

Royal Institute of British Architects

Department for Levelling Up, Housing and Communities consultation on Permitted development rights and additional flexibilities to support housing delivery
September 2023

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.

RIBA welcomes the opportunity to respond to the permitted development rights (PDR) consultation on introducing additional flexibilities through proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015. As the scope of the consultation is broad and covers a variety of sectors, contexts and projects, our response will focus on issues arising from the expansion of PDR and the delivery of high-quality, affordable and sustainable homes and places.

To inform our response, we held a roundtable with RIBA members in September 2023 as well as providing an online form for members to record their responses. RIBA members raised that expanding PDR as it stands for commercial to residential purposes will contribute to the creation of poor-quality homes and places with little regard for strategic and holistic approaches to placemaking.

As such, RIBA recommends that the Government:

- Ends the use of PDR that creates new residential units from previously commercial buildings until such time that concrete assurances can be made that all units created in this way would meet at least the standards required under full planning permission.
- Actively promotes the use of architects in the design of all buildings.
- Invests in building up the capacity of local authority planning departments, particularly with qualified design expertise.
- Prioritises investment in the design and delivery of high-quality, genuinely affordable homes, including social homes, as a long-term solution to the housing crisis.
- Ensures sustainability is embedded in the delivery of long-term housing solutions.

RIBA 
Architecture.com

Royal Institute of
British Architects
66 Portland Place
London, W1B 1AD, UK

Charlotte Watson
Senior Policy Advisor
charlotte.watson@riba.org

Context and policy landscape

RIBA has previously expressed significant concerns about the impact that PDR, when used to create residential dwellings out of commercial units, has historically had on the quality, safety and sustainability of new homes. However, PDR in some residential instances, such as facilitating extensions to existing properties, can be appropriate.

We understand that there is a clear role for mechanisms which serve to provide extra flexibility in the planning system, as the rigidity of Use Class Orders can on occasion serve to stymie much-needed, high-quality development. Speaking to RIBA members, it has become clear that the planning system, as it stands, can hold up the progress we need to make.

However, until such time that concrete assurances can be made that all residential units created via PDR would meet at least the standards required under full planning permission, we cannot advocate for this approach. The concerns we will lay out in this submission, regarding the resultant impacts on quality and sustainability, alongside proactive planning, are too significant.

In our [response](#) to the then-Housing, Communities and Local Government Select Committee's inquiry in 2021, we noted a number of key areas where PDR has had a negative effect on the housing and planning landscape, many of which will be echoed and extrapolated upon in this response. These broadly fall into the below categories:

- Poor quality housing provision in commercial to residential conversions, and subsequent negative impact on the mental and physical health of inhabitants.
- The use of PDR and the resultant ability of local planning authorities (LPAs) to prioritise proactive planning.
- The use of PDR and the reduced ability of older and disabled people to access suitable homes.
- The lessened role of the community through meaningful engagement in the planning process under PDR.
- The concerning and clear sustainability risks of PDR.

The text of this consultation states that "PDR provide[s] flexibilities and planning freedoms to different users, including businesses, local authorities and local communities." While this is posited as a benefit, this is also a cause for concern when relating to the creation of new residential units. Resolving the issue of poor-quality development in the long-term requires investment in the planning system and a greater role for expertise in the development of new housing. Many new homes have not been built following the advice of an architect, and this has had a noticeable detrimental effect on the quality of our housing stock.

We are concerned that expanding PDR will further compound this issue, and could lead to a generation of slum housing at a time when providing future-proof housing stock is critical. However, members relayed to us that they would be open to the use of commercial to residential PDR in future, should safeguards be enacted to ensure that all projects undertaken this way meet at least the standards that would be approved through full planning permission.

There are also implications with regards to wider regulatory changes, with revisions to the National Planning Policy Framework (NPPF) currently being consulted on and the implementation of the Building Safety Act imminent. Expanding PDR appears to stand in direct contradiction to many of the stated aims of the proposed changes to the NPPF, including its emphasis on “the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development.”¹ In promoting a piecemeal approach to development, rather than a holistic approach to place and plan-making, it is unclear how extending PDR will contribute to strategic and well-designed development.

PDR and the housing crisis

RIBA has been clear that the scale and severity of the housing crisis is stark, and that there is no alternative to building more sustainable, affordable and high-quality homes that will meet the need of both current and future generations. While we make no apologies for recognising the need to build at pace, it is vital that we do so without sacrificing quality.

