

RTPI NEWS

THE DANGERS OF DEREGULATING PERMITTED DEVELOPMENT IN ENGLAND

COALITION PROPOSALS WOULD REMOVE SOME LOCAL CONTROL OVER PLANNING DECISIONS AS WELL AS HINDER ECONOMIC GROWTH, ARGUES ADAM SHEPPARD

Planning's regulatory framework provides mechanisms to enable the effective management of the built and natural environment. One such tool is permitted development rights, which are intended to make sure that the management of development is proportionate and that controls are only applied where consideration of potential impact is necessary, ensuring that practitioners are not swamped with unnecessary detail.

The permitted development system's approach has changed little since its introduction. Instead it has evolved and grown to meet changing social and economic needs. Its focus on impact has also remained.

Although permitted development is nationally prescribed, article 4 directions can be used to boost local control by removing permitted development rights and requiring a planning application to be made, while local development orders can be used to increase local flexibility by specifying types of development that do not need planning permission.

The Department for Communities and Local Government (DCLG) is consulting on potential changes to permitted development rights in England through an issues paper called *How Change of Use is Handled in the Planning System*. The document says: "Where there are no significant adverse impacts of change of use or development, the Government believes that it should be possible to proceed without the need for a planning application."

This appears to suggest an impact-orientated strategy and therefore



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a continuation of the historical approach to permitted development. But the Government has also recently consulted on a proposal that could see the removal of the need for express planning permission for changes from class B1 business to class C3 residential, within which impacts are far less certain.

The Royal Town Planning Institute's response to the DCLG identifies concerns, particularly the risk of using the permitted development system where potential impacts vary so much.

The system does not allow for the management of impacts through mitigation or infrastructure provision. Local plans and planning application processes are intended to address such factors. The associated suggestion that impact management

could be achieved through a prior approval regime appears to replace one application process with another. This arrangement fails to simplify the system, remove barriers or make it more responsive and accessible.

Another concern is that the proposal would lead to the loss of much of the land and premises currently protected for commercial uses. The planning system is meant to manage land supply for both housing and employment to ensure that growth is in balance to help underpin a sustainable economy.

The loss of this balance could lead to further commuting, exacerbating congestion, pollution and climate change, and possibly cut accessibility to viable jobs. This appears to be contrary to the Government's priorities for economic recovery.

Many of the commercial buildings that are likely to be available for conversion will be in areas such as business parks where residential use may be less appropriate due to location, amenity and infrastructure factors. While use class B1 is defined as being appropriate in a residential area, many B1 premises are in areas that are unsuitable for living in.

If this proposal is implemented, councils would have no control over the mix or location of housing. Without section 106 planning gain agreements and the Community Infrastructure Levy, they would lack a mechanism to provide or improve infrastructure, affordable housing or other community services.

While the proposal only gives permitted development rights for changes of use that do not involve physical alterations, it is inevitable that planning applications for subsequent physical alterations to buildings will follow. To retain control, councils will be forced to use resource-intensive article 4 directions to protect areas from inappropriate change.

This proposal goes against localism: it is a centrally imposed change to regulations that might not be acceptable to the communities it affects. The shortage of housing and the underuse of commercial premises are problems that need to be dealt with, but this should be done through local planning policy and development management, not deregulation.

It may not be perfect, but the planning system exists to ensure that proposals that may cause harm are managed and any unacceptable proposal is resisted or improved. This principle is under threat and with it the planning system's ability to effectively manage space and place. Adam Sheppard is a senior lecturer in the department of planning and architecture at the University of the West of England, Bristol, and a member of the RTPI's development management network.

