

Permitted Development Amendments to the Town and Country Planning (General Permitted Development) Order 1995

Consultation Response Form

Respondents are encouraged to submit their responses online:

<https://www.smartsurvey.co.uk/s/5RJZZK/>.

Alternatively, please complete the consultation response form and email to
planconsultations-e@gov.wales.

Your name: [REDACTED]

Organisation (if applicable): Federation of Small Businesses (Wales)

email / telephone number: [REDACTED]

Your address: [REDACTED]
[REDACTED]

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| Q.1 | Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year? | | |
| | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Other <input type="checkbox"/> |
| | Comments: Businesses – particularly those in sectors likely to be assisted by Permitted Development Rights – have faced a hugely challenging experience throughout the pandemic. The impacts on small businesses are well understood. However, any optimism for economic recovery over coming months is likely to be dampened by intense pressures on the horizon – ranging from soaring energy costs to ongoing supply chain disruption. On top of this are mounting debts and deadlines to pay back finance, the prospect of a hike in National Insurance Contributions – a policy that will particularly hit small businesses ability to recruit and add costs – and the withdrawal of support from interventions that | | |

were introduced to mitigate against the impacts of the pandemic, all at the same time. Within the context of these challenges, any measures that maintain flexibility and encourage businesses to operate in a way that allows them to maximise activity, and subsequently assist in economic recovery efforts, are to be welcomed. For some businesses it may mean the difference between making enough profit to offset these mounting costs, and closing down, which would in turn impact on our local communities further.

The response to Q2 further demonstrates the rationale for maintaining this easing on a permanent basis.

Q.2 Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.

Yes ☒

No ☐

Other ☐

Comments:

While the impacts on small businesses throughout the pandemic have been unprecedented, it has forced decision-makers to think innovatively about how businesses are able to operate. In many cases, this has accelerated progress and understanding of business needs and pressures, through ongoing engagement. This intervention is one such illustration of how relaxation of planning regulation to promote a 'can-do' approach (with necessary checks and balances) can serve public health, and provide substantial economic and community benefits – helping to create the spaces that people want to see in their areas, and allowing businesses to do so without unnecessary hinderance.

The Welsh Government's communication to Local Authorities – indicating that they should seek to support to businesses and organisations, where the planning impacts are acceptable, to maximise their potential to operate over the spring/summer months of 2021 as coronavirus COVID-19 control measures are relaxed – was welcome. Within the context of economic recovery, messaging that appropriately emphasises the need for businesses to maximise their potential to operate will be central to these proposals.

While the experience of additional flexibility has been important to attempting to both safely navigate the public health challenge and encourage – albeit limited – economic activity, it is crucial to achieve a balance between allowing businesses to take advantage of best practice learned during pandemic, as well as the trust engendered, and have appropriate mechanisms in place to consider the interests or concerns of the wider community, including other small businesses.

Q.3 Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.

Yes ☒

No ☐

Other ☐

Comments:

As indicated in response to Q2, consideration should be given to how concerns of other businesses that may be impacted by permanent easing could be integrated or addressed. However, any additional restrictions should only be used if absolutely necessary. The PDR – as is its nature – should be weighted toward flexibility in approach and clarity for businesses.

Q.4 Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?

Yes ☒

No ☐

Other ☐

Comments:

Interventions that create additional flexibility to undertake activity of this nature are generally to be welcomed. Businesses have endured significant disruption over recent years, and so opportunities to explore more ways of operating – underpinned by building local resilience – are beneficial.

Markets represent a valuable opportunity for new start-up businesses, pop-ups and entrepreneurial individuals to take key steps in expanding and scaling their enterprise. The footfall benefits of holding a well-promoted market are well-reported, but it is critical that existing, brick-and-mortar businesses in the area are also able to effectively reap the rewards of such activity, and where they are sited should reflect this to avoid displacement.

The Welsh Government should, through relevant networks, seek to promote and disseminate best practice on bolstering efforts of local economic development in a way that best serves the small businesses of the area.

Q.5 Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?

Yes ☐

No ☐

Other ☒

Comments:

It is crucial that any activity of this nature operated by or on behalf of a local authority effectively engages with and benefits small businesses in the area. Consideration should be given around any additional flexibility that could be permitted to markets that are facilitated by Business Improvement Districts, where such structures exist. The emphasis should be on allowing more days as necessary where the business community sees that as suitable and beneficial to footfall and the local economy.