To meet the standards of quality and sustainability necessary to ensure that our homes stand the test of time, while also meeting the changing needs of our population, we must promote a strategic and holistic approach to tackling the housing crisis. We are deeply concerned that an over-reliance on PDR to provide more units does not provide a long-term solution. It is crucial that the necessary conditions are in place to facilitate high-quality development on a scale which will meet the pressing need for more homes. We have previously argued that deregulation of the planning system, of which PDR is a part, has been proven to be a poor method to achieve this.

Changes to the planning system, which we recognise are sorely needed, are only one element of systemic change needed to meaningfully tackle the housing crisis. Alongside this, the Government must commit to focusing on investing in high-quality, genuinely affordable homes across the country. In 2021, we recommended that the Government should prioritise assisting local authorities in bringing new housing forward through supporting infrastructure investment and directly investing in genuinely affordable housing provision, including provision of social homes. This is critical to providing a long-term solution to the housing crisis.

PDR and implications for quality

RIBA has long held concerns about the quality of residential units that are created under PDR. Research in a 2020 Government-commissioned report on the quality of homes built through PDR has

shown that the quality of most homes delivered this way is poor.ⁱⁱ The research highlighted that at the time, only 22.1% of residential units created through PDR met nationally described space standards (NDSS), compared to 73.4% of units created through full planning permission. There were also implications for light and access to private amenity space, in addition to homes being delivered in inappropriate locations, such as near very busy roads, outside of walking distance to shops and amenities, and with no access to green space or play space for young people.

We are pleased that since this research and in line with recommendations from RIBA, NDSS have been made mandatory in full for all new homes created through PDR. However, this still means that there are a significant number of units which have historically been created through PDR that clearly do not meet high standards of quality. An example included in this research notes that, in one scheme in Crawley, nine units were found to have no proper windows. In the schemes examined which were brought forward through PDR, there was worse access to amenities and green space than those examined which were brought forward through the full planning process.

The Department for Levelling Up, Housing and Communities (DLUHC) states that in the seven years to March 2022, PDR has delivered over 94,000 new homes to rent or to buy, representing 6% of overall housing supply delivered in that period.ⁱⁱⁱ We are aware that the impact on the mental and physical health of inhabitants of poor-quality housing can be significant. Given that the Government clearly views PDR as a primary vehicle for housing delivery, low standards of quality which may affect the health of inhabitants must be mitigated without delay. As we have previously articulated, adequate privacy and daylight, as well as access to open space, is essential to provide the quality of life which all residents deserve. We are not convinced that units converted to residential use from commercial use are, in the present system, able to meet this need.

RIBA members echo these concerns, noting that the quality of residential units created from commercial units via PDR are often compromised from the start, as units are not designed with a residential purpose in mind – creating a “fast track to the bottom.” Some members described multiple or recurring issues with commercial to residential conversions, many of which stemmed from changing the primary use of a unit. All members were in consensus that to be approved, any unit created under PDR would only be appropriate if it would meet the same standards as would be approved and delivered under full planning approval. As a solution, members reiterated the vital role of architects within the planning process to promote exemplary design and high standards of quality.

Location and amenities

It is vital that reforms of the planning system focus on best practice in placemaking. The proposed extension of PDR as suggested in this consultation would have a significant impact upon the ability of LPAs to control the quality of homes delivered.

Not only can the quality of the dwelling itself greatly influence an occupant’s quality of life, but so does its wider relationship to place. When PDR is used to create residential units in locations that are

not planned to support and facilitate such use, there are often a number of negative consequences for both the local area and the wellbeing of the inhabitants of the converted spaces. Many shops, offices and other buildings not currently in residential use are not suitable for residential conversion, owing to issues such as location or configuration. It is essential that, in the context of PDR as enacted at present, the proper scrutiny of these buildings is via a full planning application to ensure that that all new homes offer a good quality of life to inhabitants.

In its response to this consultation, the Town and Country Planning Association (TCPA) states that unplanned PDR conversions in locations with little supportive infrastructure or amenities will have deep effects on the health and wellbeing of inhabitants. It argues: “in the many locations where offices or retail units could be converted into homes in out-of-town retail parks or industrial estates...with no nearby school, shops, health facilities, and little to no access to green or play space [the consequences] are simply disastrous.”^{iv}

Without access to necessary infrastructure and amenities, inhabitants are left vulnerable to social isolation and exclusion from economic and social life. This risk is particularly compounded for groups of people who may need additional support to fully participate in their community and already marginalised groups. As the Local Government Association (LGA) has raised,^v issues such as overcrowding, which are characteristic of developments currently undertaken through PDR, disproportionately affect minoritised and racialised people, low-income households, older people, disabled people and renters.

