

9 April 2024

Sent by email to PDRconsultation2024@levellingup.gov.uk.

Dear Sir/Madam,

**Society of Local Council Clerks – Response to changes to various permitted development rights: consultation**

Thank you for giving the Society of Local Council Clerks ('SLCC') the opportunity to comment on this important consultation document.

The Society of Local Council Clerks is the professional body representing town and parish council clerks in England and Wales. More than 4,000 local council clerks are in membership serving over 6,000 town and parish councils throughout England and Wales. Influencing, shaping and guiding the planning system is a high priority for many of our members. This issue is, therefore, of special significance and importance to the Society and its members.

In preparing this response, we have also worked closely with the National Association of Local Councils with whom we share very similar comments and concerns about the further proposed expansion in permitted development rights.

Can we say from the outset that we are deeply concerned and strongly oppose the Government's continued desire to extend permitted development rights further.

We, and many other organisations and individuals, have highlighted the negative and undesirable consequences of the incremental expansion in permitted development rights. In particular, it undermines decision making and democratic and consultation processes as it removes the need for planning approval.

Permitted development is associated with ad hoc, poor quality development that does not reflect local need nor is locally distinctive.

It is critical that the impacts of proposals are fully assessed and considered, and that local communities, including town and parish councils, should be able to have a say about whether this type of development takes place. This can only be done through the formal local planning process. PDR must not be allowed to become a one-size-fits-all substitute for the proper planning process.

If the Government is minded to go ahead with further proposals to extent PDRs this should only be in exceptional circumstances and where there are compelling reasons and national and local support to do so.

Turning to the response in more detail, we have concentrated on those questions which have the greatest relevance and significance to the sector.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**Q.6** Do you agree that the existing limitation that the permitted development right does not apply if, as a result 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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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.

Don't Know. If this is to be relaxed, it is important that materials used in any exterior work should be in accordance with local design codes and conform with relevant local and national planning policies.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the

area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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.

No. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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 consider that this change is reasonable. In particular, as this would act to reduce mess and associated issues such as vermin.

We also agree that where wheelie bins or communal bins for higher density homes dominate front gardens this can lead to "bin blight" which impacts on the local amenity of residential streets and local character and that bin stores provide a positive measure to lessen this impact.

Making it easier to provide secure and conveniently located storage for bicycles would encourage and promote cycling, which is desirable.

**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. To remove this provision would be at contrary to the aims of the designation of these areas. Given the sensitivity of these sites it is important any development is considered and assessed through the planning application process.

**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. To remove this provision would be at contrary to the aims of the designation of these sites. Given the sensitivity of these sites it is important any development is considered and assessed through the planning application process.

**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, we consider that overall it will have a significant adverse impact especially on b and c.

**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. The current provisions are sound and working effectively.

**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 consider that overall it will have a significant adverse impact especially on b and c.

**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. The current provisions are sound and working effectively.

**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**

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- 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.

**Q.33** Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

- Yes
- No
- Don't know

Please provide your reasons.

No. We consider that the benefits of the proposed change would be minimal and would not outweigh, by a wide margin, the harm it would cause to amenity and the proper planning of the area. In view of the potential impacts of this type of proposals on the environment and local communities it is critical that these are fully assessed and considered, and that local communities, including local councils, should have the opportunity able to have a say on this type of development through the planning application process.

**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 consider that overall it will have a significant adverse impact particularly on b and c.

**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

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- Don't know

Please provide your reasons.

Yes. It will help support action to combat climate change and address greenhouse gas emissions.

**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. It will help support action to combat climate change and address greenhouse gas emissions.

**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.

Yes. It will help support action to combat climate change and address greenhouse gas emissions.

**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 consider that it would have a positive impact on a, b and c. Reliable and comprehensive charging infrastructure for everyone is needed to combat climate change and help bring greenhouse gas emissions to net zero.

**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. It will help support action to combat climate change and address greenhouse gas emissions.

**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. It will help support action to combat climate change and address greenhouse gas emissions, especially as it will allow more than one flat to benefit from this right.

**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 consider that it would have a positive impact on a, b and c. It will make a contribution to combatting climate change and help bring greenhouse gas emissions to net zero. Heating in

buildings is one of the biggest sources of greenhouse gas emissions in the UK, accounting for 23% of total emissions.

**Q.53** Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. The proposed changes could result in some development taking in poorly located and unsustainable locations that are difficult to access especially for those who have mobility issues such as people with disabilities.

Thank you again for the opportunity to comment upon this consultation. If it would be helpful, the Society will be pleased to meet with or speak officials to explain in more detail its points and observations over this issue.

Yours sincerely,

Andrew Towleron MRTPI

Society of Local Council Clerk's National Planning Advisor