

# Housing, Communities and Local Government Committee

## Oral evidence: Permitted Development Rights, HC 32

Monday 17 May 2021

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Members present: Mr Clive Betts (Chair); Bob Blackman; Ian Byrne; Brendan Clarke-Smith; Ben Everitt; Rachel Hopkins; Ian Levy; Andrew Lewer; Mary Robinson; Mohammad Yasin.

Questions 1 - 57

### Witnesses

I: John Bibby, Policy Manager, Shelter; Mark Worringham, Planning Policy Team Leader, Reading Council; Councillor Rachel Blake, Member of Environment, Economy, Housing and Transport Board, Local Government Association.

II: Mark Tufnell, Deputy President, Country Land and Business Association; Ian Fletcher, Director of Policy, British Property Federation; James Wickham, Representative, London Property Alliance.

### Examination of witnesses

Witnesses: John Bibby, Mark Worringham and Rachel Blake.

**Chair:** Welcome, everyone, to this afternoon's session of the Housing, Communities and Local Government Committee. This afternoon we are going to look at permitted development rights. They are rights that enable the development of buildings to take place in certain circumstances without the developers getting permission from their local authority through a detailed planning application.

We have two panels this afternoon, but before I move over to our first panel to introduce themselves, I will just ask members of the Committee to put on record any particular interests they may have that are relevant to this inquiry. I am a vice-president of the Local Government Association.

**Ian Levy:** I am a member of the Blyth town board and a member of the



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chamber of trade. I employ a young lady who is on the parish council and a county councillor in my office.

**Brendan Clarke-Smith:** I employ a number of councillors in my office.

**Rachel Hopkins:** I am a vice-president of the Local Government Association and I employ a councillor in my office.

**Ben Everitt:** There is nothing from me. I am not a councillor any more.

**Ian Byrne:** I am still a councillor in Liverpool and I employ a councillor in my office.

**Mohammad Yasin:** I have nothing to declare. I was a councillor before, but I left about two years ago.

**Mary Robinson:** I employ a councillor in my staff team

**Andrew Lewer:** I am a vice-president of the LGA, in addition to my register of interests.

Q1 **Chair:** Bob Blackman will be joining us later; he is in the Chamber at present. Bob is also a vice-president of the LGA. Those are all the interests. We have got them all down.

I will go to the three witnesses that we have on the first panel and ask each of you to introduce yourself.

**Rachel Blake:** Good afternoon. I am Councillor Rachel Blake, representing the Local Government Association's environment, economy, housing and transport policy board.

**Mark Worringham:** Good afternoon. I am Mark Worringham. I am planning policy team leader at Reading Borough Council, and I lead on the local plan and planning policy documents for the borough.

**John Bibby:** Good afternoon. I am a policy manager at the housing and homelessness charity Shelter, and I lead on social housing delivery.

Q2 **Chair:** Thank you all very much for joining us this afternoon. You are all most welcome. There are a lot of technical issues that we want to get through as a Committee. If someone says something you agree with, you do not have to repeat it. Just saying, "I agree with what has just been said," is helpful to us all in getting through all the issues that we want to explore in what is clearly becoming an increasingly important issue, with more potential projects being covered by permitted development.

I will ask the first question, and I will identify in turn the witnesses to whom I am asking these questions. As a general start-off, what role should PDR play in the planning system? Permitted development in some form has been around for quite a long time, but it has been changed and extended in recent years. What role should it play? What are the pros and cons as it exists? Do we have the balance right in that? Later on we will



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come on to some very specific detail issues around housing per se, but, in general terms, do we have the balance right? What role should it play?

**Rachel Blake:** What underlines the Local Government Association perspective on this is a recognition that there will be market demand and market pressure for change of use of different types of buildings. That is appropriate. In a mature relationship between communities, local authorities and developers, we would expect to see change of use over time. What permitted development rights are doing at the moment is undermining local authorities' really important role in shaping their places and supporting the delivery of affordable housing, as well as thriving high streets and spaces for businesses to operate.

As I am sure the Committee would recognise, some of the permitted development rights that have been in existence for a very long time within the system are enabling of the planning system, but the Local Government Association would argue that the position we have now got to undermines our place-shaping role and means that the long-term sustainability of neighbourhoods, high streets and communities is undermined by some of the negative impacts of permitted development rights that we will come on to later.

**Chair:** Yes, we will come on to those very specific points later on.

**Mark Worringham:** I suppose I would start by saying that permitted development is an important and necessary part of the way the current system works. It is an important route for minor development, for development for individual householders and for provision of essential infrastructure and utilities. There has been a very good recent use during Covid for emergency temporary developments. We have used that to house rough sleepers, for instance. We do feel that there has been a misuse of the permitted development route in recent years. There has been an attempt to chip away at the foundations of the way the planning system works and to limit the ability of local authorities to influence how their areas are shaped.

We believe that most changes of use, unless they are between uses with quite similar planning implications, should be covered by a full planning application. We believe that that should include anything that results in a new dwelling. That allows us to ensure that the right type of development happens in the right place to the right level of quality; that impacts on infrastructure are mitigated; and that, where necessary, affordable housing is secured.

Those in government have recognised that there have been mistakes in the way that permitted development has been used at times in the last 10 years, for instance in terms of space standards, which they have recently sought to resolve. But we are concerned that, while some areas are being resolved now, a whole new set of areas are being made in the way this is being rolled out. We perhaps do not know the implications of some of those yet, and they will not emerge until some of these things



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start coming out of the ground or some of these changes start being made.

We have concerns about the quality and type of accommodation from PD, the location of dwellings in particular, the inability to properly protect high streets and employment locations, the undermining of properly evidenced and adopted local policies, the infrastructure impacts and—this is one of our biggest concerns—the impact on affordable housing.

**Chair:** We will pick all those issues up as we go through in more specific questions.

**John Bibby:** As has already been said, some sense of permitted development is an essential part of the planning system. For trivial and minor changes, we could not get on without having those kinds of permitted development. There is a requirement for permitted development to make the rest of the planning system work, but Shelter's line on this is quite clear: the development of new homes is never a trivial or minor matter. We are completely against the idea that you should ever have new housing being delivered through permitted development.

It is probably a question for others to determine where exactly the line is, in terms of what is trivial and minor enough for it to be allowed through permitted development and for it to be a necessary part of a functioning planning system. It is for us to say, when it comes to the delivery of new housing, that it simply cannot be done through permitted development.

Q3 **Chair:** We will come on to the issue of new housing, which is where permitted development has often received the most attention. Before we do, can I raise with you all the issue of the new use class E that has been created, which is basically an amalgamation of lots of different businesses uses? My understanding is that it would allow for a disused or even used office block out of town to be converted into retail units, and therefore would effectively completely bypass the sequential test that currently exists for retail development.

Do you have any comments about that? It seems that it has not received as much attention. The creation of that use class of itself allows changes of use between quite a wide variety of buildings, which would have had different use classes before and required planning permission.

**Rachel Blake:** The observation from the LGA on this would be that, without using the sequential test, the important parts of the sequential test in terms of understanding transport movements and demand for different types of uses could not be captured.

I am sure the Committee has spent time thinking about the impact of out-of-town retail on high streets. One thing that I hope we will discuss this afternoon is Covid recovery and whether now is the right time to be losing the long-term and medium-term perspective that local authority planning systems have, and the mature relationships between



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communities and their local planning authorities in thinking about their neighbourhoods and their neighbourhoods' needs. We have all seen how difficult life has been for high street businesses and high street retail. To lose that sequential test, to lose that ability to test the impact on local services, would be a real mistake at this point.

**Mark Worringham:** Yes, I would agree with everything Rachel just said. I would add that it reduces our ability to control the diversity of uses within local centres. It is not just about out-of-centre development affecting those. We have local policies to try to keep a certain amount of retail, but things like medical facilities are also within this E use class. One of the things we see most frequently in objections to planning applications are concerns about access to health facilities. We have no ability to retain that within that use class now.

**Chair:** I do not know whether Shelter have any comments about this specific issue.

**John Bibby:** No, it is outside our area of expertise.

Q4 **Chair:** I have a point for Shelter, then. The concerns that are raised are generally based on the urban experience. Is permitted development really a problem when it comes to rural areas?

**John Bibby:** That was specifically picked out in the research commissioned by the Government, which was led by Dr Ben Clifford at UCL. Some of the changes of use from light industrial uses to housing were in rural areas and on farms. Therefore, there were other issues about isolation from essential services, public transport and those sorts of things. Yes, it is something that affects rural areas as well, although our main experience of it is in urban settings.

**Chair:** Let us move on to the issue of place-shaping. The important role of planning in that has already been mentioned. Rachel, you wanted to explore those issues.

Q5 **Rachel Hopkins:** The opening question is quite broad; feel free to chip in, all of you. What is the role of local councils in shaping development in their areas? What impact does permitted development have on that?

**Rachel Blake:** In terms of the local authority role for shaping economic development, we have the local planning powers, but we also bring with those our objectives around community cohesion and economic development side by side. That is clearly the real power and real benefit that local authorities can bring to neighbourhoods, communities and high streets.

One of the really big concerns we have in the Local Government Association is that permitted development rights will undermine our ability to do that. The scale of the permitted development rights that are coming forward now makes it much more difficult for local authorities to



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bring together those effective powers in one setting in order to support high streets and the development of small businesses.

I know we will talk about the quality of housing that is coming forward, but we cannot forget that the market signals for commercial space will be made more confusing and undermined by some of these permitted development rights. There will be even higher barriers to entry for small businesses trying to get into retail or needing to expand into some kind of office space. Some of the unintended consequences of these permitted development rights will be quite difficult to analyse for small businesses while they are trying to find move-on space or early retail or office space.

Without those tools to nurture small businesses and to nurture our high streets, we think that permitted development rights will undermine some of those broader powers. I should also add, at this point, in terms of economic development, that the real strength of high streets is in bringing people together. That is another important function of local authorities in addressing community cohesion and creating really powerful spaces for people of different ages, different backgrounds and different kinds of jobs to come together, to meet, to congregate and to use the economic power that they might have.

