

**Consultation Documents Update and Proposed Responses
Communities and Local Government Consultation
Changes to the Planning System**
Report by Head of Development Management

Summary	This report outlines proposed changes to the planning system, including proposed changes to the permitted development rights regime.
Recommendation:	That the comments on the permitted development rights changes be forwarded to National Parks England as the Broads Authority response; and the remainder of the report be noted.

1 Introduction

- 1.1 As part of its modernisation agenda for the planning system and in order to promote economic recovery, the Government has consulted on various changes to the planning system. Of the proposed changes, not all are applicable to the Broads because it, together with the other National Parks, is often exempted due to its value as a protected landscape.
- 1.2 The announcements of proposed changes to the planning system are detailed on the website of the Communities and Local Government department (CLG) website at www.gov.uk/government/organisations/department-for-communities-and-local-government.
- 1.3 Members will recall a report to the 1 March 2013 Planning Committee which detailed earlier changes including the Red Tape Challenge, changes to permitted development rights to allow offices to be converted to residential use, agricultural buildings to be converted to a range of other uses and for the conversion of town centre buildings to other uses including shops, offices, business start-ups and community projects. All of these proposed changes have been or are in the process of being implemented.
- 1.4 As previously, the purpose of this report is to bring to the attention of Members some of the recent proposals and announcements.

2 Proposed Changes and Announcements

Changes to permitted development rights

- 2.1 On 6 August the Government launched a consultation document setting out further proposals to extend the range of permitted development rights. The

consultation document seeks views on five new proposals for permitted development rights to allow:

- (a) Shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3);
- (b) Retail uses (A1) to change to banks and building societies (A2);
- (c) Existing buildings used for agricultural purposes of up to 150 square metres to change to residential use (C3);
- (d) Existing buildings used for agricultural purposes of up to 500 square metres to change to a new state funded school or a nursery providing childcare (D1); and
- (e) Premises used as offices (B1), hotels (C1), residential (C2 and C2A) and non-residential institutions (D1) and leisure and assembly (D2) to change to nurseries providing childcare (D1); .

2.2 With the exception of (a) above it is proposed that these changes would all apply in National Parks and the Broads.

2.3 Details of the explanation and justification for the proposed changes and a brief commentary on the implications for the Broads are as follows:

Shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3)

2.4 There has been a significant change in national shopping habits, resulting in retail frontages which are no longer viable and create problems of blight and decline. Whilst this might be addressed by local planning policies, or Neighbourhood Plans, LPAs have been slow to take this forward and more urgent action to promote flexibility is required. The permitted development right will include the external modification necessary to facilitate the conversion and will be subject to a prior approval process which will include consideration of the impact of the loss of the retail use on the economic health of the town centre.

2.5 It is not proposed that this new permitted development will apply in the Broads. There is a potential for it to be exercised in those parts of the Broads settlements which lie within the District Council areas, however it is not considered that this is likely to significantly affect the Broads economy.

Retail uses (A1) to change to banks and building societies (A2)

2.6 This proposal seeks to recognise that banks and building societies have an increasingly retail-like approach to the design of their premises meaning that they no longer 'break up' retail frontages.

2.7 Whilst it is proposed that this new permitted development right will apply in the Broads it is not considered that it will have a significant impact on the Broads.

Existing buildings used for agricultural purposes of up to 150 square metres to change to residential use (C3)

