



Report to Planning Committee 7 September 2023

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Report Summary	
<b>Report Title</b>	Additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification Consultation
<b>Purpose of Report</b>	To set before Planning Committee the latest permitted development right consultation and consider proposed responses to be made
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>a) The contents of the report and the permitted development right changes to be noted and</li> <li>b) That, subject to any other comments Planning Committee agrees to make, that it endorses the draft Council response in Section 2.</li> </ul>

## 1.0 Background

1.1 On 24 July 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on six proposals concerning amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. They are:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

1.2 The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Additional flexibilities to support](#)

[housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification](#). There are 88 consultation questions – attached at appendix A. It is not proposed to respond to all consultation questions but focus on those considered to have impact on Newark and Sherwood.

## **2.0 Proposal/Options Considered and Reasons for Recommendation**

Changes to certain permitted development rights that allow for the change of use to dwellinghouses.

- 2.1 **Class E changes of use.** Changes in consumer behaviour has resulted in changes to town centres with such areas often providing a greater mix of residential, commercial and leisure uses. The Government considers residential uses can help diversify and create more resilient high streets. They are therefore exploring ways in which existing permitted development right (Class MA of Part 3 of the GPDO) could be amended to reflect these changes. This right is broad and permits the change of use of premises such as shops, restaurants, offices, as well as gyms and light industrial buildings (falling within [Class E of the Use Class Order](#), as amended) to residential. There are certain limitations and conditions such as whether prior approval is required in relation to the impact of noise from commercial premises and flood risk.
- 2.2 This current right allows up to 1,500m<sup>2</sup> of Class E uses to change use to residential. The consultation proposes this right is amended to allow more floorspace to change to residential use. Increasing the cumulative floorspace is said could have significant benefits for housing delivery and views are sought on whether the size cap should be doubled to 3,000 square metres or removed to provide no limitation.
- 2.3 The consultation is also looking to remove the time period (3 months) that such a property needs to be vacant for before an application can benefit from this right. Views are also sought on whether the requirement to allow local considerations of the impacts of the change upon the character or sustainability of a conservation area is working in practice.
- 2.4 **Class C1 (Hotels) changes of use.** This change of use comprises hotels, boarding house and guest houses and are recognised as playing an important role in the tourism industry. The proposal is to allow the change of use of such buildings to dwellinghouses through permitted development rights. The consultation notes that specific safeguards may require (or allow for) consideration by the local planning authority through the prior approval process. For example, consideration of the impact on the local tourism economy. It is also suggested that a different size limit on the amount of floorspace changing use should apply. The homes created under the right would be limited to use as a C3 dwellinghouse, and would not benefit from permitted development rights to change use to a small House in Multiple Occupation, or to the proposed [use class for short term lets](#) (as reported to Planning Committee on 8 June 2023).
- 2.5 **Betting offices and pay day loan shops etc. (Class M of Part 3) and arcades etc. (Class N of Part 3) to dwellinghouses.** It is proposed to increase the floor area limit of what

can be converted to residential from 150m<sup>2</sup> to 300m<sup>2</sup>. The prior approval requirements would not change.

- 2.6 It is also proposed that the existing permitted right allowing launderettes to convert to dwellings is removed due to providing a valuable community service. Any change of use would, if this right is removed, require planning permission in which the impacts could be considered.
- 2.7 Additionally, it is proposed that this right should apply to a wider cohort of buildings by introducing a two-year rolling requirement for the buildings to have been in that use for a continuous period of at least two years prior to the application for prior approval. This would reflect the approach in Class MA of Part 3.
- 2.8 **Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G of Part 3).** This change of use applies to all premises in Class E use (former retail, financial and professional, restaurants, offices, light industrial buildings etc.) as well as betting offices and pay day loan shops. It is proposed to expand this to allow dwellings to be provided above any other existing ground floor use within high streets or town centres. Noise would still be a prior approval consideration. Under Class G, it is proposed the number of flats that may be delivered under the right is doubled from two to four. All homes delivered must, as a minimum, meet the nationally described space standards.
- 2.9 Existing permitted development rights prevent certain uses to change to a betting shop or pay day loan shop. Should Class G be amended, this requirement would look to be carried forwards.

Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.

- 2.10 Class Q of Part 3, introduced in 2014 and expanded in 2018, was aimed at encouraging smaller homes for agricultural workers. The consultation seeks to deliver more homes, expand the type and location of buildings that can benefit and extend the scope of works that can be undertaken under the right. The consultation details these changes would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land. The purpose of this right is to bring underused or redundant agricultural buildings into use. The existing right now allows for the delivery of:
- up to 3 larger homes, to be greater than 100m<sup>2</sup> and within an overall floorspace of 465m<sup>2</sup>; or
  - up to 5 smaller homes each no greater than 100 m<sup>2</sup>; or
  - up to 5 homes comprising a mixture of larger and smaller homes, with neither exceeding the thresholds for each type of home (meaning the maximum amount of floorspace that can change use is 865 m<sup>2</sup>).
- 2.11 It is proposed, to align with Part 6 (Agriculture and Forestry), to increase the maximum floor area to 1000m<sup>2</sup> (which would include any previously developed under Class Q) that can be converted. Additionally, it is proposed to have a single maximum floorspace

limit of either 100 or 150m<sup>2</sup> (preventing very large homes), as well as increasing the maximum number of homes that can be delivered on an agricultural unit from 5 to 10. All homes delivered must, as a minimum, meet the nationally described space standards.

