



Ministry of Housing,  
Communities &  
Local Government

**Rt Hon Christopher Pincher MP**  
*Minister of State for Housing*

**Ministry of Housing, Communities and Local  
Government**

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Clive Betts MP  
Chair, Housing, Communities and Local Government  
Committee  
House of Commons  
London  
SW1A 0AA

Tel: 0303 444 3430  
Email: christopher.pincher@communities.gov.uk

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

30 June 2021

Dear Clive,

### **HCLG Committee: Permitted Developments Inquiry Evidence Session 16 June**

I am writing to thank you for the useful discussion at the evidence session you invited me to on 16 June. I think it would be helpful if I followed up on a few of the issues we discussed.

In relation to the permitted development right which allows change of use from the Commercial, Business and Service use class (Class E) to residential, I thought it would be helpful if I set out the prior approval process. Such applications can be submitted to local authorities from 1 August and will allow for local consideration by the local planning authority through the prior approval process. Prior approval acts as an important safeguard by allowing local authorities to consider and comment on important planning matters, which will help to mitigate some of the potential effects of introducing such a right. These considerations include:

- Flood risk to future residential properties;
- Transport implications of the development, particularly to ensure safe site access;
- Contamination;
- Effects of noise on future residents from commercial premises;
- Provision of adequate natural light in all habitable rooms;
- In conservation areas only - consideration of the effect of loss of ground floor Commercial, Business and Service use on the character and sustainability of the area
- The effect on intended occupiers from the introduction of residential use in an area the authority considers is important for heavy industry, storage and distribution and waste management; and
- The effect of the loss of health centres and registered nurseries on the provision of such services.

You will therefore see, for example, that the suggestion made to your Committee that these changes will allow for health centres to be converted into residential property without consideration of the effect on the local provision of the type of service lost or control by a local authority is quite wrong. Health facilities were included in the new Commercial, Business and Service use class (Class E) when it was introduced last September, as it is a type of premises which has the ability to generate footfall in a town centre or on the high street. As such they are best placed in accessible locations, alongside shops, offices, and leisure facilities, enabling those at work, who live there or who are out shopping to easily access such facilities. The Class E to residential permitted development right enables change of use to residential. However, to provide protection for health centres specifically, the right allows for local consideration through the prior approval process of the effect of the loss of a health centre on the local provision of such services, as set out above. This means that where an

application arises to change the use to residential, the local planning authority is required to notify adjoining owners or occupiers, and the local community may make representations on the matter for prior approval which the local planning authority is then required to take into account in considering the application. I recognise the importance of health facilities in accessible locations for all members of the community and that is why I have provided a mechanism for protecting those important facilities.

I also set out that the right includes a vacancy requirement that will ensure the building changing use has been vacant for three months before the date of the application to protect successful businesses in these premises. A size limit is also included of 1,500 square metres of floorspace being able to change use under the right, to focus the right on medium sized high street sites which are more likely to be suitable for conversion.

Turning to housing mix, we do not collect data on the mix of units delivered through permitted development rights; instead we collect statistics on the number of homes delivered by each local authority. However, MHCLG funded *“Research into the quality standard of homes delivered through change of use permitted development rights”*, which was undertaken by UCL, includes a summary table of desk based analysis (extract attached at Annex A) which sets out the number of bedrooms per unit across all 11 case study areas. I hope you will find this helpful.

Finally, I would like to thank you for the useful discussion we had at the session, and for the positive contribution of the HCLG Committee to the policy debate.



**RT HON CHRISTOPHER PINCHER MP**