**Mark Worringham:** The role of planning, as set out in the National Planning Policy Framework, is achieving sustainable development. That is an economic role, an environmental role and a social role. Permitted development has weakened our ability to achieve all of those three pillars.

It feels like there has been a narrowing of focus in the way that Government view how planning should operate. Government are quite interested in planning's role in shaping the way places look through design codes and through the emphasis on beauty in the White Paper, but not in how planning can influence how places function. That is really key. Controlling changes of use is absolutely key to how places function. Our ability to control that is clearly being weakened by these changes to permitted development rights.

**John Bibby:** I do not have anything to add. The local government representatives are probably better placed.

Q6 **Rachel Hopkins:** Listening to what you just said there, Mark, there are options for councils to use prior approval or article 4 directions to help control permitted development. Could this work? Could some changes linked to this help remedy the flaws in PDR?

**Mark Worringham:** They could. There are a few things that I would want to say on article 4. On the National Planning Policy Framework, there was a recent consultation that sought to tighten up how article 4s are used, particularly to control changes of use to residential. One of the options they looked at was that you would be able to use an article 4 to only protect interests of national significance, which I would suggest is a



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bar that is going to be almost impossible for anything to pass other than in very exceptional circumstances.

When you bring in an article 4, you make it 12 months before it comes into place in order to avoid the need to pay compensation. Getting a prior approval is a very cheap and quick thing for a developer to do. They do not have to make any commitment to implement it, so they can just get it on the books in that 12-month period. We have found that the way that a lot of article 4s have been drafted—the Secretary of State has made this amendment himself in the past—means that once you get a prior approval you are excluded from that article 4. There is a good window for developers to get something in place and then be exempt from the article 4. So article 4s are a solution and certainly one that Reading will be looking at.

In terms of the process for prior approval, the main weaknesses are that the conditions of prior approval exclude quite a lot of things. They exclude the impact of the loss of commercial floorspace on the overall economy or the health of a high street. They exclude things like air quality and the impact of artificial lighting. They exclude any consideration of the types of homes provided, the provision of outdoor amenity space and so on. That is one weakness.

Another weakness is that the fee associated with prior approvals does not cover the cost of determining them. This is particularly the case as the number of conditions has grown. It is good that the number of conditions is growing; it is better than nothing. At the same time, the fee does not cover our costs in dealing with that, especially when we need specialist advice on things like flooding, noise and transport.

The other aspect is our inability to attach a section 106 to cover the infrastructure implications and to secure a contribution towards affordable housing. Prior approval is not sufficient from our point of view. We really feel that this needs to be dealt with in a full planning application. As the list of conditions on prior approvals increases and increases, you start to wonder, “Why do we not just deal with this through a planning application in the first place?”

**Rachel Blake:** Mark was moving to this as well, but it is really important for the Committee to consider the scale of complexity with permitted development rights now. First of all, I would like to emphasise where we think the article 4 consultation is going, which would restrict local authorities’ ability to bring in article 4s. We have not seen the outcome of that consultation yet, but the consultation part has closed. That ability for local authorities to shape spaces with article 4s is diminishing.

We are also getting to such a level of complexity within the planning system that we are losing sight of what we all want to see in the planning system, whether you are from a local authority, the community or even the development sector. The development sector consistently says that it wants simplicity and certainty within the system; it wants to understand



where an application will go. Once you have permitted development rights that are overlaid with article 4s, there will be a tension between local government and central Government about where those powers eventually sit. Given the nature of real life, that will become a legalistic situation anyway.

You then have the complexity of prior approval notices that Mark has described. In the conversations I have had with planning officers about this situation, they are having to check back on whether the local plan would allow them to refuse on a prior approval notice. There is a really interesting example in Watford where there was a refusal of an application for a prior approval notice, but then it was approved through the inspector. That is not simplicity and certainty in the system. That is not delivering a steady flow of development of new homes that we all know we need or consistency in developing high streets that we know our residents and our communities enjoy visiting.

One of the things to keep sight of in talking about permitted development rights is where we are trying to get to. Are we just layering more and more complexity within the system? If you stripped it back and made the planning application process more straightforward, would we have better outcomes for all our communities?

**Q7 Rachel Hopkins:** You touched on the final point that I wanted to reflect on as well. The planning White Paper emphasises the role of local plans in the planning process. Does permitted development undermine local plans, in your view?

**Rachel Blake:** Permitted development rights quite clearly do. Again, I would look back to some of the White Paper's objectives. We would agree with a lot of them in terms of being more ambitious for the places we want to create, as well as putting democracy back into the process.

I am sure that Committee Members will understand the frustration that residents go through in terms of wanting to engage with a process but seeing that, while you can be consulted under a prior approval notice, the elements on which the local authority can actually make a decision are diminished. That really undermines trust in the process. That is another thing that everybody in the sector wants to see, whether you are in the development sector, you are a local planning authority or you are part of a community that wants to inform development.

On some key things within the White Paper about certainty for development to come forward and certainty around home ownership, this is not really addressing the White Paper's objectives.

**Mark Worringham:** We certainly feel that it has undermined our own local plan, which was adopted less than two years ago. It has undermined our ability to protect employment areas. We went through a long evidence-based process on working out which of our employment areas are the most important to support economic growth. Now it is potentially





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open season on converting offices into flats in those areas. It is the same thing on high streets, where we have sought to control which uses are important to underpin those high streets. Now that is also likely to be undermined.

One aspect of how it undermines local plans in particular is the fact that it is a constant drip feed rather than saying, "There is going to be a review, and some things might come out of it". Okay, there is uncertainty in the future, but we have no way of knowing when the next lot of permitted development rights are going to be released. All of a sudden, six months after you have adopted a local plan, something is happening that you had not predicted. That makes local plan-making incredibly difficult.

**Chair:** Moving on, there has been quite some mention so far of the quality of housing through permitted development.

**Q8 Ian Byrne:** I will ask a couple of questions in the main question for the benefit of our esteemed guests. What is the impact of permitted development on quality, including the safety aspects and location of new housing? For the benefits of our report, can you outline who you feel will be the main beneficiaries of PDR?

**Rachel Blake:** In terms of the quality, there are real concerns about space standards. The Government's own research, with which I know you will be familiar, has highlighted the impact on space standards. I would also like to draw the Committee's attention to fire safety impacts.

Reflecting a bit on the previous question about the consistency with the national planning system, we are now in a place where we have a planning gateway one in order to ensure fire safety for new builds, which means that the Health and Safety Executive or the building regulator will become a statutory consultee for applications that involve high-rise residential, and applications will need a fire statement, but permitted development rights could bypass this process. That element of the quality of homes is a really significant area where we need to focus on what changes the Government can make to permitted development rights. The Local Government Association is particularly concerned to raise this with Government.

The other area of quality that I would want to draw attention to—this is about who is losing out from permitted development rights—is around tenure mix, size of homes and the accessibility of homes. We would want to see homes being built to an accessible standard, which are accessible if you have mobility difficulties. Increasing the supply of housing through this mechanism, without the ability to pursue a tenure mix with a larger number of homes for families and accessible homes, calls into question whether we have had a reasonable and full equalities impact assessment of this.

We want to see new homes that bring with them play space and open space for people to be able to be outside. Some of the new homes that



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have come forward through permitted development rights here have not brought forward any play space for children who may well be living in these new homes. That part of quality needs a lot more thought in the permitted development rights process. Not only could we be adding pressure on social infrastructure more widely, which you would be able to address through the planning process, but we need to think about the families who will be moving into these spaces and the impact on those families of not having play space or open space, which you would have to consider if you were to go through a full planning application process.

When I have been thinking about permitted development rights and the process, I have been thinking about which schemes would not have been able to happen through a full planning application process. How much harder would it have really been to do a planning application process on some of these? As Mark has described, we are getting to such a level of complexity that prior approval notices and refusals from local authorities are being referenced back into the inspector, with all the costs that that brings. We need to ask why we would not want it to go through the planning application process, which would bring with it the appropriate play space, open space, accessible housing and support into social infrastructure. We all know that these are really important parts of the new homes that are needed to address the housing crisis.

Q9 **Ian Byrne:** Just to clarify, for the report, you believe that PDR could result in less safe buildings.

**Rachel Blake:** It could result in less safe buildings if the Government do not address some of the issues that have been raised, yes.

Q10 **Ian Byrne:** Secondly, to follow up on the first question, who do you feel will be the main beneficiary of PDR?

**Rachel Blake:** There is going to be a loss of investment in affordable housing. The Local Government Association has estimated that we could be seeing a loss of 16,200 affordable homes, looking at the number of homes that have come through from permitted development rights and estimating that 25% of those would have been affordable previously. We are seeing a loss to communities of what that affordable housing would have brought.

**Mark Worringham:** Rachel has pretty much covered almost everything that I wanted to say under that. The natural light and the very small size of these properties have been very well documented, and some of this is looking to be resolved. Outdoor amenity space, which is so important, has not been resolved and remains a concern.

It is worth taking a real-world example. We have had a development of around 30 flats in a town centre location in Reading. It was completed about five years ago. Since then, we have had 10 environmental protection and nuisance complaints from that property, most about noise, some about odour. It is things like single-aspect studio apartments



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looking out over the rear service yard of shops and facilities. There have been complaints about people dragging around bins in the evening, but that is what service yards are for. This is the kind of thing that would have been designed out in a planning application.

In terms of safety, there are other aspects. If you get a permitted development in the middle of an industrial estate, to access any services, all those people are having to walk through areas where there are loads of HGV movements, as well as the noise and disturbance implications for them from being in that area. I know one of our neighbouring authorities is concerned about properties that do not have windows, given potential modern slavery implications, which had not occurred to us but they are looking into it.

In terms of quality, I am sure we could find examples of really good conversions that have been done under PD rights, but it is entirely in the hands of the developer whether they want to go down that route. It is up to them whether they want to provide a high-quality product, at the end of the day, and we are finding that a lot of the time they really are not. That has implications on people's quality of life and on their mental and physical health.

