

# Royal Institute of British Architects

## Ministry of Housing, Communities and Local Government: Supporting Housing Delivery & Public Service Infrastructure January 2021

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?

### *Disagree*

The RIBA has expressed significant concerns about the impacts the Permitted Development has had on the quality, safety and sustainability of new homes. While a number of proposals within this consultation will address some of these issues, we remain of the view that there is little evidence to justify the need for the use of permitted development as a means of accelerating the development of new homes. Particularly where larger buildings are concerned, the construction of new housing could have significant implications for transport, social services and neighbouring developments. We would urge government to at the very least reserve the right for local councils, devolved authorities and the Secretary of State to require full planning permission is sought for larger buildings.

Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?

### *Agree*

The use of a site has a fundamental bearing on its historic, communal and aesthetic values. These areas of significance are sustained by the current consent regime.

Q2.2 Do you agree that the right should apply in conservation areas?

### *Disagree*

The value of conservation areas is usually far more complex than just the evidential value. Character is a most important aspect and this is what is managed in a conservation area. Use and character go hand in

hand.

**Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?**

*Agree*

It would be possible to look at certain character areas within conservation areas and deem that no harm would arise from a change of use. In which case allowing this liberty would prevent decline of the fabric.

**Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

*Yes*

The RIBA is concerned about the implications of this proposal for the quality of life of residents and the ability of businesses operating in the area where new homes are developed to continue operating. There are also issues relating to the provision of social and economic infrastructure that may impose significant costs on communities and local economies. The loss of land for employment can be mitigated through good design and the development of mixed-use schemes. The expansion of permitted development will make it harder to bring forward these sorts of schemes.

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

*Yes*

While the proposals to require new homes delivered through this change to meet National Space Standards should address some of the most serious impacts caused by the delivery of sub-standard homes through permitted development, a range of other issues including accessibility and environmental performance remain unaddressed.

## **Supporting public service infrastructure through the planning system**

**Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

*Yes*

Delays in the planning system are a major challenge and we welcome moves to improve the visibility of the expected time to determine planning applications. At the same time, we note that in many planning authorities, the resourcing of planning departments has been significantly reduced in recent years due to funding cuts. We would hope that with increased requirements, Government will commit to increasing the funding available to planning teams.

**Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**

Yes

Greater consideration of infrastructure issues during the planning process is welcome. We note that one of the most commonly cited barriers to the commencement of construction remains services provided by privatised and publicly owned utilities. We would urge the Government to clarify with the utilities and their respective regulators (including but not limited to OFWAT, OFGEM, OFCOM) about what can be done to address delays.

**Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?**

Yes

We welcome the commitment to bring forward legislation to require that all new homes delivered under such rights meet the nationally described space standards and provide for adequate natural light. While we feel that the Government continues to under-estimate the scale of the problem, requiring that new homes delivered through permitted development meet space standards should address some of the most horrific examples.

### **Consolidation and simplification of existing permitted development rights**

**Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?**

*Don't know*

We believe that further and more detailed proposals need to be brought forward for consideration before a final decision is made.

**Q19.2 Are there any additional issues that we should consider?**

Yes

We would welcome further dialogue with the Department about the expected regional impacts of these reforms. The RIBA is particularly concerned about the potential for the loss of essential and otherwise viable retail services in rural and urban areas where residential land commands significant premiums over other land use classes.

**Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?**

Yes

The RIBA remains unconvinced of the merits of expanding permitted development – however it is essential that proposals to improve the quality of any housing delivered through this route are delivered as promised.