

Permitted Development Rights

A Red Herring or a Golden Opportunity?

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- **24th January 2013 Communities Secretary Eric Pickles** announced the implementation of new permitted development rights.
- **Change of use from office B1(a) to residential (C3)** without planning permission.
- The new rights measure will come into force in **Spring 2013 for an initial three year period.**

Where did it come from?



A summary of the new rights



■ B1(a) to C3 residential:

- Start Spring 2013
- 3 years
- Potential to extend indefinitely.

■ A "tightly drawn prior approval process":

- Significant transport and highway impacts
- Development in safety hazard zones, areas of high flood risk and land contamination.



■ It will be necessary to get clearance that these matters do not justify the PD rights being withheld.

■ Exemption.

Further updates to permitted development



- Agricultural buildings to other non-residential uses (e.g. offices, shops & leisure)



- Existing permitted change of use from B1 to B8 and from B2 to B1 and B8 is to increase from 235sqm to 500sqm



- Two year temporary consent allowing town centre buildings to convert to other town centre uses e.g. A1, A2, A3 and office B1.

Implications for Development

What do the new rights mean for development?

Planning Permission

Change of use of the building - operational development which alters the external appearance may still require Planning Permission.

The requirement for Listed Building Consent will remain

Planning Policy Requirements

May remove need to meet affordable housing or other planning policy requirements (i.e. the need to justify 'loss of employment')

Building Regulations

No effect on the existing requirements of Building Regulations and related legislation

Planning Contributions

It may be liable to the Community Infrastructure Levy.

Article 4 Direction

Article 4 of the Town and Country Planning (General Permitted Development) Order (as amended) allows LPAs to remove most permitted development rights.