- 2.8 This proposal has arisen following consultation responses on the earlier proposals (now implemented) to allow agricultural buildings to change to commercial uses and supports the “Home on the Farm” initiative. Landowners would be allowed to exercise either the new permitted development right for conversion to residential or the existing permitted development right to construct a new agricultural building. The details of this proposed new permitted development right would:
- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed at the time that the intention to consult was announced in the Budget Statement of 20 March 2013;
 - have an upper threshold of 150 square metres for a single dwelling house;
 - enable the physical development necessary to allow for the conversion, and where appropriate the demolition and rebuild, of the property on the same footprint “where appropriate”;
 - require local planning authority prior approval for siting and design to ensure physical development complies with local plan policies on design, materials and outlook;
 - require local planning authority prior approval for transport and highways impact, noise impact, contamination and flooding risks to ensure that change of use takes place only in sustainable locations; and
 - apply to agricultural buildings constructed prior to announcement of the proposal to consult in the Budget Statement of 20 March 2013.
- 2.9 It is proposed that this new permitted development will apply in the Broads. Of the proposed changes, this is the one which has the potential for the most significant impact in terms both of promoting development which is unsustainable and contributing to changes to the landscape character and appearance. It would also undermine local efforts to provide affordable housing and ensure the provision of suitable infrastructure, including sewerage provision and flood defences, to residential development. Having said that, the prior approval process as proposed would allow the LPA to exercise a degree of control over location and appearance, and this will mitigate the impacts to a degree. Further clarification on the operation of the prior approval process in this regard would be useful and the weight to be given to the inherent sustainability of the location.
- 2.10 It is also the case that due to the nature of the Broads boundary and its being drawn tightly around the river valleys, there are not large areas of farmland with a significant number of agricultural buildings which would be eligible for conversion under the new rights. Halvergate marshes and Haddiscoe Island are the only extensive areas, and the limited buildings here tend to be associated with grazing (although this may change under the new agri-environmental regime); elsewhere there are mainly either a small number of isolated historic agricultural buildings or more modern buildings constructed to facilitate a modern agricultural use, for example at Cantley where major

expansion of the grazing herd has taken place. Overall, it is not considered that the proposed change is likely to have a major significant effect on the Broads.

Existing buildings used for agricultural purposes of up to 500 square metres to change to a new state funded school or a nursery providing childcare (D1)

- 2.11 The justification for these changes is to improve education provision in rural areas and to enable nursery providers to respond flexibly and quickly to changing market needs. The latter is stated as required to make it easier for young families to access childcare and thereby improve their employment options. The physical changes which would be required to support the change of use would be included, and there would be prior approval process which would cover transport and highways, noise and contamination.
- 2.12 Whilst it is proposed that this new permitted development right will apply in the Broads it is not considered that it will have a significant impact on the area.

Premises used as offices (B1), hotels (C1), residential (C2 and C2A) and non-residential institutions (D1) and leisure and assembly (D2) to change to nurseries providing childcare (D1)

- 2.13 The justification for these changes is as for the proposed change at 2.11 above.
- 2.14 It is proposed that this new permitted development right will apply in the Broads. There is a potential for a greater impact than the proposed change at 2.11 above, largely due to the potential for hotels and residential uses (particularly holiday uses) to change to nurseries. There may be locations where a nursery use is more viable, particularly where there is an over-supply of holiday accommodation or the where stock is dated and does not let well and these are precisely the circumstances that the proposed changes are seeking to address. Overall, however, it is not considered that it will have a significant impact on the area.
- 2.15 Overall, it is not considered that the proposed changes will have a particularly significant effect on the Broads in terms of land use, but this is a consequence of the particular circumstances of the area and it is noted that for a number of the other Parks the position is very different. The Yorkshire Dales National Park, for example, has over 6,000 field barns and the proposals to allow them to be converted to a residential use is hugely significant. There are also potential resource implications in administering an extended 'prior approval' scheme which attracts a much lower fee than that for a standard planning application but often requires a comparable amount of work in terms of assessment and publicity.
- 2.16 The proposals are at consultation. Whilst the proposed changes are not highly significant for the Broads, they are potentially significant for the other National Parks and there are real issues here which would have affected the Broads were it not for its peculiarities of boundary. National Parks England

will be submitting a nuanced response to Government, detailing the implication of the proposed changes, and it would be appropriate to support these rather than send a Broads-specific response which appears to offer more support for these broad changes than is actually justified.

Review of Housing Standards

- 2.17 On 20 August the Government announced its consultation on a review of housing standards, proposing to reduce the range and number of "standards" imposed on the building of new homes in favour of a set of more relevant and national standards. It proposes that the standards relating to housing construction should be contained within Building Regulations rather than partly in Building Regulations and partly elsewhere e.g. Code for Sustainable Homes or local plan policies relating to on site renewables. Importantly, the proposal is to wind down the role of the Code for Sustainable Homes and to move away from local plan policies specifying how much energy new homes should obtain from on site renewables.

