was drawn up.⁴¹ The final version states that:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.⁴²

In our Report we described sustainable development as a stool resting on the three equal and complementary legs of economic, social and environmental considerations.⁴³ The Framework itself says that "there are three dimensions to sustainable development: economic, social and environmental".⁴⁴ Indeed, Eric Pickles made the point to us during the evidence session on 12 December that he had noticed, when reading planning reports,

40 HC (2012-13) 693-ii, Q 205

41 Eighth Report of Session 2010-12, *National Planning Policy Framework*, HC 1526, chapter 4

42 DCLG, *The National Planning Policy Framework*, March 2012, para 14

43 HC (2010-12) 1526, para 161

44 DCLG, *The National Planning Policy Framework*, March 2012, para 7

that “since the presumption in favour of sustainable development, you can actually see that process of looking at the environment, looking at the damage and looking at the economic gain”.⁴⁵

22. In reviewing the Government's proposals to extend permitted development rights for domestic extensions we looked for evidence that it has taken account of the three components of sustainable development—economic, social and environmental. The justification for the changes is framed almost exclusively in terms of economic considerations. We found little or no evidence that the Government had considered or addressed the social or environmental impact of the changes. It has ignored the detrimental effects of the change—increased neighbour disputes and any deleterious impact on the quality, design and amenity of the permitted development and the local area. We cannot see why claimed economic advantages for making the changes should without any assessment trump social and environmental arguments against extending the permitted development rights. Such an unbalanced approach could be used to justify any extension of permitted development rights. **We regret that the Government has failed to address or evaluate the social and environmental arguments put forward against the proposed changes to permitted development rights for domestic extensions. Its approach has disregarded two of the components of sustainable development: the social and environmental impact.**

23. Part of the explanation may be that the Government has placed a time-limit on the relaxation: the changes are for three years. However, the impact of temporary changes to development rights is not temporary. Given that the social and environmental effects of the permitted development on neighbours and on the locality will be permanent we consider that it is inconsistent with the principles of sustainable development to allow a temporary relaxation solely on economic grounds. **If the change to permitted development rights is worth making, it should be permanent. If it is not, the change should not be made. The proposed changes need to be subject to a thorough and rigorous examination, which the consultation initiated on 12 November 2012 is not.** In his oral evidence on 15 October Nick Boles seemed to indicate that the changes might be made permanent at the end of three years. In addition, when he gave oral evidence on 12 December, Eric Pickles made “it absolutely clear: we are not wedded from going from four to eight metres to three to six metres. We could well consider something a little less than that.”⁴⁶ **Temporary changes can cause confusion and create uncertainty both at the inception of the change and in the period before its conclusion. Given the indication that the changes may be permanent, and that the Government would consider an extension less than doubling the current depth dimensions, we recommend that the Government complete a comprehensive assessment of the social, environmental and economic impact as well as a comprehensive economic assessment, and that it carry out a fresh and extensive consultation with a range of options for change should it decide to make a permanent alteration.**

24. **We conclude that the case for the changes the Government proposes to permitted development rights for domestic extensions has not been made. We therefore do not**

45 HC (2012-13) 693-ii, Q 195

46 HC (2012-13) 693-ii, Q 201

agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to eight metres for detached houses, and six metres for any other type of house.

25. If against our advice the Government should be determined to persist with change (and we consider that it should not) then a number of adjustments need to be made.

- First, because of the potential impact on areas with a significant number of Houses in Multiple Occupation, there is a strong case for excluding them from the relaxation at least until a thorough impact assessment has been carried out.
- Second, if the Article 4 mechanism is to provide a viable local exemption from permitted development rights, it will be necessary to remove payment of compensation and to allow local authorities to charge for planning applications falling within Article 4 in cases such as domestic extensions.
- Third, we recommend that the Government carry out a full review of the impact of the changes at the end of the three year "trial". We recommend (a) that the review includes an independent study, including commissioned research on neighbour disputes and the impact on the quality, design and amenity of the permitted development and on the local area and (b) an invitation to interested parties to submit evidence and (c) that the outcome of the review be published.