PDR and the high street

There is also the question of the impact of expanded PDR on the vibrancy and diversity of our high streets. The economic and social benefits of easy access to town centres and high streets which provide a wide range of amenities are vast – boosting local economies and businesses while providing opportunities for participation in the social world, particularly for older, disabled and vulnerable people.

Research has shown that not only will high levels of commercial to residential PDR have an impact on already stretched local government finances through a cut in revenue raised via business rates,^{vi} but will also negatively impact the viability and vibrancy of high streets and commercial districts, many of which have already experienced noticeable decline in footfall and revenue.^{vii} Members relayed that, in line with these findings, they had experienced PDR presenting a large cost burden without concurrent financial contribution to the local area. This is in line with findings on the impact of PDR in Bristol, where officers noted that PDR is leading to “the inability to secure affordable housing and other Section 106 contributions towards local transport and public realm improvements”.^{viii}

Given the contribution of thriving commercial and retail offers to local authority revenue, and also the vital role that our high streets play in maintaining the wellbeing of communities, the

Government must ensure that this angle is considered comprehensively in the context of expanding PDR.

PDR and the planning system

Planning resource

Numerous assessments have revealed that there is a concerning lack of specialist design expertise within local government.^{ix} This means that LPAs are often unable to engage in proactive planning, which is necessary to properly establish a strategic vision for an area and respond to local need. Instead of proactively engaging with design teams, LPAs often only have the capacity to reactively respond to planning applications once submitted. As well as resulting in poorer outcomes in design, this also creates substantial delays to the planning process as prospective issues are often not identified in good time.

RIBA members have repeatedly raised concerns about the impact of such delays to the planning process. As part of RIBA's Future Trends reporting in April 2023, when asked if delays in the processing of planning applications by LPAs had caused delays to projects, 47% of respondents reported delays of six months or more, up from 30% in 2021. Additionally, 22% respondents reported having to abandon projects due to delays, up from 7% in 2021.^x

RIBA expert members have also raised a number of concerns related to PDR and its effect on the planning system, particularly with regards to exacerbating existing delays. Though the consultation states that "permitted development rights provide a degree of certainty and reduce the burden of the planning application process for applicants", members relayed that this was not their experience. This is also borne out in available evidence: in a case study of PDR in Sandwell, its application is viewed as "having resulted in the emergence of an increasingly unwieldy and uncertain process, where the costs to the local authority, community and housing markets, often outweigh any positive impacts of the regime."^{xi}

Members relayed that they felt PDR acts to create bureaucracy, leading to additional burdens on both LPAs and planning applicants, as well as architects. Members agreed that they had seen PDR "take resources away" from the traditional planning process, while also leading to demoralisation and disengagement amongst planning officers, in direct contradiction to its purpose of increasing flexibility in the system. This has a knock-on implication for the recruitment and retention of skilled planning officials in LPAs, which is vital for proper scrutiny and the long-term provision of well-designed places.

Community engagement

The use of PDR to create residential units rather than creating units through the traditional planning process has also affected the ability of communities to engage with potential development. We are

concerned that this has the effect of stimulating local discontent and opposition to development. If development does not feel strategically planned, with minimal community input on issues such as infrastructure capacity, there is more likelihood that development will feel as though it is done to, rather than with, an area's inhabitants.

An aim of the planning process is to ensure that homes and buildings are built for the communities that live there, in areas that need them, and are supported by the necessary social and economic infrastructure. Development undertaken via PDR does not at present allow for the required scrutiny to make sure that this aim is met.

A consequence of PDR is that LPAs have very little control over many aspects of change when such change is through expansion of these rights, particularly in town centres. As we have shown, PDR removes the ability for LPAs to appropriately support high-quality developments that are area-specific and meet the needs of the community.

We have previously expressed concerns that mechanisms such as PDR serve to disempower communities from meaningful engagement in the planning process. Not only does this engagement often lead to better development, but also serves to create a dialogue between architects, planners, developers and communities: opening up opportunities for discursive conversation, thus facilitating community buy-in and promoting the need for high-quality development. Without these opportunities we are concerned that opposition to much-needed development, prompted by experience of poor quality, inconvenient projects through the PDR process, will increase.