Planning appeal Hearings

- 2.18 On 22 August the Government announced its intention to publish new guidance covering the reporting of planning appeal hearings, which will allow them to be filmed, tweeted and reported. This builds on the earlier announcement in June asking Councils to open up their meetings to filming and social media. It has been reported that a number of Councils still prohibit this, for reasons including "health and safety" and "reputational damage".

National Planning Practice Guidance

- 2.19 On 28 August the Government launched its on-line national planning guidance resource. This is a website which sets out the national planning policy guidance (ie the NPPF) and contains pages of advice and guidance on a range of planning issues. This includes procedural guidance on, for example, the process for determining an application and making an appeal, as well as more specific and technical advice on, for example a new affordability test for determining how many homes should be built and new neighbourhood planning guidance aimed at helping communities develop Neighbourhood Plans. The website is operating on a trial basis for 6 weeks for testing and comments. It can be found at www.planningguidance.planningportal.gov.uk until 9 October 2013.

Improving the Energy Efficiency of Buildings

- 2.20 On 5 September 2013 the Government announced its intention to improve the energy performance of all new buildings, by requiring LPAs to ensure that new developments are energy efficient. In 2009 buildings accounted for 43% of all the UK's carbon emission and Government proposes that all new homes should be zero carbon by 2016, whilst it is considering extending this to all new buildings by 2019. It will be necessary to take this into account when developing the next phase of planning policies in the Local Plan.

Code for Sustainable Homes

- 2.21 On 5 September 2013 the Government also launched its Code for Sustainable Homes which sets a national standard for sustainable design and construction. It covers 9 measures of sustainable design – energy/CO2, water, materials, surface water run-off, waste, pollution, health and well-being, management and ecology – and exceeds the current minimum standards set in the building regulations. Currently the Code is voluntary and there are only a limited set of circumstances where it can be enforced, including where an LPA requires developers to comply with the Code by including such a requirement in their planning policy. It will be necessary to take this into account when developing the next phase of planning policies in the Local Plan. Interestingly, the Government has also indicated in the Housing Standards Review that it intends to wind down the Code for Sustainable Homes, which increases the impetus to include this in policies in the Local Plan review.

Planning fees

- 2.22 From 1 October, planning application fees are to be re-funded to the applicant if their application is not determined within 26 weeks (unless a longer time period for determination has been agreed with the applicant). A fee of £80 is to be charged for applications for prior approval of permitted development under Schedule 2 of the GPDO 1995 where there is a material change of use and where the applicant is not submitting an application for planning permission at the same time. (Fees for Applications, Deemed Applications, Requests and Site Visits Amendment Regulations).

Planning appeals processes

- 2.23 The government is introducing a raft of reforms to the planning appeal procedure with the intention of increasing transparency and speeding up the appeal process and the new processes come into effect on 1 October 2013. These reforms mean more frontloading of the work and will require applicants to do more prior to submitting their appeal. For appeals against refusals of planning permission made on or after 1 October, appeal forms will have to be accompanied by a full statement of case, a statement as to preferred procedure for the appeal and, where relevant, a statement of common ground. Similar requirements will apply for listed building and conservation area appeals. Time limits will also be changing to speed up the process, with inquiries determined by inspectors to be heard 4 weeks sooner and hearings 2 weeks sooner where practicable. Another change is that the Secretary of State is to have increased powers to award costs at planning appeals and to recover its own costs including where a scheduled inquiry or hearing does not go ahead..

Conservation Areas and Demolition

- 2.24 From 1 October, the demolition of unlisted buildings in Conservation Areas which previously required Conservation Area consent will now only require planning permission and not Conservation Area consent. There will be no fee for such applications.

3 Conclusion

- 3.1 The scale and speed of change to the planning system is extensive. Members will continue to be appraised of the changes and the implications for the Broads as they are announced.

4 Recommendation

- 4.1 That the comments at 2.1 – 2.16 of the report are forwarded to National Parks England as the specific response of the Broads Authority in respect of the Government consultation, with the comment that the Broads Authority nonetheless supports the provision of a more nuanced response to Government. The remainder of the report is noted.

Background papers: None

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Appendices: None