

Amendments to permitted development rights

Details

Q1. Details

Name

[REDACTED]

Organisation

Institute of Historic Building
Conservation

Preferred contact details (Email address, phone number or address)

[REDACTED]

Q2. Type (please select one from the following)

Professional Body / Interest Group

Q3. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Questions

Q4. Q1. 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

Comments:

Whilst we do understand that temporary markets provide a low cost opportunity for small traders and start-ups to sell fund raising potential for third sector and community groups and consequential economic/tourism benefits to the host location. It remains of vital importance that it is made clear to landowners that they are responsible for operating the temporary uses in ways that minimise disturbance to local residents and that local authorities establish safeguarding checks that will trigger their powers to intervene where statutory nuisances occur.

The answer to this is dependent on the cultural context. We believe that heritage assets may need to be excluded to ensure that some level of control is exercised from a contextual and quality perspective. We have a concern that in an historic environment the requirements for financial success may outweigh the consideration of and need to have regard to the historic context and the existing character of place.

Q5. Q2. 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.

No

Q6. Q3. 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

Comments:

Where the PDR involves the provision of moveable structures in the curtilage of pubs, cafes, restaurants and historic visitor attractions care is required in terms of scale of the moveable structures and the quality of materials used being sensitivity to the historic context.

Q7. Q4. 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

Comments:

Care needs to be taken in extending PDRs to allow markets to be held on a greater number of days as consideration of the cultural context is important. IHBC have some concerns about the impact of this permitted development right in the context of sensitive historic complexes where the location, form and materials of certain temporary structures could have a potential negative impact on setting. We would also welcome consideration being given to imposition of height and size limitations. We have concerns that in an historic environment in particular, financial success should not outweigh the consideration of and need to have regard to the historic context and the existing character of place

Q8. Q5. Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?

No

Comments:

See answer to question 4.

Q9. Q6. Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.

Comments:

The benefits of extending the time concerning temporary uses of land to provide a variety of uses need to be set against temporary planning impacts such as noise, traffic generation and disturbance of residential amenity. Numerous vacant units cause demonstrable harm to the character and vibrancy of town centres and have a ripple effect, reducing commercial confidence in the area and its attractiveness to the public. Encouraging alternative commercially viable uses can bring social, economic and regeneration benefits.

IHBC believe it is better to have a more comprehensive approach to planning of best outcomes for historic town centres that need regeneration rather than approaching this on an ad hoc basis in response to individual applications.

Q10. Q7. 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

Q11. Q8. If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

We would also welcome the imposition of conditions concerning height and size limitations. We have concerns that in an historic environment in particular, financial success should not outweigh the consideration of and need to have regard to the historic context and the existing character of place.

Q12. Q9. 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.

Comments:

Concerning awnings their introduction needs to be approached with great care in the context of heritage assets and the need for their sensitive use in the context of the historic built environment.

Q13. Q10. Do you have any comments regarding Part 3A?

No

Q14. Q11. Do you have any comments regarding Part 12A?

No Response

Q15. Q12. 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

Q16. Q13. Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.

Yes

Comments:

Yes subject to the following proviso. The reasons for proposing this change in regard to the existing permeability condition for hard surfaces to mandatorily apply to all areas of new or replacement hard surfacing within the curtilage of the dwellinghouse, not just forward of the principle elevation is understandable. However we are concerned to ensure that consideration would still be required to be given to the type, suitability and quality of hard surfaces being introduced within the curtilage of dwellinghouses to ensure that they are sensitive to their historic context.

Conditions of the PD right are widely ignored in England, with dummy soakaways common, and limited enforcement. Porous materials do not help on impermeable clay soils, which prevents reduction of surface runoff and increases lag times. A condition requiring hard surfacing to be certified to perform below a maximum runoff standard would make it more effective. If this PD right is intended to apply to listed buildings an historic paved surface which is not treated as a curtilage structure could be removed and replaced with tarmac, provided there is a soakaway included. This situation should be avoided.

Q17. Q14. 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.

Comments:

Whilst IHBC understands the motivation and policy driven importance behind the provision of greater flexibility for the installation of electric vehicle charging infrastructure we would urge some measure of caution in this regard as we have a concern that there needs to be appropriate consideration of both the immediate setting of listed buildings and historic complexes beyond their curtilages together with appropriate consideration for their broader urban setting or landscape context which need to be taken into account. If the wording of the PDR was to make specific provision for the kind of considerations that would be appropriate in relation to development within both the immediate and broader settings of historic buildings, historic complexes and conservation areas, this could address these concerns.

Q18. Q15. Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

No Response

Q19. Q16. Do you agree with the proposals for amending Article 4 directions?

Yes

Comments:

IHBC is supportive of the introduction of measures to make the use of Article 4s easier for Local Planning Authorities. We welcome the proposal to remove the need for approval of the Welsh Ministers for all Article 4 Directions whilst retaining a reserve power for the Welsh Ministers to modify or cancel an Article 4 Direction made by a Local Planning Authority subject to certain exemptions and to retain the power for the Welsh Ministers to make their own Article 4 Directions.

The proposal to introduce 'Immediate Directions' with limited applicability within the curtilage of a dwellinghouse, Minor Operations, Changes of Use, Temporary Buildings and Uses, Demolition of Buildings and in a conservation area is pragmatic. IHBC believes that the provision allowing a LPA who wish to remove PDRs which do not fall within the classes of exemption identified in the changes for the issuing of a 'Non-immediate Direction' has merit. The flowcharts provided in the appendix to the consultation report are useful.

IHBC suggests that with regard to historic buildings and conservation areas some published guidance from Cadw to steer those local authorities who have no conservation officer and might not be so familiar with the nuances of historic character and how to use Article 4s appropriately.

These proposals, while largely welcome are adding further complexity to their accessibility and implementation whereas a consolidated reworking would have been welcomed by practitioners.

Q20. Q17. 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?

No Response

Q21. 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.

No Response

Submit your response

Q22. If you want to receive a receipt of your response, please provide an email address.

Email address

[REDACTED]