Conclusions and recommendations

Conclusion

1. We conclude that the impact assessment is inadequate and does not provide a sound basis justifying the proposed changes to permitted development rights for domestic extensions. (Paragraph 20)
2. We regret that the Government has failed to address or evaluate the social and environmental arguments put forward against the proposed changes to permitted development rights for domestic extensions. Its approach has disregarded two of the components of sustainable development: the social and environmental impact. (Paragraph 22)
3. If the change to permitted development rights is worth making, it should be permanent. If it is not, the change should not be made. The proposed changes need to be subject to a thorough and rigorous examination, which the consultation initiated on 12 November 2012 is not. Temporary changes can cause confusion and create uncertainty both at the inception of the change and in the period before its conclusion. Given the indication that the changes may be permanent, and that the Government would consider an extension less than doubling the current depth dimensions, we recommend that the Government complete a comprehensive assessment of the social, environmental and economic impact as well as a comprehensive economic assessment, and that it carry out a fresh and extensive consultation with a range of options for change should it decide to make a permanent alteration. (Paragraph 23)
4. We conclude that the case for the changes the Government proposes to permitted development rights for domestic extensions has not been made. We therefore do not agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to eight metres for detached houses, and six metres for any other type of house. (Paragraph 24)
5. If against our advice the Government should be determined to persist with change (and we consider that it should not) then a number of adjustments need to be made.
 - First, because of the potential impact on areas with a significant number of Houses in Multiple Occupation, there is a strong case for excluding them from the relaxation at least until a thorough impact assessment has been carried out.
 - Second, if the Article 4 mechanism is to provide a viable local exemption from permitted development rights, it will be necessary to remove payment of compensation and to allow local authorities to charge for planning applications falling within Article 4 in cases such as domestic extensions.
 - Third, we recommend that the Government carry out a full review of the impact of the changes at the end of the three year "trial". We recommend (a) that the review includes an independent study, including commissioned research on neighbour disputes and the impact on the quality, design and amenity of the

permitted development and on the local area and (b) an invitation to interested parties to submit evidence and (c) that the outcome of the review be published. (Paragraph 25)

Formal Minutes

Monday 17 December 2012

Members present:

Mr Clive Betts, in the Chair

Simon Danczuk

Bill Esterson

Mark Pawsey

Andy Sawford

Heather Wheeler

Draft Report (*The Committee's response to the Government's consultation on permitted development rights for homeowners*), proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday, 19 December at 4 p.m.]

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2012–13

First Report	Park Homes	HC 177-I (CM 8424)
Second Report	European Regional Development Fund	HC 81 (CM 8389)
Third Report	The work of the Local Government Ombudsman	HC 431 (HC 615 & HC 650)
Fourth Report	Pre-appointment hearing for the Chair of the Audit Commission	HC 553
Fifth Report	Mutual and co-operative approaches to delivering local services	HC 112

Session 2010–12

First Special Report	Beyond Decent Homes: Government response to the Committee's Fourth Report of Session 2009–10	HC 746
First Report	Local Authority Publications	HC 666 (HC 834)
Second Special Report	Local Authority Publications: Government response to the Committee's Sixth Report of Session 2010-11	HC 834
Second Report	Abolition of Regional Spatial Strategies: a planning vacuum?	HC 517 (CM 8103)
Third Special Report	FiReControl: Government response to the Committee's Fifth Report of Session 2009–10	HC 835
Third Report	Localism	HC 547 (CM 8183)
Fourth Report	Audit and inspection of local authorities	HC 763 (CM 8209)
Fifth Report	Localisation issues in welfare reform	HC 1406 (CM 8272)
Sixth Report	Regeneration	HC 1014 (CM 8264)
Seventh Report	Pre-appointment hearing for the Government's preferred nominee for Chair of the Homes and Communities Agency Regulation Committee	HC 1612
Eighth Report	The National Planning Policy Framework	HC 1526 (CM 8322)
Ninth Report	Taking forward Community Budgets	HC 1750
Tenth Report	Building regulations applying to electrical and gas installation and repairs in dwellings	HC 1851 (CM 8369)
Fourth Special Report	Preventing violent extremism: Government response to the Committee's Sixth Report of Session 2009–10	HC 1951
Eleventh Report	Financing of new housing supply	HC 1652 (CM 8401)