It is worth bearing in mind that planning originally came out of public health legislation. It was about ensuring that people were healthy and that they had a high quality of life. That is why this really ought to be handled properly through the planning system.

**Q11 Ian Byrne:** Just to comment on your speciality where you are based, the planning White Paper stresses the importance of beauty and design codes. Do permitted development rights undermine the policy intention in the White Paper?

**Mark Worringham:** Yes, absolutely. I put this in our written evidence as well, but, reading through the design code, there are elements where you get the distinct impression that the people writing the design code have not quite understood the implications of permitted development. You have the importance of controlling height, for instance, and then you have permitted development rights for upward extensions where some of those things will not need to go through the planning application route. In particular, you have the importance of activating key streets through town centre uses, which we now of course can no longer control. There does not seem to be joined-up thinking about some of these things.

**Q12 Ian Byrne:** To come back to the second part of the question, who will be the main beneficiaries of PDR?

**Mark Worringham:** The main beneficiaries will be the developers that use those permitted development rights. There are some pluses that have been documented, like bringing people back into town centres, but they are pluses that were happening anyway through the planning system. It is something we have been trying to do for decades. While



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there are upsides, they are not upsides that we could not have secured anyway.

Q13 **Ian Byrne:** That is a really good point about bringing people back into the town centre. A small retail shop in a town centre is probably not the best place to put your family. Would you agree with that?

**Mark Worringham:** Yes. It is not enough. If you take that example, say you have a 500-square-metre food store in a town centre. That might be big enough to underpin a local shopping centre, for instance, a local parade of shops that is important to the local community. If you convert those 500 square metres into flats, you are probably going to get, at most, 10 flats out of it. That is 10 to 20 people more in the local centre. That in no way outweighs the loss of that important local facility. This has always been the justification: it brings people back into the town centre. It brings some people into the town centre, but it probably results in the loss of an awful lot more people who would have come to use those facilities.

**Ian Byrne:** That is a good answer.

**John Bibby:** The thing that has not been mentioned here is the relationship with temporary accommodation and the worst-quality homes that have been delivered through permitted development being used to house homeless households.

As a case study, for example, one of our clients was placed in Connect House in Mitcham. The MP has been very active on it, so you may have heard about it before. This was a block in the middle of an industrial estate. When I say "in the middle of an industrial estate", I mean right slap bang in the bullseye. It was a 10 to 15 minute walk to the closest bus station, which was on the A237. There are two; they are about equidistant. This is not a cosy, cute industrial estate. This is an absolutely massive industrial estate with pretty heavy industrial uses. Immediately opposite Connect House is a skip hire place. The trucks come in with the skips on the back of them, and then they pick through all the rubbish and try to sort through it there.

The residents of Connect House complained that the smell from the skip hire place is so bad that they cannot open their windows day or night, and this is not the only skip hire place on the industrial estate. There is more than one. There is also a waste management and recycling centre, AKA a dump, on the site, and all manner of other industrial uses like paint manufacturers, lumber yards and all sorts of really quite serious industrial stuff.

As for Connect House itself, it has 83 units right in the middle of this industrial estate. Until very recently, it was being used overwhelmingly for temporary accommodation for homeless families. At its peak, it was estimated that 200 children were living in Connect House. The smallest flats in Connect House were prison-cell size studios. They were about 14



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square metres, so they were absolutely tiny. If you go online and you look at pictures of these flats—you can see an awful lot of pictures of them—you will see that there is not really any room to move around and there is no room to keep your personal possessions. There is therefore no room to cook, because you are keeping your personal possessions on the worktop as you do not have anywhere else to put them. There is not anywhere for the kids to move around; there are not places for the kids to learn to walk, crawl, play or anything like that.

There are absolutely heartrending stories that you can hear from the people who have lived in Connect House. There are people who blame the miscarriage of their child on the stress of having lived there. There are people who blame the fact that their children are dealing with breathing difficulties on the pollution that is coming from the industrial uses around them. There is one woman who went into labour and called an ambulance, but the ambulance was not able to find Connect House. When she did get to hospital, she ended up losing her baby. There are lots of absolutely awful stories.

Although it is no longer being used as temporary accommodation and although we have seen the Government introduce changes that mean that Connect House would not receive prior approval if it went through the planning system today, Connect House continues to be used as a block of flats. There are formerly homeless households who have been housed there by their local authority, which has had its homelessness duty discharged into Connect House.

This continues to be something. The legacy of permitted development is still with us. Even if there have been these changes introduced through prior approval and the protections that are now there in terms of space standards, we have not begun to unpick the problems that have already been caused by the introduction of permitted development for office to residential. Now we are looking at the creation, potentially, of a whole wave of new problems through class E to residential conversion. This really is a very serious issue.

In terms of the people who win from this, we are seeing some companies make absolutely eye-watering amounts of money from housing people in temporary accommodation in the most appalling circumstances that you can imagine. There are winners out of this. It is just not those who are suffering at the hardest edge of our housing emergency.

**Ian Byrne:** Thanks, John. That was a really powerful piece of evidence. You only need to think about the Covid restrictions and what those families were going through while living in that type of accommodation.

**Chair:** I am just conscious that we are getting a little bit time-constrained. Bear that in mind when asking questions and answering them.

Q14 **Mohammad Yasin:** Rachel, you clearly showed your concerns about the



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quality of housing under PDR. Will there be any impact on the quantity of housing under PDR?

**Rachel Blake:** It is really difficult to evidence when permitted development results in additional homes that would not have happened otherwise. We have had a good discussion about who is benefiting and who is losing out from this system. What is the benefit, given the quite small and marginal cost of going through a full application process, of bringing forward such a lower quality of home?

The other issue to think about is whether you could generate overall a better quality of developments, potentially with the homes that are actually needed in communities, through a full planning application process. From what I have said earlier, we already know that communities are losing the affordable homes that they need—we have estimated 16,200 in the last year—because of the scale of housing coming forward through this system.

We cannot prove that that would not have happened in going through the planning system, but we need to question why we are not pursuing a planning application process that generates the investment in affordable housing that is so desperately needed across the country, the investment in social infrastructure, schools, nurseries and doctors' surgeries that would come with a full planning application, and the play space and open space that families need to thrive. We know that those schemes are there, but we have to think about the additional benefits that would have come forward through a full planning application process.

**Mark Worringham:** I would agree with Rachel that it is very hard to evidence. Conversions from offices to flats have been happening in Reading long before permitted development. We dealt with them through the planning application process; we got affordable housing; we ensured that everything was of the right quality. It is not new development necessarily. All we can say with any certainty is that, long term, the average annual amount of new dwellings before office to residential PD rights in Reading is pretty much the same as since.

I would add a question mark about the extent to which some of this is meeting the most important local needs for housing. I did a quick search on some of the agents' websites last week, and at least 12 of the 78 blocks that have been converted in Reading have units in them being let as serviced accommodation, so not serving the local housing need. That is a wider issue and it happens as well in developments that come forward with planning permission. PD lends itself particularly well to that, because someone coming to live somewhere temporarily is not necessarily going to be so worried about outdoor space or other amenity issues there.

Some of them have been converted for students. We have three blocks that have been converted entirely for students. We are trying to take that



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through enforcement processes at the moment. Again, it is not addressing our local housing need in Reading.

**Q15** **Mohammad Yasin:** John, from Shelter's point of view, in terms of social housing, can PD produce the right type of housing for an area?

**John Bibby:** Shelter believes that this is the wrong answer to the wrong question. Fundamentally, the most serious shortage of housing that we have in the country is the shortage of social rented homes, to which permitted development is not contributing anything, and it is in fact taking away affordable housing contributions. We do not see this as being something that is contributing in a meaningful way to the delivery of the right kind of new homes.

**Q16** **Mohammad Yasin:** Rachel, will any of the new PDRs make a positive contribution to the supply of new homes? What about the PDR to permit the demolition and rebuilding of old and empty buildings?

**Rachel Blake:** In terms of increasing supply, what we cannot know is how we could actually increase supply through the planning application process. The constraints of converting particular office floors in order to squeeze homes into the particular configuration of a building already means that we have not really gone through the appropriate design process or worked with social infrastructure organisations, like the health services or the local authority, to provide parks or nurseries, in order to demonstrate whether additional homes could come forward through a full planning application process.

There is a real question about the full design consideration process that could happen. If you engaged with communities and local authorities, you could find that you are not only delivering better-quality homes but also more homes, as Mark and John have suggested, that are meeting the needs of communities.

The point made about temporary accommodation and the lack of choice that those families have is really powerful, in terms of where people are and who is living in some of these homes. Mark made the point about serviced accommodation, where the demand for infrastructure might be lower. The really crucial question here is about the type of homes, the size of homes and the accessibility of those homes. That is the really critical question for addressing the housing crisis that we face.

**Q17** **Mohammad Yasin:** Is it your view that PD reduced the amount of housing built through the planning application process?

**Rachel Blake:** Local Government Association analysis shows that we will have lost 16,200 affordable homes through the permitted development rights process. Those are homes that exist now, but, if they had gone through the planning application process, it would have allowed a section 106 agreement to support the identification of the types of homes that communities need, in terms of being affordable, being accessible and having play space and open space, and to secure transport connections.



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There has been a loss of affordable homes due to the permitted development rights process.

**Mark Worringham:** While you could make an argument that it might boost overall housing numbers—I am not sure that is necessarily clearly the case in Reading—it is a case of a number being in the right column. You can report that as a headline number, but what you do not have is homes of the type that Reading needs, homes of the quality that Reading needs or, in particular, anywhere close to the amount of affordable housing that Reading needs.

You also made a point about demolition and rebuilding with permitted development. It helps to redevelop old, derelict and vacant buildings, but the vacancy requirement on that one is six months. It is not like these are necessarily long-term vacancies. It would be quite easy to not renew leases, leave something for six months and then redevelop it. Those are aims that we could achieve through the planning system anyway and have been doing for years through the full planning application process.

Q18 **Mohammad Yasin:** Do you think more and more families would be forced to live in the wrong type of housing, which probably will not be fit for the family and their needs?