Q.6 Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.

Yes ☒

No ☐

Other ☐

Comments:

The diversification of town centres has been highlighted in recent reports as representing a necessary trajectory, in light of current challenges experienced

in these spaces. Audit Wales highlighted the threat of town centre activity being restricted – through dependence on retail – to typical trading hours. While FSB Wales strives for a strong future for the retail sector in Wales, interventions to allow for additional flexibility are to be welcomed.

In initially introducing these measures, the Welsh Government sought to utilise the GPDO to provide greater flexibility for changes of use within town centres, albeit temporarily, particularly to encourage the reuse of vacant A1 retail units. This principle, and the challenge of vacant retail units, will remain an issue for the future independently of the pandemic's effects, and so it would seem sensible to maintain the provision on a permanent basis.

However, FSB are aware of instances whereby commercial landlords have swiftly acted to initiate a change in use, effectively removing a business – i.e. the tenant – from its premises. It is possible that the permanency of these proposals could result in further examples of this occurring. Given the aspirations of the Welsh Government to bolster an economic recovery that successfully serves town centres, small businesses and their communities, appropriate mitigations against this threat should be considered.

On balance, provided the outlined concerns are alleviated, the proposal to allow the permitted changes of use to become permanent seems sensible.

Q.7 Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☒

No ☐

Other ☐

Comments:

As highlighted elsewhere in this consultation response, any flexibility that allows businesses to maintain their diversified operations through the critical months ahead and beyond is to be welcomed.

Q.8 If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

Comments:

Q.9 Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☒

No ☐

Other ☐

Comments:

As highlighted elsewhere in this consultation response, any flexibility that allows businesses to maintain their diversified operations through the critical months ahead and beyond is to be welcomed.

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|-------------|----------------------------------------------------|----------------------------------------|--------------------------------|
| Q.10 | Do you have any comments regarding Part 3A? | | |
| | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Other <input type="checkbox"/> |
| | Comments: | | |

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|-------------|-----------------------------------------------------|----------------------------------------|--------------------------------|
| Q.11 | Do you have any comments regarding Part 12A? | | |
| | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Other <input type="checkbox"/> |
| | Comments: | | |

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| Q.12 | Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing. | | |
| | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Other <input checked="" type="checkbox"/> |
| | Comments: The organisation does not have a view on this issue. | | |

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| Q.13 | Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted. | | |
| | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Other <input checked="" type="checkbox"/> |
| | Comments: The organisation does not have a view on this issue. | | |

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| Q.14 | Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing. | | |
| | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Other <input type="checkbox"/> |
| | Comments: In a 2021 survey undertaken by FSB UK, of small businesses which have not yet taken steps to make their transport habits more sustainable, 43% identified a lack of infrastructure to support electric vehicles as representing a key barrier. Research by FSB UK also shows that 8% of small businesses have already installed an electric vehicle workplace charging point. However, there is a long way to go in the business community if the Welsh Government is to meet its targets, and significant challenges remain for small firms. | | |

Greater flexibility to allow the acceleration of electric vehicle charging infrastructure – engaging with small businesses where possible – will be central to allow SMEs to rise to the challenge of Net Zero targets.

Q.15 Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

Yes ☐

No ☐

Other ☒

Comments:

The organisation does not have a view on this issue.

Q.16 Do you agree with the proposals for amending Article 4 Directions?

Yes ☒

No ☐

Other ☐

Comments:

The proposals to amend Article 4 Directions seem sensible. Consideration could be given to understand whether this proposal represents a sufficient and effective check against the concerns highlighted in answer to Q6 on change in use.

However, further clarity and guidance would be welcomed on scenarios by which such Directions could be issued in the areas identified.

Q.17 We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Comments:

The organisation does not have a view on this issue.

Q.18 We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.

Comments:

It is salient to note that the flexibility of PDR should not be undermined by the heightening of punitive charges against businesses for taking up the opportunity. FSB Wales is aware of instances whereby businesses have been charged significant sums by Local Authorities for their use of outdoor space, despite the public health and economic advantage. There must be consistency

in messaging and sentiment, taking a positive approach to businesses efforts through this stage of economic recovery.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