- 2.12 A further suggestion is to allow extensions to be permitted and constructed as part of the change of use. These would be sited to the rear only, a maximum depth of 4 metres, be single storey in height, could extend the entire width of the existing rear elevation, and would only be permitted where the land has previously been developed. There would be limits on the maximum height of the roof and other householder restrictions would also apply. For the purpose of this right, previously developed land would be defined as an area covered by a hard surface, such as a farmyard, which adjoins the original building. To stop people from intentionally developing land prior to undertaking the change of use, the land must have been developed prior to the publication of this consultation. A developer would be required to provide evidence that the land was developed prior to this date if requested by the local planning authority and the entire footprint of the extension would need to be sited on previously developed land. Any floorspace created through an extension would be counted towards any limits on the overall total floorspace. The aim is to maximise the potential of the plot. The design and external appearance of any extension could be considered by the planning authority during the prior approval process.
- 2.13 Householder permitted development rights in Part 1 of the GPDO would not apply retrospectively to homes that have already been developed under the Class Q permitted development right. Also, to limit any impacts of an extension on a neighbour's amenity, the government are consulting on the introduction of a prior approval that allows for the consideration of the impacts of the extension on the amenity of neighbouring premises, including overlooking, privacy and light.
- 2.14 In order to minimise the possibility of unsuitable small buildings from benefitting from this right, resulting in isolated, small buildings, sited sporadically across the open countryside, the consultation proposes all buildings must have an existing floorspace of at least 37m<sup>2</sup>.
- 2.15 This permitted development right does not currently apply to land designated as a conservation area, but the government wants to expand the right to allow more underused rural buildings to benefit and it is therefore suggested it should. However, the suggested permitted right for rear extensions is not proposed to apply.
- 2.16 Buildings that have not been solely used for an agricultural purpose cannot, currently, benefit from this right. The consultation proposes to amend the right so they can benefit. The government envisages that it would not apply to existing farm shops or buildings in a flexible use granted under the Class R (agricultural buildings to a flexible commercial use) of Part 3 right, as these uses already support diversification. If implemented, it would also apply to agricultural buildings within conservation areas.
- 2.17 It is also proposed to allow former agricultural buildings no longer on an agricultural unit to be able to convert i.e. those no longer on an established agricultural unit. A

building would be defined by its last known use and in order to benefit from the right, the onus would be on the developer to evidence that the last known use of the building was for agricultural purposes as part of an established agricultural unit. It would also only apply to buildings erected prior to the publication of this consultation. The government suggests that any building erected after the publication of this consultation would be brought into scope on a rolling ten-year basis, as is the case for newly constructed agricultural buildings on agricultural units. Buildings within conservation areas, if this right is brought in, would also benefit.

2.18 Any dwellings provided under this right is suggested requires suitable access to a public highway and that no buildings without existing adequate highways access can benefit from the right. Currently, through the prior approval process, the existing right allows for the consideration of transport and highways impacts of the development, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse. However, access to a public highway is not explicitly required through a condition within the right itself. Furthermore, the construction of an access road is not permitted through the building operations which are allowed under the right. The consultation also asks whether any existing building must have existing suitable access to a public highway to benefit from the right.

2.19 **How do existing rights work?** At present, the right allows the change of use together with reasonably necessary building operations, which may include works which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out these building operations. The right does not allow for full demolition and rebuild. As set out in [Planning Practice Guidance](#), the right assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention of the right to allow rebuilding works which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

2.20 The government is interested in understanding how the building operations allowed, work in practice and if the current legislation is fit for purpose. As such, the consultation seeks views on respondent's experience of the scope of the building operations reasonably necessary in enabling the conversion of existing buildings, whether this should be amended and if so, how. They are also interested in views on whether the current Planning Practice Guidance should be amended.

2.21 **Enabling the change of use of other rural buildings to residential.** Currently, Class Q allows only for the change of use of agricultural buildings (and any land within its curtilage) to residential. It is suggested this is expended to allow other buildings e.g. those in forestry or equestrian use to change use. It is proposed that similar conditions and limitations, including prior approval, that apply to agricultural buildings would also apply to any other buildings. It is proposed this would also apply to buildings within

conservation areas and enable extensions to buildings as set out above at paragraph 2.12.

2.22 Views are also sought on whether other buildings should benefit or allowance of greater flexible commercial uses to support the rural economy. At present the following commercial uses are permitted (i.e. change of use from agriculture to...):

- storage or distribution (Use Class B8)
- hotels (Use Class C1)
- Commercial, Business and Service (Use Class E)

Which includes indoor sport. It is proposed these are expanded to allow outdoor recreation but not motor sports.

2.23 Support is also proposed for the local production and processing of food for sale locally. Those processes that fall within Class E are permitted within residential areas. It is proposed to expand this include uses falling within Class B2 (General Industrial). This would not relate to processing of food from livestock. When more than 150m<sup>2</sup> floor area is proposed for change of use, the prior approval process (transport and highways, noise, contamination and flooding risk impacts) would be triggered. This prior approval would only relate to raw goods produced on site.

2.24 **Allowing mixed uses.** Further permitted development including change of use to mixed uses is proposed e.g. a hotel and farm shop to coexist. At present only 1 such use can be provided up to a maximum of 500m<sup>2</sup>. It is proposed this is expanded to 1000m<sup>2</sup> to support the rural economy and farm diversification.

2.25 **Prior notification/approval triggers.** At present, if more than 150 square metres of floorspace is changing use, developers must seek prior approval in relation to transport and highways impacts, noise impacts, contaminations risks, and flooding risks. If 150 square metres or less of floorspace is changing use, the developer must notify the planning authority. Views are sought about how this works in practice and whether the trigger for when prior approval is required over prior notification is appropriate.

2.26 **Agricultural development.** Permitted development rights exist for the erection and extension of agricultural buildings, and excavation and engineering works on agricultural units over 5 hectares. Separately another right applies to agricultural units of less than 5 hectares and allows for the extension to existing agricultural buildings (but not the erection of new buildings), amongst other works, such as the provision of hard surfaces or the installation of additional or replacement plant or machinery.

2.27 To provide farmers with greater flexibility, the government is consulting on increasing the size limits of new buildings and extensions that can be erected under the rights. The rights currently apply to all areas, including sites designated as a scheduled monument. It is proposed to remove the flexibility for such works where the site has been designated as a scheduled monument.

2.28 **On units of 5 hectares or more (Class A of Part 6).** The existing right allows up to 1000m<sup>2</sup> of ground area to be covered by any building or extension (or any works or

structure (other than a fence) for accommodating livestock, or any plant or machinery arising from engineering operations). This increase to 1000m<sup>2</sup> took place in 2018, having, prior to that, been 465m<sup>2</sup>. This limit takes into consideration the proposed development, together with any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks on the same agricultural unit that has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development.