**Mark Worringham:** Yes, particularly because we are not able to deliver the affordable housing that so many in Reading need.

Q19 **Andrew Lewer:** I have a very quick supplementary relating to what Mohammad has just said, as well as some of Ian Byrne's questions, particularly with the evidence that John Bibby gave. I just wanted to have some quick reaction from the witnesses about the relationship between permitted development rights and building regulations, particularly with some of the concerns that John raised. Given that building regulations are supposed to cover workmanship, adequate materials, structure, waterproofing, weatherisation, fire safety, sound insulation, ventilation, sanitary facilities, et cetera, what is the relationship between building regulations and permitted development rights in some of the problems you have identified?

**John Bibby:** Of all the things that you mentioned there, if you think back to Connect House, the problems with Connect House are largely other problems. Residents do report problems to do with the walls being too thin and things like that, but, principally, they are about where it is located, the size of the flats that are there and the concentration of studio and one-bed flats, none of which is addressed by building regulations. These other aspects of housing quality are picked up by the planning system in decisions about where you build homes and what kind of homes you are going to be building. They are not about the question of putting nails in walls and how the thing is constructed.

There are some things there to do with building regulations, but they are addressing a whole other list of concerns than the things that have led to





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the problems with a place like Connect House. I do want to say that it is not just Connect House. We are aware of many other blocks that have or have had temporary accommodation in them of a very large scale, with studios and one-beds that are very small or just scraping by in terms of the space standards. None of those problems is addressed by building regulations, because that is not what building regulations are for.

**Rachel Blake:** The existing parts of the building that are not directly impacted are not covered by building regulations, although some parts of any changes would be covered by building regulations. Without a holistic response to this—Mark will come in on the detail—we cannot rely on building regulations to cover it.

With building regulations, we are looking now at putting more pressure on local authorities to address a number of issues with buildings that could have been solved if they went through a planning application process appropriately in the first instance. There are the issues that Mark and John have both described of noise complaints, amenity complaints and environmental health issues that come through. These are already on local authorities; they are entirely dependent on environmental health.

I appreciate that we are running short of time, but we should look at the big picture on temporary accommodation. If the homes that are coming through from permitted development rights—most of which, as we have heard about this evening, are not of a decent quality—are what local authorities are turning to for temporary accommodation of some of the most vulnerable people, we have to question whether we can accept these kinds of standards, and question the benefit of a system that seems to me to be creating more complexity within the planning system.

**Andrew Lewer:** Mark, are you going to comment quickly? Then we had better get back on track.

**Mark Worringham:** I would agree with what has been said there. We have largely kept what we have said to the things we would have been looking for under planning rather than getting into the building regs, because we are aware that buildings will be subject to those regs anyway.

However, there is an interaction between planning and building regs in one sense, which is that there are optional higher standards in the building regs that you can opt into through the local plan, for example for water efficiency or the accessibility and adaptability of dwellings. These are things that we have opted into through our local plan, but are then regulated through the building regs. If there is no planning application, those things do not apply, so those aspects of our policies, which are supposed to be operated through the building regs, cannot be applied.

Q20 **Brendan Clarke-Smith:** Good afternoon, everybody. This is following on from what Mohammad was talking about on the contributions side of it. We know that LPAs cannot currently exact planning obligations in respect



of permitted development. How big a problem has this been, including for the supply of affordable housing, for example?

**Rachel Blake:** As I have said previously, we estimate that 16,200 genuinely affordable homes have been lost through the permitted development rights process. That is estimated on the total number of homes that are coming through, estimating that 25% of those in each area would have been affordable and are now not.

It is worth highlighting that one of the critical reasons why permitted development rights are such an issue is that local authorities, as you will know, have really different housing markets and really different types of buildings in their local authority areas currently. If you are an area like Trafford, where there is a significant number of new homes coming through from permitted development rights—Luton also has a high number—you will be at even more of a loss of affordable housing coming through that system. If you are in a local authority where new homes are coming through, with not quite as many through permitted development rights, you are in a different place.

The Local Government Association is saying that this is creating a real issue for the delivery of affordable homes, because it is taking away that local understanding of how to deliver affordable homes for your particular area. If you are in an area with a high number of commercial buildings where you need to have an economic development strategy to understand where to go with those, you are likely to lose more affordable homes through the process.

Q21 **Brendan Clarke-Smith:** Following on from that, Rachel, the planning White Paper is proposing a new consolidated infrastructure levy that is going to extend to permitted development. Is this something that you welcome? As the White Paper predicts, is it going to increase the supply of affordable housing if this happens?

**Rachel Blake:** There is a real issue with the new proposal about the consolidated levy around different areas being able to get the affordable housing that they need. Different parts of the country have different land values, different requirements for affordable housing and different viability levels for new builds. Having an infrastructure levy that does not recognise that could present some really serious challenges for new affordable homes.

**Mark Worringham:** The lack of affordable housing is one of Reading's biggest concerns with permitted development. We are in a situation where, in order to fulfil our assessed needs for affordable housing, the majority of new housing that comes forward needs to be affordable. It is hard enough to make a dent in that as it is without permitted development taking a big chunk out of play.

We have estimated that we could have secured up to 600 affordable homes since office to residential PD came in. For us, that would have met



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18 months' worth of affordable housing need. We are trying to plug the gap in affordable housing in Reading through building our own council homes, but another element here is that that is part funded through financial contributions towards affordable housing that are made offsite, so we are losing out there as well. We calculate that we have lost out to the tune of £3.6 million, which would have gone towards council house building in Reading.

In terms of the consolidated infrastructure levy, a lot of the devil is going to be in the detail. We are equally concerned, as Rachel is, about rates being set nationally and being applied to wide areas when there is a lot of difference in viability in those areas. You end up with the lowest common denominator that really can only lead to a reduction in the contributions we are able to get in.

We have various other concerns with this around particularly the fact that it is calculated at final development value rather than at the outset. We do not actually know what we would be securing in terms of infrastructure or affordable housing when we determine an application. That does not get paid until occupation, so there is a lag in providing the infrastructure after the scheme is developed. There are all kinds of issues there and a lot of question marks about how in-kind onsite affordable housing, which is what the White Paper envisaged, would work in practice. We are really not clear on that. We will be keenly watching what comes out on this, but at the moment it does not look like it is going to address our concerns.

**Q22** **Brendan Clarke-Smith:** John, this touches a little bit on what we spoke about earlier. In its written evidence, Shelter expressed particular concerns about the use of permitted development units as temporary accommodation for homeless people. How big exactly a problem is that?

**John Bibby:** I will answer that and then I also have something to say about affordable housing more generally. In terms of temporary accommodation in office and residential conversions, we are aware of at least 10 large blocks that are or have been used for temporary accommodation. There is Connect House, which I have mentioned, and New North House in Brentwood, where we have also had clients in temporary accommodation. Then there are the Harlow blocks of Terminus House, Templefields House and Astra House, which had also been quite significant in the news.

It is not all in the London fringe and London. There is also Imperial Apartments in Bristol, which is a massive development: a 465-unit former HQ of Somerfield supermarkets, the majority of which is now being used for temporary accommodation to house homeless households. It is actually run by the same company that runs Terminus House and Templefields House, which have featured on "Panorama" and "Newsnight". Then there are smaller-scale examples in Margate and on the Wirral that we are aware of. These are not just a few isolated



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examples; there are quite a number of examples of temporary accommodation across the country.

On this question of how many affordable homes have been lost to the infrastructure levy, one really important thing to mention is that this is something the Government have said that they want: that we might be able to levy the infrastructure levy on permitted development. The Government have not yet shown a lot of interest in estimating what the impact of future changes in permitted developed on affordable housing will be or looking at what the past impact of permitted development on affordable housing has been. There has not yet been any study or impact assessment that we are aware of as to what that impact has been.

When it comes to the infrastructure levy and the promise that in future we may be able to have it on permitted development, there is a risk that it looks like the promise of jam tomorrow, while we continue to extend permitted development rights today. We have the demolition and rebuild coming through, and the class E to residential coming through. You have no idea how long it is going to be before we get the infrastructure levy, with the potential promise of affordable homes coming through it, and no idea what that actually is going to look like or how many homes might be delivered.

We would like to see the Government showing more interest in the impact on affordable housing right now and what the impact has been, before we begin to think about, "How can this be remedied through the infrastructure levy?"

**Q23 Ian Levy:** Knowing that we were going to be talking about this today, I spent some time over the weekend visiting the high street. Blyth High Street itself has to be well over 100 years old. Instead of just looking at the shop fronts, I took my eye higher and looked at what was above that. We have three or four storeys. I did a bit of research into that as well. Going back to the 1950s, 1960s and even early 1970s, they were used as flats above these properties, so above these retail units. I am wondering how you feel about that.

The Government say that the changes to permitted development rights will boost the economy and revitalise the high streets because of the increased footfall. I am just wondering if I could get your views, because the town of Blyth is very split. Some people are for it and some people are against it. How do you feel about that?

**Rachel Blake:** These are locally determined—*[Inaudible]*—decisions on this in terms of those flats above shops. Like you, I know high streets in my area where there are flats above shops. Actually, there are flats that have been brought back into use by local authorities being able to bring their powers together around empty homes and recognising that that space can be used. Again, this is not about not wanting to see flats above shops come into use. It is about being able to make sure that they can go



through the necessary checks, that they are safe and that they are providing the right kind and the right size of homes that we might need.

This is not the right time, when the future of the high street is so uncertain and our local high street businesses have been under so much pressure recently, for us to be changing all the incentives that landowners and shop owners will be having in terms of the rents they might be setting for small businesses. It is quite a significant change to high streets and the types of decisions that high street shop owners will have. It could have a really significant impact on some of those small businesses that need help in order to get people to be visiting them. Those will be people who are already living nearby.

Now is just not the time to be creating even more uncertainty for some of those high street businesses. It is really important to give local authorities the space to nurture those businesses.