Local authority exemption from new rights

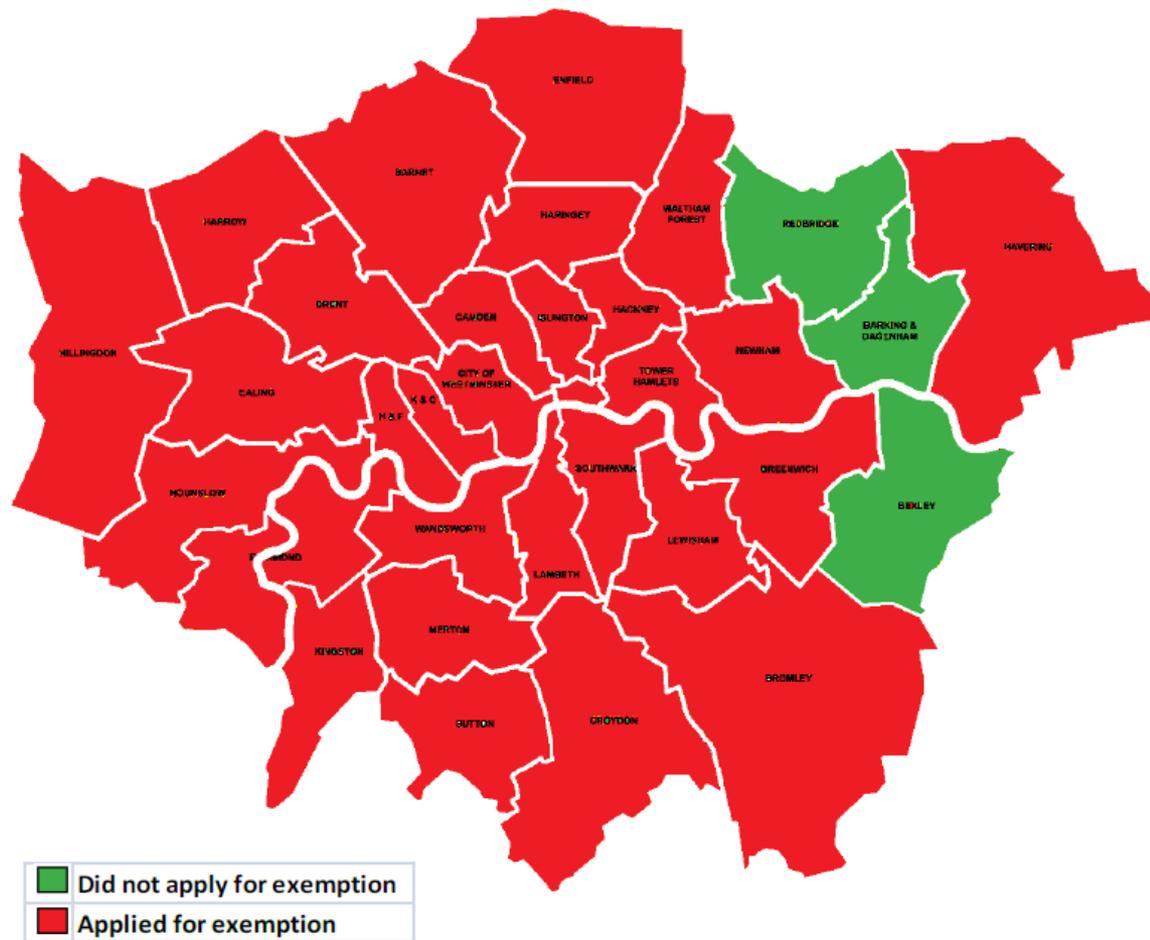


■ Exceptional circumstances:

- *The loss of a nationally significant area of economic activity*
- *Substantial adverse economic consequences not offset by the positive benefits of the right*

Exemptions

London Borough Applications



All London Boroughs applied for exemption with the exception of **Barking & Dagenham, Bexley and Redbridge**

Exemptions

South East District Applications

Local Authority		Exemption Request
Ashford		Part of the town centre including the Ashford Commercial Quarter and adjoining areas of Office development
Basingstoke and Deane		Did not apply for exemption
Bracknell Forest		Did not apply for exemption
Brighton and Hove		Central Brighton (including New England Quarter and London Road) and 15 strategic sites
Crawley		Unkown- think they didn't but committee report states they intended to apply for exemption in Manor Royal and Gatwick Airport.
Borough of Dartford		Did not apply for exemption
Dover District		Did not apply for exemption
East Hampshire		
Eastbourne		
Gravesham		Ebsfleet and Gravesend Town Centre
Borough of Guildford		
Isle of Wight		Did not apply for exemption
Lewes (district)		
Maidstone		
Mid Sussex		
Milton Keynes		Central Milton Keynes including Campbell Park, strategic employment sites of Core Strategy; grid squares of Old Wolverton, Stonebridge & Bleak Hall; Mount Farm, Denbigh East, Denbigh West, Barton Road & Tilbrook; town centres of Bletchley, Newport Pagnell & Wolverton
Mole Valley		
Oxford		Key employment sites
Portsmouth		3 defined sites including the city centre; a large office campus and an area with a cluster of start-up and SME units
Reading, Berkshire		Reading's Core Employment Areas defined in Sites and Detailed Policies Document
Reigate and Banstead		Two separate business areas around Redhill and Reigate Town Centres
Rushmoor		Did not apply for exemption
Sevenoaks District		11 specific sites
Slough		Did not apply for exemption
South Bucks		24 specific employment sites
Southampton		A number of sites in Southampton City Centre
Surrey Heath		Core employment areas in the west of the Borough (including west of Camberley)
Tonbridge and Malling		Did not apply for exemption
Tunbridge Wells		Specific areas relating to Tunbridge Wells Town Centre
Windsor and Maidenhead		

Opportunities

The Industry Reaction



- Absorption of surplus commercial property
- Conversion of redundant offices to a profitable use
- Reduction of cost and risk of planning process for some developments
- Contribute to a reduction on the national housing shortage



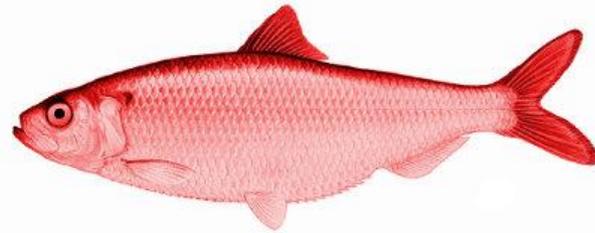
The Industry Reaction



- Housing may be created in unsuitable buildings and locations
- No consideration to traffic / highway safety / air quality issues / provision of amenity space
- No opportunity to seek s106 obligations / affordable housing / renewable energy / lifetime homes



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Or

A GOLDEN
OPPORTUNITY

- New proposals would reduce costs and risks of the planning process.
- Some onerous planning policy requirements will be lifted.
- Investors may be cautious given the lack of economic growth, limiting the market for new tenants / purchasers.
- Not all premises will be suitable and the use of some commercial premises may be restricted by specific planning conditions.
- Housing brought to market will be unknown.
- Office shortage?
- Housing at what cost? Education, open space, family housing?