

21 MARCH 2024

PR9-24 | PERMITTED DEVELOPMENT RIGHTS

Introduction

We are writing in response to the latest Department for Levelling Up, Housing and Communities consultation on permitted development rights.

The National Association of Local Councils (NALC) is the national membership body that works with the forty-three county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover more than 90% of the geography of England and over a third of the population and invest over £3 billion per year to improve and strengthen communities.

Summary

- NALC does not support an across-the-board extension of permitted development rights (PDRs) in the planning system. Policies on permitted development rights should be the prerogative of local planning authorities in their Local Plans, or Neighbourhood Planning Groups.
- We strongly oppose the Government's proposal to expand PDRs further. We and many other bodies and individuals have highlighted that their expansion generally has a detrimental and harmful impact and their expansion should only take place where there is a compelling case to do so. PDRs should play a minimal role in the planning system because every place is different and the circumstances surrounding it are different. However, if the government is determined to introduce the use of at least some of them, this should solely be restricted to use of those rights which will help communities support their local economy or combat climate change. There are significant issues to be addressed within the building industry itself, which are constraining the delivery of more housing, and the solution to this is not necessarily achieved by loosening the planning system.
- Removing the right of local planning authorities to make decisions on planning applications and that of local councils to comment on them constitutes a further loss of democratic input.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the

three pillars of sustainability equally, i.e. social, economic, and environmental factors.

- NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.
- Furthermore (as NALC has commented to the government in its response to at least one previous consultation on permitted development rights) - NALC supports that Assets of Community Value be subject to the removal of PDRs by imposing an article 4 direction. An article 4 direction is made by the local planning authority. It restricts the scope of PDRs either in relation to an area or site, or a development anywhere in the authority's area.

Consultation questions

NALC's responses to the main consultation questions relevant to local councils in the consultation document are below:

Changes to the permitted development rights for householder development

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- **Yes**
- **No**
- **Don't know.**

Please provide your reasons.

No. While we have no objection in principle to the specific proposed changes NALC does not support an across-the-board extension of permitted development rights.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.3 Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.5 Are there are any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.6 Do you agree that the existing limitation that the permitted development right does not apply if, because of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.7 Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the alternation can be as high as the highest part of the existing roof (excluding any chimney)?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.8 Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

Yes

No

Don't know.

Please provide your reasons.

No. In general, materials used in maintaining or constructing external sections of dwellinghouses should be in accordance with local design codes and must conform to the relevant neighbourhood plan.

Q.9 Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

Yes

No

Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.10 Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

- **Yes**
- **No**
- **Don't know.**

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

- **Yes**
- **No**
- **Don't know.**

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Additions to the roof (including roof extensions)

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

- Yes
- No
- Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- Yes
- No
- Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

- Yes
- No
- Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.15 Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

- Yes
- No
- Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

- Yes
- No
- Don't know.

Please provide your reasons. If you have answered yes, please provide your alternative suggestion and any supporting evidence.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

- Yes
- No
- Don't know.

Please provide your reasons.

No, because we oppose an extension of PDRs in principle, but we do not object to the specific changes that are being proposed.

Buildings etc incidental to the enjoyment of a dwellinghouse

Q.18 Do you agree that bin and bike stores should be permitted in front gardens?

- Yes
- No
- Don't know.

Please provide your reasons.

Yes, we have no objections in principle to the installation of bin and bike stores and believe it is reasonable in most circumstances that they are covered by PDRs.

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks, and World Heritage Sites)?

Yes

No

Don't know.

Please provide your reasons.

No. We do not support the unfettered extension of permitted development rights in principle.

Q.20 Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

- Yes
- No
- Don't know.

Please provide your reasons.

Yes, we have no objection to the principle of bin and bike stores at the front of a building if it is a reasonable size, except for Article 2(3) land.

Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks, and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the

**total area of ground covered by development would exceed 10 square metres
be removed?**

Yes

No

Don't know.