- 2.29 The government is proposing to increase the size limit by 500m<sup>2</sup> to give farmers greater flexibility to help them respond to the challenges facing the agricultural sector and erect buildings that are more in line with modern agricultural practices. Prior approval is required as to the siting, design and external appearance of any building erected under the right. It is not proposed to increase the ground area limits for any works or structures for accommodating livestock or any plant or machinery arising from engineering operations. It is also proposed to remove the flexibility for the erection of new buildings and extensions where the site has been designated as a scheduled monument.
- 2.30 **On units of less than 5 hectares (Class B or Part 6).** As with units of greater than 5 hectares, the size limits were increased from 465 to 1000m<sup>2</sup> in 2018, along with the cubic content limit of extensions from a 10% increase to a 20% increase above the cubic content of the original building. The 1,000m<sup>2</sup> and the 20% cubic content limit both apply, with extensions and alterations capped at the lower of the two limits. It is proposed to amend the right to allow for larger extensions by increasing both the cubic content and the ground area limit to 1,250m<sup>2</sup> and 25% above its original cubic content. As with the existing limitations, the lower of the two limits would apply.
- 2.31 This proposal does not relate to the 1,000m<sup>2</sup> square metre limit for the installation of additional or replacement plant or machinery, or the provision of a hard surface. It is also proposed to remove the flexibility for extensions where the site has been designated as a scheduled monument.

Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.

- 2.32 **Commercial Business and Service use extensions (Class A of Part 7).** This currently permits extensions or alterations to a Commercial, Business and Service establishment, subject to a number of limitations and conditions which vary dependent on the site location - within conservation areas or on a site of special scientific interest (SSSI), the gross floorspace of the original building cannot increase by 25% or 50m<sup>2</sup> (whichever is the lesser). In any other case, the gross floorspace of the original building cannot increase by 50% or 100m<sup>2</sup> (whichever is the lesser). It is proposed that the current floorspace limit of extensions or alterations is increased to 100% or 200m<sup>2</sup> of floorspace (whichever is the lesser). It appears this increase would also apply within conservation areas and within SSSIs.
- 2.33 **Industrial and warehousing extensions (Class H of Part 7).** The consultation details the warehouse, logistics and storage sector keeps the country moving, delivers economic

growth and supports our economy and jobs. It performs an important function, allowing the movement and delivery of goods between businesses and from businesses to consumers. This Class allows for the erection, extension or alteration of an industrial building (Use Class B2) or warehouse (Use Class B8), subject to a number of limitations and conditions; the conditions vary dependent on the site location and the type of development proposed. For example, where a proposed new building is within a conservation area or on a SSSI then the gross floorspace of the new building cannot exceed 100m<sup>2</sup>. In all other cases, the gross floorspace of a new building cannot exceed 200m<sup>2</sup>.

2.34 It is proposed that the current floorspace threshold of new buildings permitted under the right in non-protected areas should be increased to 400m<sup>2</sup>. It is not proposed to change the limit within conservation areas or a SSSI. The same permitted development right also provides for significant extensions to be made to existing warehouses or industrial buildings, specifically:

- In conservation areas – 500 square metres or 10% (whichever is the lesser),
- On site of special scientific interests – up to 1,000 square metres or 25% (whichever is the lesser),
- In all other cases – up to 1,000 square metres of floorspace or 50% (whichever is the lesser).

It is proposed to increase the 'In all other cases' to 1,500m<sup>2</sup> of floorspace or a 75% increase over the original building (whichever is lesser). No changes are proposed in respect to the first two bullet points.

Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.

2.35 Nationally set permitted development rights allow for the temporary use of land for any purpose for up to 28 days per calendar year, of which up to 14 days can be used for markets, motor car and motorcycle racing (under Class B of Part 4). The right allows for the provision of moveable structures on the land relating to the permitted use.

2.36 The consultation details that markets can boost local growth, create more resilient and thriving centres and support local businesses. To ensure that these economic benefits are maximised, it is proposed to increase the number of days. 28 days is suggested but views are sought on any different number. Any change would not apply to motor car and motorcycle racing.

2.37 The application of local design codes to certain permitted development rights: The Building Better Building Beautiful Commission emphasised the importance of local design codes in achieving well-designed and beautiful places and ensuring beautiful and well-designed development by helping to shape buildings, public spaces, streets and neighbourhoods. Design codes set simple clear minimum standards on development in that area, such as height, form and density. Steps have taken place, by the Government, to embed beauty, design and place-making in the planning system including through the Levelling Up and Regeneration Bill which is seeking to introduce a duty for all local councils to produce a design code at the spatial scale of their authority area.



2.38 It is detailed that applying local design codes to certain permitted development rights could offer certainty to developers about the type of development that is acceptable and provide more local influence to local authorities about the design of new homes in their area. Currently, for some permitted development rights, there is a prior approval on the grounds of design or external appearance. Currently, where this is the case, each application is considered on a case-by-case basis by the local authority. The Government wants to reduce uncertainty and support the use of permitted development rights. They are therefore considering whether, as local design codes are agreed, prior approvals for design and external appearance could be replaced by consideration to the design code. Views are welcomed on how to best to achieve this objective.

#### **Call for evidence - nature-based solutions, farm efficiency projects, and diversification**

2.39 The last section of the consultation is owned by the Department for Environment, Food and Rural Affairs and reiterates the aim to increase rural prosperity. The consultation is aimed towards applicants in seeking to understand their experiences in securing planning permission. Responses may result in changes being made to Planning Practice Guidance, the National Planning Policy Framework or the General Permitted Development Order.

### **3.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

#### **Background Papers and Published Documents**

[Additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification](#)

Town and Country Planning (General Permitted Development)(England) Order 2015, as amended

## Appendix A

**Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?**

- a)  Yes
- b)  No
- c)  Don't know

Please give your reasons.