**John Bibby:** This is not about the impact on the local economy, but, if you think about Harlow, it has become a major concentration of large, converted offices to residential of very poor quality. Potentially, Government will have a particular perspective on the town centres where permitted development and conversion of shops to residential will work, where it will be successful, where it will lead to really high-quality residential and where that will be a really positive thing. But we are concerned that they have not necessarily thought about where that is not going to work.

What is going to be the Harlow of the next round of permitted development, where conversion of these medium-scale, 15,000-square-metre shops to residential is going to lead to some very poor-quality housing, which is going to end up with those who are currently losing out most through the housing emergency suffering the most? That is less of an impact on local business.

**Mark Worringham:** We absolutely welcome people coming back to live in town centres. It is a fundamental part of our policy for Reading. The point is that the need to apply for planning permission has never been a block on that. This has been happening for decades and will continue to happen, with or without permitted development. There is definitely a distinction between people living over the shops and the effect of this use class E to residential PD, which is converting the ground floor into residential, and eating away and hollowing out high streets.

I go back to the argument we had before. You can bring a bit more footfall in by converting a ground floor from retail to residential, but it is not going to outweigh the loss of those retail uses or any other uses that fall within that use class.

Q24 **Ian Levy:** To follow on from that, then, is there anything the local authority can do to prevent the loss of shops and businesses to residential conversion?



**Mark Worringham:** It would only be through an article 4 direction, with all the limitations that I have already discussed about article 4s.

Q25 **Ben Everitt:** We have probably covered this in some of the comprehensive answers that we have had from both Rachel and Mark, so I will canter through it. We are interested in looking at the impact on the workload and the pressure on resources as a result of permitted development. The thinking is that it should be quicker, but it obviously is not, notably, as Rachel mentioned, because of the complexity of the whole thing. I will dive straight in. Are the applications for prior approval less time-consuming than the full planning applications? If you could give a brief answer, but in the round, that would be great, please.

**Rachel Blake:** This has to be considered in the round in terms of the ongoing costs. There has been a suggestion from Government that this could all balance out in the end, in terms of business rates and the contribution that could come through. That is very much to be tested and not at all demonstrated.

In addition to the complexity, the refusals and the inspections that would come through this, I would emphasise the burdens on local authorities of waste and waste enforcement services, in terms of waste being on the street, noise services, environmental health and those types of implications. Then there is the impact on our wider services of poor-quality homes and the impact that has on families. The suggestion that this is an efficiency benefit is definitely still to be proven, because I cannot see it myself. The Local Government Association has demonstrated that.

Q26 **Ben Everitt:** Do you see a potential silver lining in the ability to charge fees for prior approvals?

**Rachel Blake:** I will let Mark cover this as well, but a planning approval notice fee is much lower than a planning application fee. There are pre-application fees as well, which are locally determined.

**Mark Worringham:** Specifically on fees, the figure I have seen is a suggestion that it would be about £100 per unit, which is certainly a lot better than the £80 flat fee for an entire development that it used to be, but it still does not get close to covering the costs of determining these prior approvals, particularly as the list of conditions starts to expand and expand. As I have said before, we need to consult our environmental health colleagues on noise issues. It is one of the conditions of prior approvals. We need to consult transport colleagues and the Environment Agency.

This all takes up time and resources. It is taking up time and resources at a time when local authorities are under particular constraints. Planning departments in particular are being expected to become more and more self-sufficient within those local authorities and be funded almost entirely



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through planning fees. It has got a bit better, in summary, but it is not going to cover the costs.

**Q27 Ben Everitt:** Sticking at covering the costs, we are converting premises to housing. We are losing business rates, but there is the opportunity to offset that by additional council tax. Do you think those two will marry up? Will it be a positive or will we end up losing out?

**Mark Worringham:** From my point of view, I am probably not in a position to answer that. We have not really looked at that data. It is the kind of thing that is not really a planning consideration. If it was something that the Committee was interested in, we could go away and find out, but I do not really have anything I can add to the discussion on that point.

**Ben Everitt:** I would not want to create work for you, because I think we know the answer.

**Rachel Blake:** We already know that planning fees are not currently covering the costs. Again, we could work on some figures around the balance between council tax and business rates for you.

**Ben Everitt:** We might end up just looking at the proof of the pudding in the eating on this one.

**Q28 Andrew Lewer:** A huge amount of this has been covered, but I wondered if witnesses could very succinctly say how they believe the permitted development regime should be reformed, or at least the one thing that they would like to reform, in one or two sentences.

**John Bibby:** I made the point at the beginning that we do not want to see new homes created through permitted development. I will just mention, because nobody else will, that we also should be thinking about what we do about the legacy of the poor permitted developments that we have already seen coming through, and not just taking it for granted that, now we have introduced additional protections, everything is fixed and everything is okay. Actually, these places continue to exist and continue to operate. We probably need to do something about them.

**Andrew Lewer:** Retrospective planning is challenging.

**Mark Worringham:** Very simply, we should largely revert to the way permitted development was used about 10 years ago, which was that it covers minor extensions for householders and for businesses. It covers utilities, Crown land development and things like that. I agree with John that we should not be permitting homes through a permitted development route. We would also urge the Government to reconsider not only permitted development but the entire deregulatory approach to the planning system, which is going to affect the way we can shape our communities in future.

**Rachel Blake:** I agree with those. I would add getting to the bottom of the safety issues and the gateway one contradiction that I mentioned



earlier. We would also want to see an equalities impact assessment of this in terms of the families that are moving in, the tenure mix and the size mix that is coming forward in these new homes, because we have heard about what vulnerable families are actually living in them. We also have on record the Local Government Association proposals for really getting underneath the delivery of new homes. I would just want to remind the Committee of those as well. Those are two and a big half of the things I would like to see emphasised there.

**Andrew Lewer:** You should be in politics.

**Chair:** Thank you to all our three witnesses for coming to give very detailed, comprehensive evidence to the Committee this afternoon.

## Examination of witnesses

Witnesses: Mark Tufnell, Ian Fletcher and James Wickham.

Q29 **Chair:** I would ask all three of you in turn to introduce yourselves. Thank you for joining us.

**Mark Tufnell:** Good afternoon, everybody. I am Mark Tufnell. I am the deputy president of the Country Land and Business Association. I am also an arable farmer in the Cotswolds, and we have residential and commercial properties on the farm. Just over 10 years ago, I was a cabinet member in Cotswold District Council as portfolio holder for planning.

**Ian Fletcher:** Good afternoon. I am Ian Fletcher. I am director of policy at the British Property Federation, which is the trade association for the property investment sector.

**Chair:** You are a fairly regular visitor to our inquiry sessions on different issues.

**James Wickham:** Good afternoon. I am James Wickham. I am the planning policy adviser for the London Property Alliance. The London Property Alliance represents property owners, investors, developers and advisers active in the cities of London and Westminster. I am a chartered town planner and a partner in the planning team at property consultancy Gerald Eve.

Q30 **Chair:** You are all most welcome. As I said to the previous witnesses, if someone has already said something you agree with, you can always say, "I agree with what has been said," rather than repeating it, though maybe you will not agree with everything that everybody else has said. We will go through with questioners asking you specific questions, probably naming whom they would like to answer the question as we go along. On permitted development rights, I have a general question to start with. What role should they play in the planning system? Do we currently have the balance right in the terms of the pros and cons of their





use?

**Mark Tufnell:** Our association has 28,000 members representing 10 million acres across England and Wales and 250 rural businesses. We are an association that represents probably the largest segment of private rented property houses in the rural sector. Our view with regard to permitted development rights, generally speaking, is that they help with minor development, they reduce the number of planning applications to take the onus away from the planning department, and in general we consider that they help improve the efficiency of the planning system without effectively clogging it up.

I give you one specific example, because obviously it does not apply within a designated area. My farm, for example, is in the Cotswolds area of outstanding natural beauty, so permitted development rights do not apply. We have an example from a member in the Surrey green belt, where effectively it took 15 years to provide a number of houses. If we had been able to do it through permitted development rights, it would have taken three. That all started with a drive from the local parishioners.

**Ian Fletcher:** We agree very much with Mark's comments. As a deregulatory measure, it helps to allow change of use on minor developments and reasonably closely aligned uses.

What we have seen in recent times is obviously a change from that, in that it has moved to being larger leaps, no more so than the most recent announcements on commercial to residential, which is quite a leap, particularly in allowing retail to residential. We have a concern that residents often have quite different needs than commercial property uses. They want the quiet enjoyment of their property. They do not want noises, smells, deliveries at unsociable hours, safety concerns and things of that nature. Because we represent long-term investors, they want places that stand the test of time and should be well planned in that respect.

I should stress that I am not against residential in town centres. I have done a lot of work over the last decade in promoting the build-to-rent sector in the UK. That is predominantly an urban development product. For those sorts of developments, they should be planned. They are not a minor development. They should not be taken through the planning process with very little light-touch scrutiny.

**James Wickham:** Likewise, we welcome changes to the planning system that make it more responsive and flexible. For example, we think the introduction of class E, which has combined lots of different types of commercial uses into a single use class, has broadly been a positive change. Likewise, there are aspects of the permitted development regime that have been very valuable and helpful in introducing the sort of simplicity that Mr Tufnell referred to. We would endorse that. Again, there is a pattern here of the scope of PD having been broadened to include residential development, which does raise a different set of issues.



Our view is that, in the centre of large, complex metropolitan areas, such as central London, but we would say it is probably applicable to other large city centres as well, introducing residential in an unplanned way is probably not appropriate. Some continued carve-outs, exemptions or exclusions for those areas would seem sensible if the Government are keen on applying permitted development more generally across the board.

**Q31 Chair:** Just to pick up on class E, which you mentioned, it may be perfectly reasonable to have some changes through permitted development that would not have been possible with the different use classes for different business activities. One concern that has been raised is that, say with retail, which is now part of the same class as commercial, industrial and other, you could get a conversion of an out-of-town office block to retail now and bypass all the sequential tests that have been put in place carefully over the years to try to protect the high street and centres.

