



Permitted Development Rights

April 2021

1. What are permitted development rights?

[Permitted development rights](#) means simply development that is permitted and does not require planning permission. In the 1947 Town and Country Planning Act development rights were “nationalised”, meaning you could not undertake development activities that were described in the law without first getting planning permission.

Up until 2010, most permitted development rights were for minor development, the principle being that you could add a porch to your house without it having an impact on anyone else. Solar panels are another example of a permitted development right that specified exactly what sort of panels you could install without planning permission.

2. How does the ‘normal’ planning system work?

In the ‘normal’ planning system where you apply for permission, you have to specify what activity you will be undertaking (mining, building houses, building roads...) in some detail and whether it is supported by the planning rules. These rules are made up of your local plan (which is created by your local government and signed off by the Councillors), and policy that is drawn up by civil servants in the Ministry for Housing, Communities and Local Government. In making a decision on whether or not you can get permission, these rules are taken into account by the decision maker. Generally for larger than household developments this is your local planning committee. As part of this decision a whole host of issues are considered – accessibility, services, green space, transport access, infrastructure, design of the development, whether or not it contributes to carbon emissions reduction. Changes might be suggested to improve the development. Where some impacts can’t be mitigated through the development itself, payments might be made to the local authority as part of an agreement to acknowledge that the development creates costs for the public purse – like more school places, more infrastructure being required. The developer is effectively giving a very small part of the profit from the increase in value that they get from the development to help pay for the public costs.

3. What is the implication of permitted development rights?

The new permitted development right for ‘Class E’ (all the permitted development rights are based on ‘classes’ of development, which means types of development), means that you don’t need to get permission to turn any of the properties which fall into Class E, (shops, financial/professional services, cafés/restaurants, medical health facilities, creche and nurseries, indoor sports/fitness, and office/business/light industrial uses) into homes. You may not think this is an issue – but it means houses on industrial estates, children playing in carparks, and high streets that are no longer high streets – all without permission. They can only be refused on the basis of not meeting the “prior approval” criteria.



4. How does 'prior approval' work?

It works on the basis that the Council (officers) look at a set of criteria and approve the development if the development meets that criteria. Your local plan is now irrelevant. So is the concept of whether housing is the right sort of development for that place.

Basically, the officers ask themselves:

- Has the building have been vacant for three months before the date of the application?
- Is the floor space a maximum of 1,500 sqm?
- What is the impact on flooding?
- What are the noise impacts?
- Is there adequate natural light? (i.e. is there a light well, this is not a requirement for a window)
- Is there an impact on services?
- Is there an impact on transport?

If the Council doesn't make a decision within 56 days (that's about 2 months) it will automatically be approved. The National Space Standards should apply.

5. What are we losing?

We are losing funding for local services, the ability to tackle climate change through this sort of development, the requirements for places to be properly designed, and for us to have places that we collectively decide what we need rather than every individual making a decision without taking any notice of anyone else.

6. When will this happen?

1 August 2021, but the statutory have already been laid. They aren't primary legislation but secondary legislation, so there is no public bill committee or scrutiny and discussion about the provisions with MPs. All the Opposition can do is "pray against" the statutory instruments. This is a motion that is tabled, but you have to vote down the whole instrument. The Government has an 80-seat majority so it's unlikely that this will win, unless there is a significant, unprecedented rebellion by Conservative MPs.

7. Can the Council use an Article 4 Direction?

This is where a Council can basically make a local rule to disapply national permitted development rights. But the Government has just made it very hard for Councils to do this, and in any case all of the existing local rules to disapply certain planning changes in local council areas will all fall (i.e. cease to exist) in August 2022.

8. Does permitted development apply to existing uses?

Yes it does. Anything in Class E is now part of this right, except in a few areas:

- Not being listed, nor being within the curtilage of a listed building



- not being within protected or designated areas (i.e. Areas of Outstanding Natural Beauty, National Parks, the Broads, World Heritage Sites, Sites of Special Scientific Interest and Scheduled Monuments), with the notable exception however of Conservation Areas, where the right will apply.

9. What can we do about it?

- Write your community testimony and share it with Rights: Community: Action (email contact@rightscommunityaction.co.uk). We're collecting testimonies and we'll be mapping all of these testimonies and then asking the Government to rethink its proposal.
- Share your testimony with your MP and your councillor in the run up to the election. Ask them to fight against these PDR changes by asking questions of the Secretary of State, or committing to stand in the local elections on a platform against permitted development rights.
- Manchester Friends of the Earth are organizing a Councillor ask if you want an example of how to do this. [See here](#), including links to questions you might ask, and more information on why this matters.
- Sign and share the Charter for Democracy. This is a community manifesto for what we want out of the planning system. We'll need to have a collective vision in order to challenge Government ideas for reform. www.charterfordemocracy.org

Reference: Government's proposals

<https://www.gov.uk/government/news/new-freedoms-to-support-high-streets-and-fast-track-delivery-of-schools-and-hospitals-across-england-introduced-today>