*As the consultation notes this will provide more certainty for developers which should, in turn, provide for a more effective planning service. The work involved in preparing and adopting design codes, particularly for large council areas such as Newark and Sherwood with a mix of urban and rural as well as differing characters within those urban and rural areas will be significant. However, if it were possible to apply, where applicable, the guidance developed within Supplementary Design Guides/Documents until design codes are prepared and adopted this would assist everyone in delivering developments that reflect the design and character of an area. Development is present for the longer-term and therefore providing high quality developments of 'beauty' should always be the aim.*

**Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?**

- a)  Yes
- b)  No
- c)  Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*All three (taking businesses as comprising developers). However, the impact should be positive by providing certainty and thus reducing the likelihood of the need for amendments and additional information.*

*There will be significant impact upon local authorities in developing, consulting and publishing design codes. However, they will be beneficial in the long run by giving clear advice on what would generally be acceptable. They would likely be more effective for some developments than others, similar to PD rights*

**Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:**

- a)  Double the floorspace that can change use to 3,000 square metres
- b)  Remove the limit on the amount of floorspace that can change use
- c)  No change

d) Don't know

Please give your reasons.

*Prior approval is currently required in relation to transport impacts, (particularly safe access), contamination risks, flooding risks and noise from commercial premises. This, nor do other matters set out within paragraph W provide for the need for car parking provision, commensurate to the scale of the development as well as its location. This change of use within large towns or city centres can benefit from a good provision of public transport. However, in more rural areas, this is often lacking. Dedicated parking (as well as cycle storage space) is often not available leading to less ability to use sustainable means of transport, resulting in congestion in the adjoining roads, which often cannot be objected to through the prior approval process. Consideration should be given to a site's location and access to facilities such as public transport as well as cycle storage provision.*

*High density housing could result when currently 1,500m<sup>2</sup> of floorspace could allow up to 20 two bed homes, doubling the floor space limit would result in very high-density housing which could be significantly out of character with an area, particularly in more rural districts. Larger scale loss of Class E uses should be considered through the planning application process to ensure sustainable development conflicts do not arise.*

**Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?**

a) Yes

b) **No**

c) Don't know

Please give your reasons.

3 months is a short period of time and if an owner wishes they could be using this time to prepare their application with floor plans etc. It is the owner's responsibility, if they choose to take advantage of this right, to move quickly towards the submission of an application. Equally, 3 months in order for a new business to wish to relocate to a site is short with due diligence needed for checking of contracts etc.

**Q.5 Do you think that the permitted development right (Class MA of Part 3) should apply in other excluded article 2(3) land?**

a) Yes

b) No

c) **Don't know**

Please give your reasons.

[Comment: At the moment Class MA PD rights only apply in Conservation Areas, but not in other Article 2(3) Land categories. This would extend them to AONBs, The Broads, National Parks but not World Heritage Sites]

*No response – we are not affected.*

**Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?**

- a) Yes
- b)  No
- c) Don't know

Please give your reasons.

If no, please explain why you don't think the prior approval works in practice?

*It is not clear what 'sustainability of the Conservation Area' means and there is no definition. Clarification would therefore be welcomed.*

*However, this does not work well in practice as the character and appearance of a Conservation Area is unique to each designated area. Character doesn't necessarily relate to just the visual aesthetics of the building, as it is an intrinsic quality. For example, there are some Conservation Areas, such as Newark and Southwell, which are characterised by their dense urban and commercial historic cores. They have active commercial usage of the town centres (as well as a distinctive appearance of shopfronts on ground floors).*

*The alteration of a few of the retail units may have a minor impact on the overall character of the designated area, particularly in a larger town or city. However, the cumulative effect of multiple conversion without overarching scrutiny from a spatial planning perspective could erode the commercial character of many of these designated areas. Over time they could become lifeless, devoid of human activity and discourage the use of public spaces, notably for cultural events etc.*

*Where external alterations are required, such as removal of the shopfront, then planning permission would likely be required anyway.*

*Many historic town centres struggle with incentivising the reuse of upper floors for residential use, notably because the upper floors are difficult to access / don't meet fire escape requirements of Building Regulations. There may be some instances where the conversion of the ground floor may actually help unlock access to the upper floor for residential use. In these instances, the prior approval process could potentially be beneficial. However, as mentioned above, it could be at the detriment of the economic vitality of these designated areas.*

*Maybe as an alternative, there could be some mechanism whereby the LPA could designate areas (including in Conservation Areas where deemed appropriate) to allow for the permitted development of Class MA as the LPA would have a better understanding of the economic issues of their area.*

**Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?**

- a)  Yes
- b) No
- c) Don't know

Please give your reasons.

*Yes, subject to a strict prior approval process.*

*Some guest houses and boarding houses, in particular, have often been originally constructed as a dwellinghouse and thus a change of use to a former use could be acceptable.*

**Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?**

a)  Yes

b) No

c) Don't know

Please give your reasons.

If yes, please specify.

*The applicant, through a prior approval process should be required (when required) to demonstrate a number of criteria, such as (a) the building is no longer required for tourism and has been vacant for a specified period.*

*It is also considered that certain hotels should be exempt, for example larger hotels purpose built (particularly those by hotel chains) or to restrict the right to creating no more than a certain number of dwellings to minimise the use's impact.*

*As with other Classes permitting change of use to dwellings, if this is implemented, prior approval should also be required for matters such as noise, contamination, natural light, dwelling size, transport and highway impacts, amenity space (i.e. a certain amount of space relative to the number of units being provided and/or bedrooms) and outlook.*

**Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

a)  Yes

b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*All three could be affected. Businesses surrounding the development by virtue of the reduction in the number of tourists that might visit their venues. This may be countered by the occupiers of the dwellings to a degree although it is anticipated the spend of a tourist is, in the main, likely to be greater.*

*This will increase the workload of local planning authorities in the determination of such applications, without a fee that compensate for the complaints such applications trigger.*

*Whilst such applications are meant to be 'light touch', in reality they can often be more complex than planning applications.*

*Communities will be affected by the change in the character of an area and possible reduction in job availability through the loss of the hotel, guest or boarding house.*

**Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?**

- a)  Yes
- b)  No
- c)  Don't know

If so, please give your reasons

*This will be dependent upon any restrictions that are imposed on this change of use. If the right is very flexible, then the number of new dwellings delivered will likely increase due to a less stringent system.*

*This would likely result in dwellings resulting from developments that have only been granted permission due to the tourism/economic benefits of the development. Such developments are often not in sustainable locations i.e. with access to community facilities including shops, Where they are and an application is submitted, it will be assessed on such aspects including sustainability. There is also a risk that these [wider i.e. as part of the whole consultation] changes of use put pressure on existing services without the provision of planning obligations. Consideration should be given to having a mechanism for these developments to mitigate their impact upon [public] services.*

**Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:**

- a)  Double the floorspace that can change use to 300 square metres
- b)  Remove the limit on the amount of floorspace that can change use
- c)  No change
- d)  Don't know

Please give your reasons.