**James Wickham:** I am conscious that that has been raised as a concern. Our membership does not have direct experience of that, being focused on a city centre, but I believe that has been raised by others.

**Ian Fletcher:** It is a challenge that Government, when looking at class E, were trying to balance the need to allow for lots of different commercial use at the margins, which I would like to see able to be changed through a permitted development route. I am concerned, as the Chair is, about the consequences of that and any undermining of the sequential tests, as was mentioned in the previous session. We are not out to undermine the sequential testing. Ensuring that our town centres continue to thrive is in all our interests.

**Mark Tufnell:** If I could add something about the longstanding permitted development rights, just to go back a little bit, it does help enormously with agriculture and forestry development. With agricultural buildings, you just need to notify the local council that that is what you are going to be doing. It helps with renewable energy and telecommunications. Where you have an existing building, particularly where it is a redundant farm building, it seems to me to make great sense to put it to a modern-day use. Obviously, we have class R and now class Q.

You comment about the use E. I have recently put in for planning permission for some buildings on my farm. The local council decided that it wished to restrict, within class E, to make sure that we only had office and storage, and that we could not have the wide range that you have referred to. In that case, with E, it seems to me that the planning authority does have the control that you are indicating that perhaps it should.

**Q32 Andrew Lewer:** One of the most frequent criticisms of permitted development that we have heard quite a bit about already is that it undermines the role of local authorities in planning development, place-



making and place-shaping. I wonder if this panel shares those concerns.

**James Wickham:** In a city centre context, broadly, we would share those concerns, yes. Ultimately, planning sits at this tension between greater market responsiveness and local controls, to a certain extent, and shifting it one way reduces the other. We are concerned that, certainly in central London, there is a well-established pattern of residential being introduced and managed in a planned way, particularly in the City of London, where the City has long sought to ensure that residential development is clustered so that it does not prevent office development and other forms of commercial development happening elsewhere.

That can have several adverse consequences on the long-term economic capacity and productivity of an area. Introducing new residential rightly creates new amenity concerns. Those residents will expect a certain quality of environment. They will not want late-night noise or whatever the case may be. That limits future development in that area. The city has been alive to that for many years. It has been a longstanding trend of its approach and its planning policy. To a certain extent, that has happened in the West End as well. The West End is a little different.

Removing the ability to approach that in a planned way is a concern, in that we could see pepper-potting of residential on quite an ad hoc basis across a wide swathe of city centre locations. It will limit their long-term capacity for economic growth and development. Central urban areas are key parts of our economy. For that reason, a planned approach in the centre of the City seems to us sensible.

**Andrew Lewer:** Let us switch across then to the rural and ask Mark the same question.

**Mark Tufnell:** The difficulty of a plan-led system, and the idea that local authorities should have a local plan and it should be up to date with the NPPF, is that only 41% of local authorities have an up-to-date local plan. Within the rural economy, there are a considerable number of buildings, particularly redundant agricultural buildings or buildings that could be used for either commercial purposes or residential. Those buildings are there. It seems sensible to allow, through permitted development right, classes R and Q, for development to happen. It helps maintain and enhance the rural economy. Also, if you are thinking of how to move one farm from one generation to the next, it allows for a home for the retiring farmer. Otherwise, where does he go and where does his son or daughter live?

Q33 **Andrew Lewer:** Just to build on that, the CLA said in the evidence we have had that it believes that article 4 and local plans, as you have touched upon there, give local authorities enough control of permitted development already. How would you respond to an argument that they offer only very limited protections, either in the round, or for those areas that have not necessarily got their act together or for other reasons do not have their local plan in place?



**Mark Tufnell:** So much of the difficulty in providing homes, particularly in the countryside, is that so many of the criteria are out of date now when they look at the issue of sustainability and where homes should be put, so much so that they look at local bus services. The local bus service certainly around me is almost non-existent. We need to have criteria such as superfast broadband. If you can have superfast broadband, you can have a very strong work-life balance. We have seen that happen through the lockdown with Covid. People in the countryside have worked very satisfactorily from home over the last year and a bit.

It allows for flexibility within the countryside in particular. That is the area that my members occupy and the space that we are in. The permitted development rights are outside of the designated areas. You have to remember, of course, that they do not apply within the designated areas, which covers about 30% of England. We are looking only at the 70%.

Q34 **Andrew Lewer:** Ian, can you add anything to those rural reflections, local plan reflections, pepper-potting urban and the more general question about local authorities' ability to place-shape?

**Ian Fletcher:** Permitted development rights can significantly undermine a local plan. When office to residential permitted development rights were introduced, we were lobbied by a number of local authorities, which were very concerned about how it would affect their local plan policies. I suppose the solution that many found was to use article 4 directions. That is now clearly under review as part of a wider consultation on the National Planning Policy Framework. Most developers want to operate within the strictures of a local plan and the vision that it sets out, which reflects the wants and needs of the community.

With PDRs, the worries for us are that high streets are almost organic. They have anchors at either end. They tend to try to ensure that you have an unbroken retail frontage, so that you are getting footfall all the way back and down high streets. PDRs tend to cut across that. In the current context, we particularly worry about the loss of low-value uses. The perceived wisdom over the last 10 years has been to try to get more variety on to high streets, with more community uses, healthcare, creches, nurseries and all that sort of thing. The low-value uses will end up being the first uses to go as part of any permitted development rights.

Q35 **Ian Byrne:** James, the Government said that recent changes to permitted development right will boost economic recovery and revitalise our high streets, by increasing footfall and enabling businesses to respond more quickly to changing circumstances. Do you agree? Is PDR good for business?

**James Wickham:** We are not convinced it is in the form envisaged, certainly in large city centre locations. The reason for that is twofold. First, certainly central London is a really complex ecosystem and mix of use. We have seen that suffer from Covid. The risk is that, if you start to



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lose the space that encourages people who work or have in the past worked in central London to come back, the attraction of central London as a place to work diminishes.

Many of the shops, the restaurants, the culture and the leisure facilities now sit in class E. That in itself is a good thing, because there is flexibility to change and move between them. But if those start to be lost to residential, which is very much a higher-value use in central London—it is difficult to overstate how much disparity there is between values—that starts to be lost. The reason to get people to come back, the reason that makes central London a really great place to work and to locate international businesses, starts to diminish. There is a concern there.

The second part of the answer to your question is that we have seen it the past as well. In the City of Westminster, over the period of 2010 to 2017 or 2018, there was a loss of about 300,000 square metres, so 3 million square feet, of office space to residential use. That was not primarily a result of a PDR regime. People had to seek planning permission for it, but the Westminster Council did not resist that. That was its policy at the time, which was fair enough, but in retrospect it has been recognised that the loss had to be stemmed. As a result, its policy changed.

We have seen losses in the past of important, employment-generating floor space. We are concerned that, in the future, the ecosystem that makes London an attractive place to continue that sort of employment may be diminished if the places that provide the reason to come into central London are lost to residential.

**Q36 Ian Byrne:** That is a really good answer. For the benefit of balance, I am going to ask a question that we asked the first panel. Who do you think will be the main beneficiaries of PDR?

**James Wickham:** In central London, if it were allowed to happen, you would see it provide quite high-value housing. That would be the natural effect. On whom that benefits, one can draw one's own conclusions. I will not comment on that.

**Q37 Ian Byrne:** Mark, I was very interested in your answer to my esteemed colleague beforehand, when you talked about the issue with buses and broadband. I certainly hope you voted for the Labour Party in 2019 with our free broadband offer and the reverse of privatisation to bus services.

**Mark Tufnell:** I am caught, Ian, I am afraid. In the Cotswold constituency, I do not have very much sway in how the vote goes. I only have one vote. You will know who your colleague is.

In direct answer to your question, the rural economy is very different to the urban economy. You will have seen in the evidence we put together for the inquiry that we have done a rural powerhouse report. We have been arguing that there is an 18% productivity gap between the urban and the rural economy. If you close that gap, you could end up with £43



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billion of extra gross value added. There are five things we consider that are holding it back from doing this. One of them is the planning system, because the planning system holds back development, it holds back investment and the delays that the system brings in hold the rural economy from developing as we feel that it should.

We have proposed that we should get sites, probably rural exception sites, where we can have one to nine affordable homes that would provide accommodation at a discount, which could then be let out. The majority of our members are not in it to make a significant profit by selling on their converted agricultural building, although of course there will be some. The majority are in it to diversify their portfolio away from agriculture because, as you know, there is a move. We are moving from the basic payment system towards the environmental land management system. There is a huge amount of uncertainty there. You will know from your colleagues in all the debates that you have been having.

Our members are fortunate enough to have properties on their farms and they want to do something better with them, to help the community and help them stay in business. This is a way of doing it, because the planning process, I am afraid, is just incredibly slow. To quote an example, even if you are a housing association, the Cirencester housing association has recently, finally, built 12 homes for people in North Cerney. It has taken them seven years from the time when they first thought about it to the time when they gave somebody the keys to go in. Apparently, that is pretty quick. I would say that is far too long.

I am sure that a permitted development right taking away the onus of all the application process and all the endless reports that are required from the planning authority, for the smaller schemes that are needed in the rural economy, would be of benefit. We would strongly argue that the permitted development rights should remain and not be amended.

**Q38 Ian Byrne:** That is a very good, detailed answer, Mark, but I have a couple of points on that. The previous panel talked about the safety aspect of permitted development rights. From a rural perspective, you do not feel as though that would impinge on any safety elements, because you are talking about renovating farmhouses. How would you cross that argument where people are saying PDR encourages the building of unsafe properties?

**Mark Tufnell:** I am not sure that the two are connected, because you are granted planning permission and then you have to satisfy building control that the property is worthy of being used. It is building control and the regulations. They are totally separate. That argument does not stand, I am afraid.

**Q39 Ian Byrne:** That is a good answer. I am going to ask you, like I have asked everybody else, who you think will be the main beneficiary of PDR from a rural perspective.



