



Response form

New opportunities for sustainable development and growth through the reuse of existing buildings: Consultation

We are seeking your views to the following questions on the proposals to support sustainable development and growth through encouraging the reuse of empty and redundant existing buildings where the original use was no longer required or appropriate.

How to respond:

The closing date for responses is 11 September 2012.

This response form is saved separately on the DCLG website.

Responses should be sent preferably by email:

Email responses to: Deregulate.planning@communities.gsi.gov.uk

Written responses to:

Saima Williams
Consultation Team (Wider change of use)
Planning Development Management Division
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

About you

i) Your details:

Name:	Charles Wagner
Position:	Head of Planning and Urban Advice
Name of organisation (if applicable):	English Heritage
Address:	1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Email:	charles.wagner@english-heritage.org.uk
Telephone number:	020 7973 3826

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

iii) Please tick the box which best describes you or your organisation:

- District Council
- Metropolitan district council
- London borough council
- Unitary authority/county council/county borough council
- Parish council
- Community council
- Non-Departmental Public Body (NDPB)
- Planner
- Professional trade association
- Land owner

- Private developer/house builder
- Developer association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work
(please tick one box)?**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you think there should be permitted development rights for buildings used for agricultural purposes to change use to:

- **Class A1 (shops), A2 (financial and professional services), and A3 (restaurants and cafes),**
- **Class B1 (Business) and B8 (storage and distribution),**
- **Class C1 (Hotels)**
- **Class D2 (Assembly and Leisure)**

Yes No

Comments

YES

1. With the proviso that in addition to listed buildings and scheduled monuments all Article 1 (5) Land should be excluded, we support the case for PD rights for buildings built for agricultural purposes but now seen as not needed for agricultural use now or in the future. However, an unintended consequence of this reform, along with the proposal to allow change of use from hotel to house use could be to allow new dwelling houses in the countryside. This would run counter to the intentions of the NPPF (paragraph 55) where such a use is intended to be controlled. we would suggest a restriction on the C1 use such as that given on page 29 of the consultation document for buildings constructed after this consultation.
2. We welcome the low-impact conversion of traditional farm buildings and their potential to contribute to rural growth. Our research (see Annex) has shown that whilst a low percentage of farmbuildings are wholly converted to commercial use, surviving traditional farmsteads in agricultural use have varying degrees of diversification. It would be useful, therefore, to monitor take-up of this granting of PD rights in relationship to variations in local character and market signals, and the development of the home-working economy (linked to residential use).
3. We have developed a simple checklist system for assessing farmsteads and all buildings in them which then informs considerations of the need for adaptation, whether to maintain agricultural use or make suitable for other uses. We advocate this as a 'best practice' approach. We also have found that there are some uses that cannot often be suitably accommodated in traditional buildings.

Question 2: Should thresholds and limitations be applied to reduce the potential impact of any permitted change of use?

Yes No

Comments

YES

We suggest a threshold is applied and that it might be the existing threshold for changes between the B class uses of 235sqm.

We recommend as best practice carrying out an assessment of any building for a new use. This should be guided by:

1. a structured framework or checklist for the farmstead (see Q.3 below) that would help owners and local authorities identify the impact of any proposals, given the form, scale and setting of the site and individual buildings.
2. reference to existing PD restrictions regarding heritage assets in the GPDO.

Question 3: Are there circumstances that would justify a prior approval process to allow the local planning authority to consider potential impacts?

Yes No

Comments

YES

English Heritage would wish to see a prior approval process where there were designated heritage assets adjacent to the building(s) concerned, in order that any effects on the setting of the heritage assets could be assessed. Allowing the LPA to ask for a planning application could lead to consideration of alternative uses might well be prompted at this stage where understanding the whole site in its setting would be a critical first step.

We would therefore recommend the promotion as best practice of the use of a 'checklist' which will help the owner and local authority understand the capacity for change of the whole farm site and individual buildings at a basic level, based on the Farmsteads Assessment Framework we have developed with AONBs and the Bolton Abbey Estate. Preliminary appraisal can flag the potential for and capacity for change of the site and help save time and costs if the need for planning permission is identified, identify the need for professional support and advice and create more flexible outcomes that help to conserve and enhance the character of farmsteads.

Question 4: Do you agree that the size thresholds for change of use should be increased?

Yes No

Comments

YES

Provided that Article I (5) land, in addition to listed buildings and scheduled monuments, were excluded from this proposal.

Question 5: If so, is 470m² the correct threshold, or should the increase in the limit be larger or more modest?

Yes No

Comments

235sqm is based on 50x50ft. It would be more logical to go to 400sqm or 20x20m.

Question 6: Do you think there should be permitted development rights to allow for the temporary use of buildings currently within the A, B1 and D1 and D2 use classes for a range of other specified uses for two years?

Yes No

Comments

YES

Provided that Article I (5) land, in addition to listed buildings and scheduled monuments, were excluded from this proposal. This is because the character of historic areas comes in part from the uses of the buildings.

We agree that temporary uses should be considered for some of the A uses, B1 or D1-2. However if buildings could go to any of the A uses it might lead to a rash of A4 and A5 uses which could have a negative effect on the character and appearance of any shopping street. It would preferable to limit the temporary uses to A1-3, B1 and D1-2.

Question 7: If you agree with the proposal what uses do you think should be allowed on a temporary basis?

Comments

We agree that in some resort towns around England the drop in the number of people taking 'traditional holidays' has led to some hotels, guest houses and B&Bs becoming failing businesses. We do not think that allowing PD for the change from C1 to C3 use, to allow the principle of these buildings being converted into dwelling houses, would necessarily achieve the changes that are being sought. The problem could be created in that it would not necessarily only be the owners of the failing businesses that took this option. Potentially the hotels in the better locations could represent the best development opportunities for residential conversion. This could have serious impacts on a resort town's commercial core. It could also exasperate the common issue in seaside towns of hotels and guest houses being used without permission as HMOs.

Question 8: Do you think there should be permitted development rights to allow hotels to change to residential use without the need for a planning permission?

Yes No

Comments

If Article 1 (5) land were excluded we would feel that the historic environment issues would be mostly addressed.

Question 9: Should thresholds and limitations be applied to reduce the potential impact of any permitted change of use?

Yes No

Comments

Yes, we would suggest adding a limitation making it a requirement that the building had not been in C1 use as a hotel or guesthouse for a year before the change of use could be sought.

Question 10: Are there circumstances that would justify a prior

approval process to allow the local authority to consider potential impacts?

Yes No

Comments

Yes, we would also support the use of prior approval for buildings over a certain size, to control the issue we have raised above.

Question 11: Are you aware of any updates or amendments needed to the descriptions currently included for the existing Use Classes?

Yes No

Comments

Question 12: If yes, what is the amendment, and what is the justification?

Comments

Question: Impact Assessment

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

See also the further specific questions within that Impact Assessment

Yes No

Comments

No assessment has been made of the costs to local authorities of training staff to understand the new Use Class rules and then to have to explain them to applicants. One area where there will be work for local authorities will be to explain that change of use does not in itself give permission for external alterations to buildings needed for that new use.

Thank you for your comments.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

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