

# Supporting Housing Delivery & Public Service Infrastructure

## About this Consultation

This consultation document and consultation process have been planned to adhere to the consultation principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included on the next page.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

**Please confirm you have read this page. \***

Yes	<input checked="" type="checkbox"/>
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# Privacy Notice

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

## **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

## **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## **3. Our legal basis for processing your personal data**

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

## **4. With whom we will be sharing your personal data**

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

## **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for 2 years from the closure of the consultation

## **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

## **7. Storage of your personal data**

We are using SmartSurvey to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.

If you submit information to this consultation using our third-party survey provider, it will be

moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).

**8. Your personal data will not be used for any automated decision making.**

**Please confirm you have read this page. \***

Yes	<input checked="" type="checkbox"/>
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# Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

**First name \***

Sarah

**Last name \***

Lewis

**Email address**

SarahK.Lewis@HistoricEngland.org.uk

**Are you responding on behalf of an organisation or as an individual? \***

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

**Organisation (if applicable)**

Historic England

**Position in organisation (if applicable)**

Senior Policy Adviser

**Please indicate whether you are replying to this consultation as a: \***

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
Statutory consultee	<input checked="" type="checkbox"/>
Professional organisation	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input type="checkbox"/>
Private individual	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>

**Please indicate which sectors you work in / with (tick all that apply): \***

Education section	
Health sector	
Prison sector	
None of the above	x

# Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

**Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

Agree	
Disagree	x
Don't know	

Please give your reasons:

The removal of a size limit on buildings that could benefit from the new permitted development right (PDR) would be a significant shift from current arrangements whereby change of use for commercial units is limited to 150 square metres. These changes to the GPDO were only recently introduced and there has been limited opportunity to understand the implications of these changes on the historic environment.

Combined with the broad definition of uses under Class E, the removal of size limits would result in significant transformation of places with the potential for buildings with a large footprint and multiple storeys to change between uses.

Historic England understands that PDRs provide a more streamlined planning process whilst at the same time allowing for local consideration of key planning matters. However, this proposal would seem to move some way from the general approach taken previously regarding PDR by enabling potential large-scale changes with limited opportunity for local consideration and engagement. It would also seem to run counter to the plan led approach advocated in the recent Planning White Paper.

The removal of size limits under this new PDR and relaxation of planning controls has the potential to change the character of areas, impact on place-shaping objectives and the historic environment.

**Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?**

Agree	x
Disagree	
Don't know	

Please give your reasons:

It is important that protections are in place for Article 2(3) land, heritage and environmental designations. Historic England considers that development proposals on this land can be effectively managed under a plan-led system that is able to respond to locally specific matters, rather than under the General Permitted Development Order (GPDO) and the streamlined set of prior approvals which do not take account of the historic environment. As such, the new PDR for

change of use from Class E to C3 should be excluded from applying to all Article 2(3) land which includes conservation areas. This is addressed further in question 2.2.

## Q2.2 Do you agree that the right should apply in conservation areas?

Agree	
Disagree	x
Don't know	

Please give your reasons:

Within conservation areas Historic England supports managed change directed by the statutory planning system and conservation area management plans to achieve positive outcomes; with plan-led development preserving and enhancing historic buildings, streetscapes and areas. We recognise the need for businesses and places to be able to respond to changing consumer and retail patterns, but also recognise the importance of sustaining local retail for many communities, often in historic areas.

Under the new PDR regime, matters relating to the principle of change of use alongside certain physical and material changes would not be subject to the same planning and statutory considerations. The broad application of PDRs places the value and character of conservation areas, including the rationale for their original designation, at risk.

In the Planning White Paper and subsequent Written Ministerial Statements (WMSs), the Government recognises the value of the historic environment. *'As more homes are delivered under the new system, they will be built to higher standards, putting an emphasis on design, beauty, heritage and sustainability at the heart of the planning system'* (R. Jenrick, WMS, 16 December 2020). Therefore, Historic England considers that all Article 2(3) land should be afforded the same protections and exclude the new PDR for change of use from Class E to C3 to this land. This would also support the Governments objectives for the new planning system. Any applications for change of use can then be managed within the current planning system with impacts on the historic environment appropriately assessed.

## Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?

Agree	x
Disagree	
Don't know	

Please give your reasons:

Experience from Historic England's High Street Heritage Action Zone programme has shown there is economic and heritage value in retaining active ground floor frontages for commercial, office and other uses. Whilst supporting the principle of bringing dis- or under-used upper floors back into use, if ground floors are lost to residential use this can have a negative impact on the character of a conservation area and the economic and heritage value of its streetscape.

Historic England considers that prior approvals for the impact of the loss of ground floor use to residential use should extend beyond conservation areas and be applicable to any location which is subject to change of use from Class E to C3. This is because loss of active frontages resulting from residential uses can alter the character of a place with an associated impact on the historic value of designated and non-designated assets and their settings. It may also

potentially undermine the place-shaping objectives set out in the recent Building Better, Building Beautiful Commission reports and elsewhere, such as the National Design Guide.

**Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

Agree	x
Disagree	
Don't know	

Please give your reasons:

The matters listed in paragraph 21 are relevant and should be considered in a prior approval. Historic England also considers matters should extend to broader considerations as set out in the response to Q3.2.

Paragraph 10 of the consultation document refers to “...allowing for local consideration of key planning matters through the prior approval process.” It is understood that the objective of the PDR regime and associated prior approval process is simplicity and this may not be best suited to managing the impact of key planning matters. Therefore, it is important to consider that if the management of impacts from complex proposals is required it may be more appropriate for this to happen through the statutory planning process rather than via prior approval applications. Due to the range of uses that are encompassed in this Class, there will be a wide range of prior approval matters to be considered which could provide further complexity to the PDR regime.

**Q3.2 Are there any other planning matters that should be considered?**

Yes	x
No	
Don't know	

Please specify:

Historic England's preference is for all Article 2(3) land to be excluded from the new PDR. The prior approval process does not take account of heritage matters or allow for community engagement. Proposed changes would allow for significant change of use and transformation of communities without any engagement taking place.

If the new PDR was introduced the following planning matters should be considered within the prior approval process:

- Evidence to justify change of use and whether residential is the best alternative use.
- Retention of ground floor uses to all areas, not just conservation areas, this will be of benefit to the character of high streets and town centres including neighbouring non-designated heritage assets (see answer to Q2.3).
- Assessment of impacts on the historic environment, including locally listed and non-designated heritage assets.
- Market demand for the current use, whereby the unit should be vacant for a specified amount of time (e.g. 6 months) and there is evidence of no market demand for the current use.



- Details of the matters to be considered and ground(s) for refusal of a prior approval application.

**Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?**

Agree	
Disagree	
Don't know	x

Please give your reasons:

**Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?**

Yes	
No	
Don't know	x

Please give your reasons:

**Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?**

Yes	x
No	

Please specify:

The aim of vibrant, sustainable high streets and town centres with a mix of uses including residential is supported. Historic England is working closely with Government to achieve this through the High Street Historic Action Zone programme, which complements significant investments made by Government through the Towns Fund and Future High Streets Fund, as noted in paragraph 3 of the consultation.

The new PDR places the aims and objectives for high streets and town centres at all scales (ranging from metropolitan to local centres) at risk with the potential to undermine outcomes from the Towns Fund and High Streets investment programmes. These risks are:

- A shift from a plan-led approach to a market-led approach would potentially transform commercial centres, or any settlement with retail units, with conversions to higher value residential uses and/or where infrastructure and services to support increased residential uses may not be available.
- Impact on occupied, active units due to a market driven change to residential uses leading to early termination of commercial leases or end of lease arrangements.

- A broad approach under the GPDO and streamlined prior approval matters, which do not take account of the local context, community engagement and the statutory development plan to protect and enhance designated and non-designated heritage assets within the historic environment.
- No guarantees for housing mix to meet local needs identified in the Strategic Housing Market Needs Assessment, with the potential for oversupply of certain types of dwellings which don't meet the needs of, for example, the elderly, those living with disabilities or those requiring affordable housing solutions.
- The speed of change and proposals to extend the scope of this change, whilst having limited understanding of impacts on places including the historic environment from new PDRs introduced in 2020.