**Mark Tufnell:** I would like to think it is the people living in the rural economy, and those people who need to find rent at a discount or need to be able to live and work in an area that they have been born and brought up in. It has become too difficult. The shortage of supply has driven up prices and the way in which local plans have been drawn up, with developments happening only across certain key places, mainly on the edge of urban settlements, has meant that you end up with villages that just quietly die, if you do not do anything with them.

If you think of somewhere like the Cotswolds, where I live, if you were allowed to have five to 10 properties per settlement, you would probably solve the housing needs of the whole of the Cotswolds. You could easily do it. You do not have to have huge settlements in Cirencester and Chipping Norton. You can spread it out.

Q40 **Ian Byrne:** This would be my retort to that: if PDR come in, do we have faith in developers to act on an ethical basis, as you said, with five houses here or there, sparsely, to meet the needs, instead of huge settlements in areas where they will see massive value?

**Mark Tufnell:** If you look back to the number of homes under class Q that have been in since 2015, it has produced 2,316 net additional dwellings. I do not think that is a significantly high number, because there is not a sufficiently high number of existing buildings that could fall into the class Q remit. I do not think the figures are nearly as high as you might think they would be. All the additional homes come from the building on the greenfield sites. It would seem to me to make a lot of sense to take an existing building on an existing farm or estate that is there, and convert it into something that is more useful and productive. It saves all the extra development that happens on a greenfield site.

**Ian Byrne:** That is a good answer from your perspective.

**Ian Fletcher:** From our perspective, the loss of some of the high street is of concern. Those that will benefit from this will be mainly small developers. I am acutely conscious that I just speak for the larger developers. Government, as part of trying to ameliorate some of the unintended consequences of the proposal on commercial to residential, have put a size limit of 1,500 square metres. You are not going to see some of the large units on the high street, the Debenhams of this world, being converted under permitted development rights.

Even if there was no size limit, I do not think you would have seen Debenhams being converted under permitted development rights anyway. The only future for some of those large units is demolition and rebuild. They are not easy to repurpose. It is small developers, probably those that are developing for sale rather than for rent, and those that are speculating. As I said at the start, my worry is those that are concerned about the broader context of buildings and place-making.

Q41 **Bob Blackman:** I apologise for joining the meeting slightly late. Can I



draw attention to my register of interests? I would also put on record that I am a vice-president of the LGA and I employ a councillor in my office.

I want to ask some questions about the quality, location and quantity of housing as a result of permitted development rights. Ian, in your written evidence to our inquiry, you have said that a national PDR policy cannot do anything to mitigate the location of permitted development right housing in unsuitable locations. Could you elaborate on that position and why you have that particular view?

**Ian Fletcher:** The prior approval process rarely has any consideration of locational context. There is the odd variance with that. For areas that are protected, that is sometimes the case, but, in general, no, it is not.

I would not like to cast all permitted development right residential developments in the same boat. I have seen some that are very good. We have some members that have done build-to-rent developments. It is hard to do. You have to put a lot of thought into design and the management of those buildings, but you can get quality developments out of permitted development rights. I have also seen it done very badly. I can think of one instance: an office block that had been converted, single aspect, looking out into the carpark, with no communal external facilities whatsoever. That does not cast a good light on the development industry as a whole.

One of my concerns on the quality aspects is that the community sees a bad development and, the next time one of our members comes forward with a good development and it goes through the normal planning process, they are less inclined to give that permission. We have concerns. We have just talked about high streets, but this is a very broad permitted development right that has just been introduced. You get the occasional office development on an office or industrial estate, totally out of context with the local services and transport that those communities need to be able to use.

We have all come to rely very much during the last year on local corner shops and convenience stores. Their loss to residential use is something that will be detrimental to those communities, particularly when you consider that a lot of planning policy these days has an emphasis on walkable neighbourhoods and that sort of thing.

Q42 **Bob Blackman:** Given the changes that the Ministry has made to the permitted development rights in terms of particularly the quality of change, historically there have been some bad developments. I would agree with you. Do you agree that the changes will improve the quality of any permitted development right development? Therefore, some of the things you have mentioned actually may not happen in the future.

**Ian Fletcher:** We welcome the prior approval process being strengthened, natural light being one of those, as well as ensuring that developments are delivering proper space standards. Those are positive moves that will help going forward and stop some of those most





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inappropriate developments coming forward. The one thing that I would mention, as I have said before, is that it does not take account of locational context. You will still end up with developments in the wrong place.

**Q43** **Bob Blackman:** Mark, in complete contra view, your evidence suggests that the quality of housing has been hugely benefited under PDR. Can you elaborate on that position? Particularly, there has been criticism, and you have heard the, I think reasonable, criticism from Ian, of some of the quality of housing. What is your experience?

**Mark Tufnell:** I can only really speak on the rural sector. If you think of the buildings in farmyards, the majority of those have probably been developed pretty sympathetically. You might have differing views on how you view, for example, a Dutch barn that might be converted into a house, as to whether you think it looks as a house should. I have seen a house converted out of two grain silos, which looked pretty strange, but beauty is in the eye of the beholder. The grain store was there before and the grain store is there now. It just happens to be being lived in. I suppose people might have thought that windmills looked a bit strange, but they seem to have lasted in the landscape for quite a long time.

Class Q looks at small buildings, as we have said, 100 square metres, and larger ones up to 465 square metres. There are detailed requirements within it. You cannot go completely mad; you cannot have a huge-scale development. Broadly speaking, in the rural setting, the majority of them are in a farmstead. If they are a building on their own in the open landscape, they may well need to have prior approval, in which case there is a consultation period, and a whole series of factors will have to be met before development can take place. On the whole, in the rural sector, I do not think it really is an issue.

**Q44** **Bob Blackman:** James, there is criticism in London certainly that too many small units are being created when family housing is required. Indeed, there is an issue about whether we are producing the right sort of units in London for housing. Does PDR actually deliver what we want, for both London and other areas?

**James Wickham:** Our experience is probably slightly different. It is worth bearing in mind that certainly in the City and central Westminster, where we have more direct experience, we have not had permitted development. Those areas have been exempt in the past.

If you look at the trend of office to residential conversion that has happened, certainly in the period of 2010 to about 2016, when it was permitted under policy, albeit one still needed to do a planning application, in Westminster it was very heavily skewed towards the centre of Westminster, the core West End and the central area, and away from the slightly more peripheral parts of the borough.



That meant that the housing produced was of a certain type that perhaps did not cater for broader housing need. It tended to be high value and meeting international demand, which is appropriate in the centre of a world city, but all good things in proportion. Perhaps there was not as much in slightly more peripheral areas that would have contributed to meeting broader housing need, whether that is conventional affordable housing or for key workers and families earning more average wages and salaries. Yes, it produced housing that perhaps did not meet those wider needs. It is a slightly different context, given that it was not PD. It was subject to planning.

Q45 **Bob Blackman:** One of the other issues is that commercial buildings, generally speaking, are built to last a period of time. Domestic buildings for accommodation are built to last longer. Does that have any implications for permitted development, particularly on those people who are potentially buying those units? The buildings, frankly, may not last as long and therefore need to either suffer extensive renovation or, indeed, be demolished and replaced.

**James Wickham:** I probably cannot comment on the direct experience of people buying those, because it has been relatively infrequent under PD because of the exemptions I referred to. The point you make is a really important one. Commercial buildings have that shorter lifespan, so the expectation would be that commercial buildings are built, they are developed, they age, and they are redeveloped and replaced. That is how, for example, their environmental performance is upgraded. That is how they meet modern expectations such as airflow, which I think is going to become a real issue in the future for commercial developments, given our experience over the last year.

As soon as residential start to appear within those buildings, long leases are sold off and ownership fragments, the regeneration of those formerly commercial buildings has ended. They are effectively removed from the potential productive capacity of the economy and become fixed in residential use. In terms of its long-term implications for the growth and evolution of central areas, that point is extremely important. There is a real concern for us in regard to the PD rights.

Q46 **Bob Blackman:** Ian, in your written submission, you said that you feared further scandal in the supply of office to residential conversions. Can you be clear what you mean by "scandal"? Obviously this would be of extreme concern to this Committee and, indeed, the Government, I am sure.

**Ian Fletcher:** It concerns who is investing in these developments, particularly office to residential. Tucked within the pages of our trade press, there have been quite a few stories on, I suppose, investment companies that were set up and were pulling in money from individual investors, using the retail bond market, to fund permitted development rights. My understanding is that the FCA has clamped down on that and the retail bond market is more heavily regulated now, but those units



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being sold to or invested in by individual small investors has certainly been a concern in the past.

They found that those investments were relatively worthless, because the development was not completed or the units they had bought were not mortgageable. That is another concern. Sometimes you find that, as you have said, commercial to residential conversions find it difficult to get a mortgage.

**Q47 Bob Blackman:** Can you quantify how much permitted development rights actually increase the supply of new homes? Mark, in his evidence earlier, was talking about what could be done. Could you put numbers on the increase in supply under permitted development rights?

**Ian Fletcher:** There are official statistics. I think it is 10,000 units in the last year came through office to residential. At its peak, five or six years ago, that was up at 18,000. In the office to residential market, our members would say that many of the best opportunities have gone. Certainly there were one or two of our members that made use of those early permitted development rights and the build-to-rent market. We see very few build-to-rent developments coming through PDRs now. It is mainly taken through the normal planning process.

**Q48 Bob Blackman:** That does not really add to the quantity of housing, because many of those units may well have gone through the planning process anyway, if they had been forced to do so.

**Ian Fletcher:** It accelerates it a bit. Particularly if you are building for rent, you are keen to get on with it. At the end of the day, your motivation is to get income and, therefore, permitted development rights are a quicker route to development than would be the case with a normal planning application. It speeds it up. Whether it makes a great deal of difference in the long run is more open to question. There were 10,000 units. I think last year net additions were 240,000, so it is about one 24th of housing supply coming through that route.

**Q49 Bob Blackman:** Mark, your view is that this can lead to an increase in the supply of housing in rural areas. Has that been the experience thus far where permitted development rights are allowed?

**Mark Tufnell:** To clarify the figure I mentioned earlier, it was solely for rural areas. The data we have says that, since 2015, class Q has produced 2,316 net additional dwellings, so that is nearly seven years to get just over 2,000. It is not a very significant number.