*Yes, in so far as it relates to hot food takeaways, betting offices and pay day loan shops. Launderettes should be excluded for the reason given to question 12. Whilst these types of uses can have some community benefits, this is less than for other uses (e.g. such as retail). Allowing a greater amount of floor area to be converted might increase housing stock numbers but also add a greater number of residential units to provide a better balance of mix between residential and commercial uses.*

**Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?**

- a)  Yes

- b) No
- c) Don't know

Please give your reasons

*This existing right is not a significant issue for Newark and Sherwood District, however, it is known in other parts of the country, especially cities/large urban areas there benefit to communities is significant. Allowing a LPA to consider the impact of their loss can only be welcomed.*

**Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:**

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

*Yes. Whilst these types of uses can have some community benefits, this is less than for other uses (e.g. such as retail). Allowing a greater amount of floor area to be converted might increase housing stock numbers but also add a greater number of residential units to provide a better balance of mix between residential and commercial uses.*

**Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*This will assist in providing a greater amount of consistency making matters easier for both applicants and local planning authorities. It will also add greater flexibility without any obvious indicators of unintended consequences from this proposal.*

**Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*This will assist in providing a greater amount of consistency making matters easier for both applicants and local planning authorities. It will also add greater flexibility without any obvious indicators of unintended consequences from this proposal.*

**Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?**

a)  Yes

b) No

c) Don't know

Please give your reasons.

*As long the use change relates to use only and not to any physical development which could have impact upon the character of a conservation area. No opinion provided in other Article 2(3) land.*

**Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?**

a) Yes

b) No

c) Don't know

Please give your reasons.

*No opinion, does not apply to Newark and Sherwood District Council.*

**Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?**

a)  Yes

b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*(a) It could affect other businesses within certain areas by reducing footfall, particularly in tourist areas where arcades e.g. can be popular (seaside towns).*

*(b) Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*

*(c) The character of an area could significantly change for the existing resident population.*



**Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?**

a)  Yes

b) No

c) Don't know

If so, please give your reasons.

*Prior approval is often seen as an easier route in which to gain permission, applications are therefore submitted.*

**Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?**

a)  Yes

b) No

c) Don't know

Please give your reasons.

If yes, please say which uses the right might apply to and give your reasons.

*Having vibrant and active town centres in both day time and evening is a positive. However, consideration needs to be given to ensure that there is an appropriate mix between the uses otherwise town centres could become purely residential, with little economic activity.*

*Prior approval should also be required in relation to amenity.*

**Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?**

a)  Yes

b) No

c) Don't know

Please give your reasons.

*There will be restrictions on the number that can be provided with space standard restrictions. Allowing a greater amount of floor area to be converted might increase housing stock numbers but also add a greater number of residential units to provide a better balance of mix between residential and commercial uses.*

**Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?**

a)  Yes

b) No

c) Don't know

Please give your reasons.

*If this aligns with other existing classes there wouldn't appear to be any reason not to extend this to mixed use residential and commercial uses.*

**Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?**

a) **Yes**

b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*a) it reduced the supply of buildings for the long-term for businesses to set-up. Economic impacts traditionally have ebbed and flowed.*

*a) Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*

*c) could significantly change the character of local areas and populations.*

**Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?**

a) Yes

b) No

c) **Don't know**

If so, please give your reasons.

*For Newark and Sherwood District Council, the Local Planning Authority is positive towards residential flats above commercial uses, so this could solely speed up permissions by incentivising building owners*

**Q.25 Do you agree that the smaller and larger home size limits within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be replaced with a single maximum floorspace limit of either:**

a) 100 square metres per dwellinghouse

b) 150 square metres per dwellinghouse

c) **No change**

d) Don't know

*The variance in floorspace provides greater flexibility and, for those developers wanting to provide a good development, greater scope in their design. It also means that development*

*might be provided that is more akin to its setting. In reality, very few, if any, of these conversions are provided for the benefit of rural workers.*

**Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Reference to consistency with Part 6 is a moot point when this size area was not introduced until 2018, therefore developers cannot benefit from this in any case for a number of years. Allowing a greater floor area and thus number of dwellings that might be converted does not assist in providing quality homes in sustainable locations. Neither does it reduce the overall need for green fields to be built upon. This permitted development right is now resulting in a greater number of buildings being converted that do not have architectural merit (steel framed portal structures) that do not warrant long-term retention as dwellings.*

*In addition, the Class Q fall-back position is regularly being used by developers as part of planning application submissions to argue their conversion has been permitted and they (developer) should therefore be permitted to replace them with modern housing estates at a greater profit for the developer.*

**Q.27 Do you agree that the 5 home limit within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be increased to allow up to a total of 10 homes to be delivered within an agricultural unit?**

- a) Yes
- b) No
- c) Don't know

*Allowing a greater number of dwellings to be converted does not assist in providing quality homes (not beautiful) in sustainable locations. Neither does it reduce the overall need for green fields to be built upon.*