To achieve the aims identified in the consultation document Historic England considers a combination of a plan-led system, with associated investment programmes targeted for locations of greatest need will lead to the same, or better outcomes. For example:

- The High Street Heritage Action Zone programme has successfully delivered residential units above shops, maximising use of vacant spaces, re-using existing buildings and increasing footfall for active commercial units.
- Statutory development plans provide certainty to developers, directing development mix and investment to areas of greatest need. LPAs also have Covid-19 action plans in place to allow for a flexible and rapid economic response to challenges faced in high streets and town centres.
- The use of alternative place-based models such as Community Improvement Districts and 'place-management' can address current challenges faced by high streets and town centres. This would allow plans to manage high streets to be locally driven, fully engaging communities that use and live in these places. Such models could be an extension of Business Improvement Districts.

**Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

Yes	x
No	
Don't know	

If so, please give your reasons:

The proposed right for the change of use from Class E to C3 may result in displacement of commercial, business and service uses, with an associated impact on businesses and communities. In historic metropolitan or larger urban areas communities could see a homogenisation of residential uses and erosion of commercial centres which are the focal point for communities. In historic rural centres, the proposed right could see the total loss of any commercial, business or service use with communities having to travel greater distances to access these uses.

The proposed changes could also result in increased pressure on existing infrastructure from conversions to residential uses, with limited means for LPAs to make further infrastructure investment due to the PDR regime not having the same provisions for developer contributions.

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	x

If so, please give your reasons:

# Supporting public service infrastructure through the planning system

**Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the larger?**

Agree	
Disagree	x
Don't know	

Please give your reasons:

Historic England recognises the importance of bringing forward high-quality public service infrastructure in a timely and considered manner.

The proposals are presented as an amendment to the existing right under Class M. Whilst it is considered appropriate to set a limit for the extension or new development of public services infrastructure within the boundary of existing services, the scale proposed under PDR for all public services infrastructure, as defined in the consultation, potentially places the historic environment at risk.

Provision under Class M restricts development close to the boundary (as referenced in paragraph 34), and within the curtilage of a listed building; however, exceptions are made where the predominant use of existing buildings is for education or health. Under Class M there are currently limited restrictions with respect to the historic environment. Proposed PDR changes would mean larger scale development which could exceed 250 square metres would be permitted within the setting of listed buildings (and other heritage assets) and/or Article 2 (3) land.

The following reference is made to environment considerations in paragraph 35 "*We will ensure decisions made by government departments, and project delivery by public service infrastructure providers, take account of environmental advice available to them*". It is unclear what environmental advice would be considered and how it would be taken into account under PDR. It would be beneficial to provide further details of these considerations within the amended GPDO to provide clarity on this matter. There is no indication under PDR arrangements that the presence of archaeology would be considered and assessed as part of the development process. This is of concern considering the historic nature of many public services buildings such as schools, hospitals and prisons and their location; particularly within previously developed urban settings.

The de-regulatory nature of these changes (as referenced in paragraph 39) combined with the proposed scale of development means that potential impacts cannot be properly or appropriately assessed and mitigated for. For the historic environment such considerations are effectively managed within the statutory planning process, therefore it would be more appropriate for development of a lesser scale to be permitted under PDR.

**Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?**

Agree	
Disagree	x
Don't know	

Please give your reasons:

Proposals to increase the height limit using the broad approach under PDR does not take account of local context and any environmental or heritage sensitivities either within the curtilage or neighbouring public services infrastructure.

**Q7.3 Is there any evidence to support an increase above 6 metres?**

Yes	
No	x
Don't know	

Please specify:

Please see response to question 7.2. It is important to consider the proposed impact including increased density, mass and prominence of the increased height of development upon the historic environment.

**Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?**

Agree	
Disagree	x
Don't know	

Please give your reasons:

Buildings within the Prison Service portfolio will include listed and non-listed historic assets. Historic England considers appropriate provisions should be put in place to assess the impact of any development proposals including expansion of heritage assets or additional buildings within the historic setting.

The consultation proposals do not include any provisions for the historic environment and the existing Class M only has limited protection. If prisons benefit from the same rights as other public services infrastructure then additional assessment, protections and exclusions should to be included within the amended GPDO. This provision for the historic environment should be extended across all public services infrastructure in relation to PDR changes.

**Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?**

Yes	x
No	

Please specify:

Historic environment provisions used in other GPDO classes should be replicated for public services infrastructure in relation to PDR. This includes:

- Exclusions of the right for Article 2 (3) land.
- Protections for designated assets such as listed buildings and their curtilage, and scheduled monuments.
- Prior approval matters to assess and mitigate the impact upon designated and non-designated heritage assets including known and unknown archaeology.

**Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?**

Yes	
No	
Don't know	x

If so, please give your reasons:

**Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	x

If so, please give your reasons:

**Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?**

Yes	
No	
Don't know	x

If so, please give your reasons:

**Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	x

If so, please give your reasons:

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**Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?**

Yes	x
No	

Please give your reasons:

If a revised application process is to be introduced, a narrow scope which is only applicable to major development will result in a smaller volume of applications, giving decision makers the opportunity to prioritise these types of application.

Further evidence on the benefits of a shorter application process for major applications for public service infrastructure projects below the EIA threshold would be beneficial. It is unclear if this will result in the desired outcomes and could lead to poor quality decision making. It would also be useful to clarify the timings and process relating to the revised process.

**Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?**

Yes	x
No	

If not, please give your reasons as well as any suggested alternatives:

It is beneficial to have a clear, explicit definition of public services infrastructure as the consultation makes references to various uses within Part 2. This would clarify which uses would be subject to proposed PDR, consultation and determination changes.

**Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?**

Yes	
No	x

Please give your reasons:

Speeding up the application process by reducing the determination period does not automatically lead to good decision making and quality outcomes. Delivery of public services infrastructure should be upheld as best practice in terms of the quality of development delivered. It is important that enough time is made available to fully consider the implications of major development proposals.

Reducing the determination period should increase the onus on the developer/applicant to have all the information in place to accompany the application submission. This can be challenging where post application discussions occur for major applications and new information, such as the discovery of unknown heritage or archaeological assets are identified. Therefore, any

reduction in the determination period should be accompanied by the requirement for front-loading the process to assist the decision maker, in line with current DCO arrangements.

Historic England considers it is important to allow enough time to fully assess the impacts of development proposals from major applications upon the historic environment and ensure evidence is in place alongside the application. Delays are often caused due to the availability of information, familiarity with the process, or complexity of a major scheme. This could result in an extension to the determination period if LPAs are unable to resolve the application within 10 weeks.

**Q14 Do you agree the minimum consultation / publicity period should be reduced to 14 days?**

Yes	
No	x

Please give your reasons:

It is important to allow sufficient time to determine complex major development proposals, particularly in relation to understanding the degree of harm to the historic environment. There may be missing information that has to be requested from the application post submission; additional analysis and evaluation may also be required including site visits before a response can be made. This is accompanied by established procedures to ensure due diligence and quality outcomes.

A reduction in the consultation period by one week will place increased pressure on resources and a prioritisation of these types of application at the expense of other complex applications which also require consideration.

Evaluation of major development proposals for public service infrastructure are important to get right due to the nature of these proposals and how they operate. Shortened timescales may undermine good decision making. Whilst paragraphs 56 and 65 of the consultation make reference to pre-application discussions, the consultation "*will encourage*" this rather than make it mandatory. As referenced in the response to question 13, it is essential provisions are in place for frontloading the process including necessary pre-application discussions to resolve issues up front, if consultation and determination periods are to be reduced.

**Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

Yes	x
No	

Please give your reasons:

**Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**



Yes	x
No	

Please give your reasons:

NPPF paragraph 94 b) states LPAs should “*work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*” This is relevant to other types of public services infrastructure major development proposals and a collaborative approach at the pre-application stage is encouraged.

If the intention is to fast track applications and reduce consultation and determination periods, then pre-application engagement is going to be even more essential for major applications for public services infrastructure. It would be preferable for proactive, pre-application engagement be a requirement rather than an aspiration, as referenced in question 14. Consideration also needs to be given regarding sufficient resources being in place to ensure effective up-front engagement and resolution of key planning issues prior to submission of major applications.

**Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?**

Yes	
No	x

Please specify:

**Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?**

Yes	x
No	

Please specify:

If such applications are “*principally funded by government*” as stated in paragraph 54 of the consultation document, then prioritised public service infrastructure projects could be accompanied by guidance on standards and use of templates. This would ensure consistency of information which is made available at the appropriate time within the application process. A mandatory requirement for pre-application discussions to resolve key issues would also assist with prioritisation of public service infrastructure major applications by contributing to an exemplary standard of proposal and application.

**Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	

If so, please give your reasons:

## Consolidation and simplification of existing permitted development rights

**Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?**

Agree	x
Disagree	
Don't know	

Please give your reasons:

A wholesale, comprehensive review of PDRs is welcomed and the aim to consolidate and simplify this regime is supported. The broad approach in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document appears to be a logical way to approach these aspects of the review.

**Q19.2 Are there any additional issues that we should consider?**

Yes	x
No	

Please specify:

Sufficient time should be allowed to undertake the review and understand the implications or unintended consequences, particularly for the historic environment, resulting from changes carried out under categories 1, 2 and 3.

**Q20 Do you agree think that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?**

Agree	
Disagree	
Don't know	x

Please give your reasons:

Caution should be exercised in applying broad principles to all uses in Class E as these principles may not be appropriate across all uses. For example, restricted use or scale limitations may be appropriate to a sub-set of uses within Class E rather than the full range of uses.

It is unclear the extent to which conditions imposed would be carried forward to Class E. For example, Class O offices to dwelling-houses, development is not permitted if the building is a listed building, or within the curtilage of a listed building or the site is or contains a scheduled monument. These safeguards remain important for the historic environment.

**Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?**

Agree	
Disagree	x
Don't know	

Please give your reasons:

Paragraph 76 provides limited examples, and there is not detail as to how other uses would be categorised. Category 4 is indicated as requiring detailed consideration; however, it is unclear when this will be carried out and whether there will be further consultation. For each of the classes limitations and conditions would have been specified for good reason so blanket restrictions may not be appropriate.

**Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?**

Yes	x
No	

Please specify:

The recent creation of a new Class E use class has brought together a broad and disparate range of uses. Because of this, a standard set of conditions and limitations introduced by a review of PD would be inappropriate, as those conditions and limitations may be relevant to some, but not other forms of conversion from previous "use". So, for example, within Class E will be banks and cafes, but the change from a bank to residential; and a café to residential will necessitate different conditions to address the nature of the premises the subject of the conversion.

The consolidation and simplification of PDR is welcomed through a wholesale review as opposed to incremental changes. The timing and depth of the review needs to be carefully considered, particularly in relation to Planning White Paper proposals. Historic England would welcome a review to highlight any matters which may have consequences for the historic environment.

Of greatest concern is the applicability of historic environment statutory duties in relation PDR and the GPDO. It is important the historic environment is appropriately considered. It may be beneficial to conduct a time limited review focusing on categories 1 - 3 in lieu of a wider review and reforms associated with changes to the planning system proposed in the Planning White Paper.

Any PDR reforms should adopt a cautious approach for the following:

- Physical works relating to change of use: previous PDR required a planning application if physical works were required. This should remain the case as physical works, even if

limited, could have consequences in the internal / external design and character of the building with risk of harm to the historic environment.

- Removal of size limitations: size has an influence over character of place and any changes in this respect would cause potential harm to non-designated heritage assets; unless there are restrictions for Article 2 (3) land.
- Conservation areas: the consultation indicates that 'some rights' would continue regarding conservation areas. Part 1 refers to the change of use from Class E to C3 being applicable in conservation areas and there is concern this could be extended to other PDRs.

Historic England welcomes the recognition that the need for changes regarding part 20 need time to establish and for the impacts to be assessed, this gives LPAs opportunity to provide feedback on how the change has been managed and provide an informed view to Government.

## **End of survey**

You have reached the end of the consultation questions. Thank you for taking the time to complete them and for sharing your views. Please note that you will not receive an automated email to confirm that your response has been submitted.

After the consultation closes on 28 January 2021 we will consider the responses we have received and publish a response, in due course.