The majority of our members are there to try to diversify their income and their portfolio. Generally speaking, they are not in it to sell it and move on. They are there from generation to generation. They are there to also provide affordable homes, for the people who work there, on the farm, for other members of the family, or for other people in the sector who have worked on the farm or estate. It may be that one or two go



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and are let at an open-market rent, and then that would supplement, effectively, the income on those properties.

The number of homes is not very significant, least of all when you compare it to the numbers that Ian has quoted. As he quite rightly says, his numbers are a small drop in the ocean compared to the overall number of homes that have been provided in that period in any case.

**Q50** **Bob Blackman:** James, is this new form of permitted development rights reducing the amount of housing that is built via the full planning application route?

**James Wickham:** In our experience, it is probably not. They are coming out of separate pots, I suspect.

**Q51** **Bob Blackman:** I do not want to put words in your mouth, but I want to be clear. Your view would be that this is additional housing on top of the housing that would be provided through the normal planning application route.

**James Wickham:** Broadly, yes. The sites that we see that come forward for housing in these central areas would have needed planning and would have come forward through that route in any case. Yes, probably those others have been supplemental to that, albeit they have raised the issues, in terms of implications for the commercial sector, that I have touched on.

**Q52** **Mary Robinson:** Permitted development does not currently attract developer contributions. The LGA estimated recently that 13,500 fewer affordable homes had been built because of PDR. Is it a problem that developers have been exempt from developer contributions on permitted developments?

**James Wickham:** We have long recognised the importance of both affordable housing and housing for key workers in central London. Our members' experience over the last year has reiterated that to us, particularly key workers who are travelling relatively short distances to run vital local services. We have supported policies that have supported the delivery of affordable and intermediate accommodation, and, more broadly, accommodation that is accessible to a wide range of people.

On that basis, it is a concern that housing that comes forward through permitted development has not in the past contributed either to affordable housing or, more broadly, to section 106 and CIL. That has potentially distorted the existing differential in values that I have already referred to. The fact that housing can come forward in that way and not have to contribute to that exacerbates the pressures that one has in the first place to see or potentially have those conversions. It is an area of some concern.

**Ian Fletcher:** We cannot argue that it does not put a strain on local infrastructure. Clearly, people living in a town centre are going to



increase need for school places, healthcare facilities and so forth. Without any sort of section 106 obligations, clearly that will have to be found from other sources, general local taxation, which must be a concern.

The other thing that I had raised in my written evidence is that, if you look at similar floorplates, you get a lot less in council tax than you would have got in business rates across a floorplate. We have done some back-of-the-envelope calculations, taking buildings that were commercial use and looking at them in residential use. If you have 1,000 square metres, depending on the use, you get 20% to 60% of the income you would have got from business rates. We were concerned that that was not being taken account of in recent changes of policy to permitted development rights. It would ultimately also affect local authority income, beyond that, that was just related to the scheme itself.

**Q53** **Mary Robinson:** Mark, could I ask you the same question? Also, the CLA said in its submission that the loss of developer contributions should not outweigh the positive impact of PDR, in terms of delivering much-needed small-scale development in rural areas. You have spoken about the importance of that. Are you saying that the loss of developer contributions is a price worth paying, then?

**Mark Tufnell:** In essence, yes. As I have outlined before, the numbers involved have been relatively small in any case. I suspect that the amount of CIL that would have come forward would not have been particularly significant. Having people living in the area, or businesses working in the area under class R, is going to help the rural economy. It is going to bring greater services to an area. That can help boost the area and help provide local services.

If you take some of the smaller villages round where I live, if you add either some extra houses or some extra commercial buildings through this development, there is a much greater argument that the local bus company should go there. I said earlier on that bus services seem to be disappearing because there is not the demand or need. The only bus that comes through here is from Tesco. If there are more people and greater boosting to the rural economy, through simple market forces, rather than a straight payment through CIL, on the whole it would be more beneficial. It is a price worth paying.

**Q54** **Mary Robinson:** Would that be the case just for rural developments or would you say right across the board?

**Mark Tufnell:** I am here only commenting on the rural side and I do not wish to tread on the territory of those among us who know far more about the urban sector than I do. The majority of our members are based in the rural sector, so I will pass on that one.

**Q55** **Mary Robinson:** James, could I come to you and ask about the proposal for a consolidated infrastructure levy? Permitted development would be included in this. It is not going to be exempt as far as we know. The



White Paper says it will result in more affordable housing being built. Do you see that link and would you welcome that proposal?

**James Wickham:** We have some concerns about the consolidated infrastructure levy. At the moment, I do not think we know enough about it to understand its implications. It seems to us that the intention would be to apply a very similar rate to commercial as to residential development, but the economics of commercial development are quite different to those of residential. Seeking the same proportion of development value from commercial development schemes to contribute towards affordable housing, which does not happen at the moment, is a concern to us.

More generally, one of the comments we made in our submission on the White Paper is that it does not fully address the circumstances of large city centres, and commercial and other forms of development. It is housing-focused, to a certain extent understandably and rightly, given the significant challenges we have on housing. Planning and developer contributions have to address more types of development than purely housing development.

**Ian Fletcher:** James has covered the primary concern that we have, but there are two others. One would be how the system works for in-kind contributions. I think that was covered in the last session. It is something that also concerns us in trying to ensure that that is workable.

Also, a lot of our members are doing large-scale development and that entails having a lot of the infrastructure in advance, rather than at the end of the process, which is the proposal with the consolidated infrastructure levy. If we are to make those developments work, there has to be means for ensuring that development goes in at the start of the process and not at the end. There are concerns that, if we find a solution to that, it will perhaps expose local authorities themselves to a larger debt position than they would feel comfortable with.

Q56 **Mary Robinson:** Mark, we heard the local planning authority perspective earlier about the workload that is intrinsic in permitted development but without the payment, if you like, from any section 106 or CIL. In the CLA submission, you said that in your view permitted development reduces the LPA's workload. Why do you think that that is the case?

**Mark Tufnell:** The whole process is much more streamlined. You submit your PDR application and it is not going to take up nearly as much time within the local planning authority, through the administration work. They do not have all the statutory consultation work that needs to be undertaken. You do not have to supply all the additional reports that go with it, the landscape or ecology; the list is extremely long. That does not have to be done. It is streamlined. It takes away the need for them to look at these much smaller developments and allows the planning authority to concentrate on the larger, more meaningful applications that



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can deliver the type of housing that is there within the local plan that the local community needs.

Q57 **Ian Levy:** I have the honour of having the last question and bringing the meeting to a close. In summary, what changes would you like to see the Government bring to the PDR regime? What would make it better for you?

**Ian Fletcher:** I am glad that Government are on the front foot. Our town centres and high streets are facing a challenge the likes of which they have probably not seen in 50 to 60 years. We would have rather seen a different tack being taken, though, looking far more at a local level. We have significant confidence in local planning authorities. We would have liked Government to have given greater direction through the National Planning Policy Framework with regards to town centre policy and then promoted local development orders. Councils can provide a great deal of flexibility at a local level through an LDO that is more tailored to their circumstances.

The thing that holds them back in doing that is mainly resource rather than will. The planners I meet are passionate about their local areas and want to do the best for them. To put an LDO in is normally a three-month consultation process. When you have all the other things on your plate coming through the planning system, it is not something that local authorities have the resource to do. That would have been my ask: more LDOs and less change through the national PDR, which is always going to be slightly blunt.

**James Wickham:** I would endorse the point that Mr Fletcher has just made about the NPPF and its lack of comment on town centres. That surprised us when the recent consultation came out, given class E. We think some more direction around, for example, the circumstances in which planning conditions should be used to control uses within class E, going back to the example Mr Tufnell gave at the start of this session, would have been helpful.

Beyond that, I can give a very simple answer to your question about what should be done. We would suggest that, simply, the changes that are proposed to policy on the use of article 4 directions in the NPPF consultation, particularly to paragraph 53 of the NPPF, are not taken forward. The suggestion is to make it much more difficult to use article 4s to exempt areas from the operation of PD rights. We do not think that change is necessary and it is potentially unhelpful. They suggest very narrow criteria for the use of article 4s in the future.

We would suggest simply leaving those criteria as they are at the moment to allow planning authorities, in a plan-led way, to identify those parts of their areas that should continue to be exempt, as they have done in the past. That has worked reasonably well and would allow the benefits of PD, which certainly do exist in other areas, in rural areas perhaps, as Mr Tufnell suggested, to continue to be rolled out.



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**Mark Tufnell:** In general, the CLA would argue that wholesale reform of the general permitted development order is not required. We think that the permitted development rights under class R and class Q work well. They work well in the rural sector. They work well for our members. We think it helps the local planning authorities.

We are fully aware that the whole planning system is under a review by the current Government, with the planning Bill that has come forward in the Queen's Speech. We have stronger views about the whole zoning process, how countryside is going to be put, the whole issue of protection and what is meant by protection. The whole concept of designation is picked up through permitted development rights, because you are not allowed to have a permitted development right in a designated area.

The whole planning process itself will be helped by a number of the reforms that are proposed: digitisation; asking local authorities to ensure they have a local plan; and bringing resource to the local authorities to enable them to deliver what the local communities would like. I know our own local authority, Cotswold District Council, on which I served for five years, over 10 years ago, is very short of funding to provide a high-quality service for the very many applications that are put in.

It is very difficult for the local authority to provide that level of service and speed in order to then provide the type of housing that people would like and expect. With that alongside the shortage of building materials and the increase in prices, it is not terribly surprising that there is such a delay in housing being provided. To suggest that there should be any change to the permitted development rights programme would be totally unnecessary.

**Chair:** Thank you to our witnesses. There were some stimulating and slightly different views from time to time, but certainly with some areas of agreement around the importance of local plans and resources for planning authorities to deal with all the issues they face. Thank you to the three of you for coming. That has been really helpful to the Committee in our consideration of this important issue. I am now bringing our public proceedings to an end for today.