**Q.28 Do you agree that the permitted development right for the change of use from agricultural buildings to residential use (Class Q of Part 3) should be amended to allow for an extension to be erected as part of the change of use on previously developed land?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Extensions to agricultural buildings can often be very out of character and result in harm to the overall rural setting. Planning permission is required for such developments at present and significant negotiation and working with applicants takes place in order to provide both a sympathetic development and one that will provide appropriate accommodation for future occupiers. Trying to address this as part of a prior approval process without adopted design codes (or allowing existing adopted supplementary planning documents or guidance) to be taken into account will result in poor quality developments without 'beauty'. Many of these buildings within Newark and Sherwood District Council are non-designated heritage assets. Buildings designated as such should have restrictions preventing extensions if this is introduced.*

*A significant number of applications are submitted under Class Q at present and then full planning permission submitted for an amended scheme attempting to use the 'fall-back' position as a reason for approval. This demonstrates that the existing Class Q permitted development right is not fit for purpose and acknowledged by both planners and developers.*

*If this were implemented, clarification on how it affects the curtilage calculation would also be required. The area of curtilage is more often than not, very tiny, compared to the building being converted providing poor quality developments for future occupiers. Very often, applications are received after permission has been granted or more likely, once occupiers have moved in for change of use of agricultural land due to their garden being insufficient relative to the scale of the dwelling.*

*Additionally, it is suggested if this is implemented it is amended to e.g. no more than 10% with a maximum floor size that can be created.*

**Q.29 Do you agree that a prior approval be introduced, allowing for the consideration of the impacts of an extension on the amenity of neighbouring premises, including overlooking, privacy and light?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Everyone should have appropriate amenity provided to them. This prior approval should give consideration to amenity both for any existing adjoining occupiers as well as future occupiers. This should be both from any existing developments as well as that being proposed. Amenity should also relate to having appropriate gardens for the size of the dwelling too.*

*If this requirement triggers the need for notification to neighbours, the same as for large household extensions, this will increase workload for planning authorities, again without an appropriate requisite fee.*

**Q.30 Do you agree that buildings should have an existing floorspace of at least 37 square metres to benefit from the right?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*As a minimum 37m<sup>2</sup>. This is a very small floorspace any way. Enabling a lesser area would provide even poorer quality homes.*

*However, if extensions are permitted as suggested, it is suggested that these fall outside of the proposal to permit extensions, if introduced.*

**Q.31 Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*If safeguards are provided within the legislation to enable prior approval of the design and appearance of the resulting building. This should assist in ensuring the character of an area is maintained. Permitting consideration to design codes as suggested in the longer-term would be welcomed but to design codes adopted through Supplementary Planning Documents or Guidance in the shorter-term is requested to try and ensure 'beautiful' development.*

**Q.32 Do you agree that the right be amended to apply to other buildings on agricultural units that may not have been solely used for agricultural purposes?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Many farms look to convert their buildings to facilitate diversification. If such buildings are converted to residential, then this could lead to further pressure for new development in the open countryside to enable the farm to remain in business. Prior approval for agricultural buildings should have some mechanism to require that there is not a medium-term need for the building(s) e.g. for the next 5 years.*

**Q.33 Are there any specific uses that you think should benefit from the right?**

- a) Yes
- b) No
- c) Don't know

If yes, please give examples of the types of uses that the right should apply to.

*It could have consequential impacts/pressure for additional development in the open countryside or Green Belt. If implemented, buildings delivering community facilities e.g. farm shops should be excluded from this right.*

**Q.34 Are there any specific uses that you think should not benefit from the right?**

- a) Yes
- b) No
- c) Don't know

If yes, please give examples of the types of uses that the right should not apply to.

*Buildings delivering community facilities e.g. farm shops should be excluded from this right. Any building that has been approved to be constructed solely to support farm diversification. Further buildings/uses benefitting from this right will likely lead to the need for further buildings to be constructed to mitigate their loss in terms of use.*

**Q.35 Do you agree that the right be amended to apply to agricultural buildings that are no longer part of an agricultural unit?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*This would complicate an already over complicated system. Applicants are likely to find it difficult to demonstrate its last known use. It is also not clear whether the consultation suggests that this should be through a lawful development certificate, which is the current legal route for defining uses – it does not appear to be the case. Trying to prove a previous use is not a simple matter for many developments. The prior approval route will become convoluted and not comprise solely 'prior approval' but 'lawful development' as well.*

*This element of lawfulness is current failure across all prior approval routes with the exception of large householder developments. Only for large householders is the lawfulness of the development assessed. In other areas, it is solely prior approval. This leaves many developer with a prior approval development granted that they cannot lawfully implement. It is suggested clarity is provided to all – and if lawfulness is assessed as part of the prior approval process, an appropriate fee should also be levied for this and timescales reflected accordingly for submission and assessment of evidence.*

**Q.36 Do you agree that any existing building must already have an existing suitable access to a public highway to benefit from the right?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Appropriate access for some proposed dwellings could result in significant impacts upon the countryside in terms of visual and ecological (including biodiversity net gain (loss)) impacts. Works might be required to the highway that require full assessment, particularly with the number of dwellings proposed for being permitted.*

**Q.37 Do you have a view on whether any changes are required to the scope of the building operations permitted by the right?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please provide details.

*Clarity is required as to what falls within and outwith the regulations. This is particularly true of external walls e.g. do barns with four open sides benefit from conversion when the dwelling that would result would [literally] be new build? Clarity is also needed in relation to partial demolition. Is demolition necessary to make the building fall within the permitted development floorspace limits in compliance with this Class?*

*Developers should, in many cases, be required to demonstrate that the building is structurally sound to enable conversion. This is suggested should be a prior approval requirement. A significant number of applications are submitted with a line saying they are capable of conversion and a short time later a full planning application submitted because they are not suitable or have [accidentally] fallen down during conversion.*

**Q.38 Do you have a view on whether the current planning practice guidance in respect of the change of use of agricultural buildings to residential use should be amended?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please provide details of suggested changes.

*Not the best worded question. We do have views, but that might not be the question being asked!*

*Planning Practice Guidance is that 'guidance' – as such more detail should be provided within any future statutory instrument to provide certainty, clarity and a legal basis on which to determine prior approval applications. However, if it is not proposed to be amended with greater clarity, then yes, amendments to the PPG is supported.*

**Q.39 Do you agree that permitted development rights should support the change of use of buildings in other predominantly rural uses to residential?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.  
If yes, please specify which uses.

