

PLANNING BRIEFING NOTE

MARCH 2016

NEW PERMITTED DEVELOPMENT RIGHTS

OVERVIEW

The Government is bringing in a number of further amendments to 'permitted development rights' in England, under which planning permission is not required for certain conversions and changes of use.

INTRODUCTION

In 2013 temporary permitted development rights were introduced to enable offices to be converted to housing without having to apply for planning permission.

The Government has now decided to extend this measure and make it permanent.

A further two new permitted development rights have also been added:

- Light industrial to residential
- Launderette to residential

Permitted development rights will still be subject to prior approval, effectively a 'light touch' planning permission.

OFFICE TO RESIDENTIAL

The existing permitted development right which allows for a change of use from offices to residential initially only applied for a period of three years and was due to expire in May 2016. This has now been extended indefinitely, allowing conversion of office space to residential to be subject only to prior approval rather than an application for full planning permission.

Prior approval is currently limited to assessment of transport impacts, flood and contamination risks posed by the change of use.

To qualify for this change of use under permitted development rights the existing floorspace in the building which is to change to residential must be in lawful B1 office use. If this is not the case then full planning permission is required.

Exemptions to this permitted development right are currently in force across 17 local authorities, including London's Central Activities Zone, as well as parts of Manchester and Ashford.

The extension of this permitted development right will also:

- Give developers who have already secured prior approval three years in which to complete the change of use. This means the longstop date for completion of a change of use for which prior approval has already been secured has been extended from May 2016 to May 2019
- Allow areas which are currently exempt from permitted development rights to remain so until May 2019, by which point they should have reapplied under Article 4 direction for continued exemption should they wish to do so
- Impose a new condition under prior approval which requires developers to consider noise impacts on the intended residential occupants of the development from premises in commercial use

When the amendments to permitted development rights were first announced last year, one of the proposed changes was to allow for the demolition of office buildings and their replacement with a new building for residential use. This has not yet been introduced.

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LIGHT INDUSTRIAL TO RESIDENTIAL

This new permitted development right will:

- Allow a change of use from a light industrial building (B1c) with a maximum floorspace of 500 sq m to residential use

Prior approval for this change of use will have an extra condition imposed which allows for the local planning authority, when a building is in an area of industrial importance, to consider whether the introduction of residential use in this area would jeopardise its primary industrial function.

This is a temporary permitted development right and will be introduced from 30 September 2017 for a period of three years.

LAUNDERETTE TO RESIDENTIAL

This new permitted development right will:

- Allow a change of use from a building in use as a launderette (sui generis) with a maximum floorspace of 150 sq m to residential

Prior approval for this change of use includes a condition which allows the local planning authority to consider whether the loss of a launderette will have a negative impact on the provision of this service in the local area. If it is within a key shopping area, it must also be considered if the loss of the unit will impact on the sustainability of that shopping area.

This is a permanent permitted development right and will come into force on 6 April 2016.

SUMMARY

The key aspect of these changes is that office to residential permitted development rights have now been made permanent. This shows the Government is clearly committed to removing barriers which could obstruct housing supply.

However, the extension of this right and the fact that areas which are currently under exemption will have to reapply for this, may cause concerns that the continuation of this permitted development right will have negative repercussions on the supply of office floorspace.

On the other hand, if areas which were previously exempt are not granted a continuation of this, it may open up high value sites which were previously protected for residential development in 2019.

The light industrial to residential temporary right may also open up a number of currently underused sites for residential use. However, this will be location dependent and sites will be less likely to receive prior approval if they are in an area predominantly comprising industrial uses.

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