Please provide your reasons.

No. We do not support the unfettered extension of permitted development rights in principle.

**Q.23 Should the permitted development right be amended so that it does not
apply where the dwellinghouse or land within its curtilage is designated as a
scheduled monument?**

Yes

No

Don't know.

Please provide your reasons.

No. We do not support the unfettered extension of permitted development rights in principle.

Impact assessment

**Q.24 Do you think that any of the proposed changes in relation to the Class A, B
C and E of Part 1 permitted development rights could impact on: a) businesses
b) local planning authorities c) communities?**

Yes

No

Don't know.

**Please provide 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 and which right or rights your comments relate
to.**

Yes. the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights would impact negatively on communities represented by local councils. Permitted development rights tend to erode the democratic planning system.

Changes to the permitted development rights for building upwards.

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

Yes – removed entirely.

Yes – amended to an alternative date.

No

Don't know.

Please provide your reasons. If you have chosen an alternative date, please specify.

No. Current restrictions should remain.

Impact assessment

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes

No

Don't know.

Please provide 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 and which right or rights your comments relate to.

Yes. We think that the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights would

negatively impact on communities represented by local councils. Permitted development rights tend to erode the democratic planning system.

Changes to the permitted development right for demolition and rebuild.

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

Yes

No

Don't know.

Please provide your reasons.

No. Current restrictions should remain.

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

Yes – it should not apply to buildings built before 1930.

Yes – it should not apply to buildings built before an alternative date.

No

Don't know.

Please provide your reasons. If you have chosen an alternative date, please specify.

No. Current restrictions should remain.

Impact assessment

Q.35 Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes

No

Don't know.

Please provide 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.

Yes. We think that the proposed changes in relation to the Class ZA of Part 20 permitted development right could negatively impact on communities represented by local councils. Permitted development rights tend to erode the democratic planning system.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles.

Q.36 Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.37 Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.38 Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.39 Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.40 Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?

Yes

No

Don't know.

Please provide your reasons. If you think that the permitted development right should allow for more than one unit of equipment housing or storage cabinet, please specify a suitable alternative limit, and provide any supporting evidence.

Yes. This measure will help combat climate change.

Q.41 Do you agree with the other proposed limitations set out at paragraph 60 for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.42 Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change, so in principle should be encouraged.

Q.43 Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes

No

Don't know.

Please provide 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 and which right or rights your comments relate to.

Yes. We think that the proposed changes in relation to the Class D and E of Part 2 permitted development right could positively impact on communities represented by local councils as they will help combat climate change.

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

Q.44 Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.45 Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

Yes

No

Don't know.

Please provide your reasons. If you have answered yes, please provide examples of a suitable size threshold, for example, in cubic meters or a height limit, including any supporting evidence.

Yes. This measure will help combat climate change.

Q.46 Are there any other matters that should be considered if the size threshold is increased?

Yes

No

Don't know.

Please provide your reasons.

No. Not that we are aware of.

Q.47 Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.48 Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.49 Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval about siting?

Yes

No

Don't know.

Please provide your reasons.

Yes. This measure will help combat climate change.

Q.50 Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?

Yes

No

Don't know.

Please provide your reasons.

Yes. As with satellite dish clusters – local planning authorities will need to work with residents and developers to ensure that heat pumps adjoining blocks of flats are not ungainly or excessive in number.

Q.51 Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

Yes

No

Don't know.

Please provide your reasons.

Yes. Noise pollution should be minimised.

Q.52 Do you think that any of the proposed changes in relation to the Class G of Part 14 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes

No

Don't know.

Please provide 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.

Yes. We think that the proposed changes in relation to the Class G of Part 14 permitted development right could have a positive impact on communities represented by local councils as they will help fight climate change.

For further information on this response contact Chris Borg, policy manager, on 07714 771049 or via email at chris.borg@nalc.gov.uk.

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