*Further expansion of the right, in this way, could have consequential impacts/pressure for additional development in the countryside. For example, Newark and Sherwood has a significant number of equestrian related buildings and change of use of these buildings could result a significant increase in its rural housing stock and pressure for equestrian facilities elsewhere.*

*Clarity is required in relation to any such expanded change of use in terms of prior approval requirements. There are many equestrian (e.g.) developments that adjoin one another but are in separate ownership. If one proposal were to come forwards in the absence of others, there could be significant impact upon the amenity future occupiers have in relation to adjoining uses.*

**Q.40 Are there any safeguards or specific matters that should be considered if the right is extended to apply to buildings in other predominantly rural uses?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons  
If yes, please specify.

*The same per Class Q in addition to odour.*

**Q.41 Do you think that any of the proposed changes in relation to the Class Q permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*a) reduced supply of buildings for uses other than dwellings. This can affect new business that might want to start up*

*b) Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*



c) *Impact on local communities due to additional pressure on [public] services without appropriate funding (through e.g. legal agreements /Community Infrastructure Levy) being received.*

**Q.42 Do you think that changes to Class Q will lead to the delivery of new homes that would not have been brought forward under a planning application?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*However, they do not generally result in the right kinds of homes in sustainable locations and harm appropriate planning of where sustainable spatial distribution of growth is provided. They also do not generally result in 'beautiful' development.*

**Q.43 Do you agree that permitted development rights should support the change of use of other buildings in a predominantly rural land use to a flexible commercial use?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.  
If yes, please specify which uses.

*This could help repurpose redundant buildings that would otherwise not have a viable use subject to demonstration that the existing use is no longer required. However, there can be challenges with the prior approval process whereby buildings are converted to residential and then a landowner (which might not necessarily to be the same one if land has changed ownership) then wants permission for a new building for agricultural purposes. This could equally (or more likely) apply to equestrian uses.*

**Q.44 Do you agree that the right be amended to allow for buildings and land within its curtilage to be used for outdoor sports, recreation or fitness?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*Subject to a prior approval process to allow matters such as impact upon highways and parking, noise (amenity of adjoining occupiers) to be taken into account. Additional infrastructure, such as lighting to facilitate the use, should explicitly not be permitted.*

**Q.45 Do you agree that the right be amended to allow buildings to change use to general industrial, limited to only allow the processing of raw goods produced on the site and which are to be sold on the site, excluding livestock?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*This could support farm diversification through the ability to sell products generated from the farm. Prior approval of impacts able to assess the impact upon amenity of adjoining users / occupiers, control should be put in place. In addition to those listed, odour ought to be a prior approval as well as the requirement for the hours of operation to mitigate wider harm.*

**Q.46 Should the right allow for the change of uses to any other flexible commercial uses?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.  
If yes, please specify which uses.

*Whether such uses might be appropriate would depend on the specific uses proposed and whether they would be suitable for more rural locations. The impact of concerns raised throughout this consultation response such as buildings being converted and then a building for the same use then being requested should be considered.*

**Q.47 Do you agree that the right be amended to allow for a mix of the permitted uses?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*The mix of uses described retail and hotel could result in wider harm to the area with significant conflicts in terms of amenity of surrounding uses. Whilst more flexibility for farmers is understood, this flexibility can often be gained through the submission of a planning application where it is much easier to balance all competing matters and attach appropriate conditions. It is anticipated that a number of such prior approval applications, if this expansion is brought into legislation, will be refused due to insufficient information provided within the limited timescales to enable proper consideration.*

**Q.48 Do you agree that the right be amended to increase the total amount of floorspace that can change use to 1,000 square metres?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*The existing floor area enables consideration of larger floorspace proposals to be properly assessed as part of a planning application. However, if this is increased, it is suggested that this is on the proviso that buildings cannot benefit from a change of use as well as permitted development tolerances within Part 6. Very often developers will submit a prior approval for a change of use saying the building is no longer needed for a further application to be received shortly after for a new build. This is a significant conflict in the planning system.*

**Q.49 Is the trigger as to whether prior approval is for required set at the right level (150 square metres)?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If not, please say what it should be, and give your reasons.

**Q.50 Do you think that any of the proposed changes in relation to the Class R permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) reduced supply of buildings for uses other than dwellings. This can affect new business that might want to start up*
- b) Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*
- c) Impact on local communities due to additional pressure on [public] services without appropriate funding (through e.g. legal agreements /Community Infrastructure Levy) being received.*

**Q.51 Do you agree that the ground area limit of new buildings or extensions erected under the right be increased from 1,000 to 1,500 square metres?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*The current size of the building is extensive and provides no limits in itself of the height of the buildings. This size of building is generally of an appropriate scale to facilitate farming activities and the number of instances a building of this size is required is rare. When a larger building is needed, farms are able to justify this and planning permission will be granted. There are many developers who look to gain benefit from permitted development rights when there is no 'need' for the building. Requiring applicants to demonstrate a need for the building might assist in overcoming this although if they can, then this could be done through a planning application.*

**Q.52 Do you agree that we remove the flexibility for extensions and the erection of new buildings where there is a designated scheduled monument?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*There seems little point in having such a designation when permitted development rights can result in harm to them.*

**Q.53 Do you agree that the right be amended to allow extensions of up to 25% above the original building cubic content?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*There is no evidence at any of the local planning authorities worked at, five, all of which are in rural areas to demonstrate a need for the increase. This size holding is small and more often than not have been separated off to provide hobby farming. This generally only supports the owner and not the wider rural economy.*

**Q.54 Do you agree that the right be amended to allow the ground area of any building extended to reach 1,250 square metres?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*There is no evidence at any of the local planning authorities worked at, five, all of which are in rural areas to demonstrate a need for the increase. This size holding is small and more often than not have been separated off to provide hobby farming. This generally only supports the owner and not the wider rural economy.*

**Q.55 Do you agree that we remove the flexibility for extensions where there is a designated scheduled monument?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*There seems little point in having such a designation when permitted development rights can result in harm to them.*

**Q.56 Do you think that any of the proposed changes in relation to the Part 6 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) potentially a small benefit for farmers by removing the need to submit a full planning application although the number of instances buildings of the proposed scale are submitted is rare*
- b) Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*
- c) Less impact on communities where prior approval is determined to be required as they can then make their views known. However, as they have no say whilst the assessment is being undertaken, it can result in complaints to local planning authorities.*

**Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*There is no prior approval as part of this permitted development right. Whilst there are exclusions to what is permitted e.g. adjoins premises in use within the C Class (i.e. residential uses) currently which are expected would remain, harm arising from such developments can have impact beyond the immediate boundary e.g. noise travels. Dependent upon topography noise impacts can 'jump' the most immediate premise and detrimentally impact*

those further afield. Increasing the threshold of floorspace is likely to result in developments that have a greater (detrimental impact) with no controls by the local planning authority. Other aspects such as amenity and parking provision cannot be considered.

**Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*No assessment of impacts is required, and such development could result in significant harm to adjoining occupiers. Whilst an existing building might be acceptable, this may have gained lawful use either through the passage of time or via a planning application. To have such a permitted development right without consideration to the need for prior approval for such matters (noise, transport, amenity, character of an area etc.) will result in harm to areas.*

**Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.**

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

*No assessment of impacts is required, and such development could result in significant harm to adjoining occupiers. Whilst an existing building might be acceptable, this may have gained lawful use either through the passage of time or via a planning application. To have such a permitted development right without consideration to the need for prior approval for such matters (noise, transport, amenity, parking provision etc.) will result in harm to areas.*

**Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

a) *Benefit as it would prevent the need for a full planning application.*

- d) *Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex.*
- e) *Impact on local communities by having limited say on what could change the character of an area. However, as a positive, it could create additional jobs.*

**Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:**

- a) 28 days per calendar year (in line with other uses permitted under the right)
- b) A different number of days per calendar year
- c) No change
- d) Don't know

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?

*For consistency, 28 days is agreed with. However, it is suggested that the permitted development right if it is amended is clear that it does not apply to car boot sales which can have a greater (negative) impact.*

**Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) *Benefit as it would prevent the need for a full planning application and should be a speedier service, thus enabling economic benefits to be realised quickly.*
- b) *Local planning authorities will be affected by the reduced planning fee income compared to a full planning application. Whilst prior approvals are meant to be 'light touch', they can often be far more complex. Could result in greater workloads on planning enforcement teams in order to check / monitor compliance.*
- c) *Impact on local communities by having limited say on what could change the character of an area. However, as a positive, it could create additional jobs.*

**Q.63 Do you agree that the existing Class M of Part 7 permitted development right is amended to additionally apply to open prisons?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons

*No response – not applicable to NSDC.*

**Q.64 Do you agree that there should be a prior notification process where the development under the Class M of Part 7 right is being used for open prisons?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons

*No response – not applicable to NSDC.*

**Q.65 Do you think that the proposed changes to the Class M of Part 7 permitted development right in relation to open prisons could impact on: a) businesses b) local planning authorities c) communities?**

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

*No response – not applicable to NSDC.*

**Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).**

- a) Yes
- b) No
- c) Don't know

Please give your reasons

*Not explicitly.*

**Q.67 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?**

*A statutory definition of what constitutes a 'material change of use' would provide greater clarity in relation to change of land use for nature-based solutions.*



**Q.68** What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

**Q.69** Would a specific and focused permitted development right expedite or resolve a specific delivery challenge for nutrient mitigation schemes?

**Q.70** Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to nature-based solutions.

**Q.71** Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

**Q.72** Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

**Q.73** Would you propose different solutions for different sized agricultural units?

**Q.74** Do you foresee any unintended negative consequences that may result from more nature-based solutions coming forward (e.g., impacts to other species, flood risk, wildfire risk, risk to public safety, releasing contaminants from contaminated land or hydrology etc.)? How could these be avoided?

*Permitted development should not extend to land that has been designated as a Local Site (i.e., afforded a non-statutory nature conservation designation) and the same approach should be taken within the GPDO as is taken with Sites of Special Scientific Interest (SSSI).*

*The intention of the SSSI system was to afford protection to a representative sample of species and habitats across the UK. Consequently, habitats and species of equal importance to those currently captured within SSSIs exist outside of this statutory designation, and these are mostly captured within the next tier of nature conservation designation, non-statutory Local Sites.*

*Some forms of permitted development (e.g., markets, motorcar and motorcycle racing, recreational campsite, etc.) have the potential to harm priority habitats and important (but not legally protected) species, impacts that would fall outside of the other checks that would be required (e.g., Habitats Regulations Assessment, species licencing etc.). Similarly, nature-based solutions can have a negative impact, for example digging a pond in an area of existing important wetland habitat. The presence of a non-statutory Local Site designation greatly increases the risk of priority habitats and species being present, and some will be of SSSI quality; consequently, a mechanism should be in place to ensure that appropriate checks are made before permitted development proceeds in a non-statutory designated site, and this could be achieved within the GPDO by extending all excluded development where this is on a SSSI to where it is on a Local Site.*

**Q.75** What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

**Q.76** What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

**Q.77 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to slurry stores or lagoons and small-scale reservoirs.**

**Q.78 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?**

**Q.79 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?**

**Q.80 Would you propose different solutions for different sized agricultural units?**

**Q.81 Do you foresee any unintended negative consequences that may result from more farm efficiency projects coming forward (e.g., impacts on nutrient pollution, protected sites or hydrology)? How can these be mitigated?**

**Q.82 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?**

**Q.83 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.**

**Q.84 Are there any other diversification projects which have not been covered in this call for evidence or the wider consultation, that you wish to provide evidence for? If so, please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing.**

**Q.85 Would these issues be resolved by amending existing permitted development rights, or any other solutions?**

**Q.86 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?**

**Q.87 Would you propose different solutions for different sized agricultural units?**

**Q.88 Do you foresee any unintended negative consequences that may result from more farm diversification projects coming forward? How can these be mitigated?**

*Not easy to answer as this would depend on the type of farm diversification project.*