A shadow planning system

In our 2021 response to the House of Lords Built Environment Committee's inquiry on meeting the UK's housing demand, we argued that the rapid expansion of PDR has been central to the creation of a shadow planning system. In addition to this, we have serious concerns that as policies in local plans cannot be applied to PDR, this will negatively affect plan-led approaches to the built environment.

Furthermore, we are concerned that planning resource is being poured into responding to developers who take advantage of the existence of mechanisms such as PDR to "game the system", taking vital resource away from focused engagement with the traditional planning process. This is echoed by research which shows that, even after the Government has taken steps to increase standards in developments under PDR, developers still leverage such mechanisms to try to "push against the boundaries of acceptability."^{xii} In circumventing the planning process and pushing standards of quality and placemaking that would not be deemed acceptable under mechanisms such as local plans, using PDR to create residential units currently acts to drive down the standard of new development. .

PDR and accessible housing

The expansion of PDR has, and unless significantly reformed, will, negatively impact the accessibility and sustainability of new homes. We are concerned that its expansion has been of serious detriment

to the planning system's ability to deliver new homes and places sustainably while supporting the mental and physical health of disabled and older people.

At its best, the planning system works to ensure that homes are built in walkable environments, close to critical public infrastructure such as hospitals and public transport, and near to green spaces which are vital for physical and mental health. Bypassing the checks and balances involved in the planning system to create new residential units through mechanisms such as PDR disproportionately detrimentally impacts disabled and older people, as well as other vulnerable groups.

In July 2022, the Government announced that all new homes will have to meet a minimum accessibility standard in line with Part M4(2) of the Building Regulations. While this is welcome news which we have long campaigned for, it is hard to see how this policy is practicable alongside the expansion of PDR. Given that issues such as overcrowding and inadequate living space are rife in many commercial to residential PDR projects, it is unclear how many of these units will be able to comply with a minimum accessibility standard in line with Part M4(2).

PDR and sustainability

The proposed expansion of PDR could make it harder for the Government to deliver its net zero targets. The current use of commercial to residential PDR is a limited and short-term solution to the housing crisis which does not prioritise sustainability. While reusing buildings in appropriate circumstances can help tackle the climate emergency, the proposed expansion of PDR poses a threat to boosting the sustainability of our housing stock. With a high number of poor-quality units created through PDR, it is likely they will require costly retrofitting or even replacement in years to come.

The UK has the least energy efficient housing stock in Europe. It is therefore vital that we prioritise improving the efficiency standards of existing buildings so that they are fit for the future. We must avoid adding to this problem, and the need for costly and disruptive future refurbishment. If the Government is to meet its own energy efficiency standards, it should embrace innovative solutions and sustainable design with the goal of creating energy-efficient homes, as opposed to relying on short-term solutions such as extending PDR in order to create new units.

PDR and climate adaptation

The climate is changing, and at pace. Even under ambitious scenarios, the UK will face climate-related threats, from flooding to heatwaves to extreme cold weather events. The current NPPF stresses the importance of taking a proactive approach to adapting to climate change and ensuring resilience to climate change is built in, as part of the planning process, albeit only to a limited extent. A greater focus on adaptation in the NPPF would help to ensure the development of sustainable places that are resilient to the changing climate. While the NPPF is due to be reformed, the focus on sustainability and climate adaptation in DLUHC's recent consultation suggests that this will remain the case.

A greater expansion of PDR, however, would run counter to the delivery of climate resilient homes. As the TCPA acknowledges, “key safeguards [such as]...the sequential test for flood risk”^{xiii} do not apply to units created under PDR.

The Government must ensure climate adaptation is given parity with mitigation when developing new planning frameworks and policies. To realise its own climate ambitions, the Government must act so new homes are as efficient as possible and located appropriately, with resilience to climate threats such as overheating and flooding built in. A holistic approach to planning, which factors in sustainability, will be critical to ensuring the delivery of high-quality, sustainable homes which are fit for purpose both for now and future generations. An expansion of homes created under the current PDR system is not the way to make this a reality, and in fact could threaten this aim by adding to high number of dwellings which fail to meet appropriate efficiency standards.

ⁱ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

ⁱⁱ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

ⁱⁱⁱ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1157188/Command_paper_permitted_development_rights_May_2023_WEB.pdf

^{iv} https://www.tcpa.org.uk/wp-content/uploads/2023/09/PDR-consultation_TCPA-response_01.09.23.pdf

^v <https://committees.parliament.uk/writtenevidence/26252/html/>

^{vi} <https://bpf.org.uk/media/press-releases/british-property-federation-government-plan-for-uncontrolled-conversions-to-residential-will-not-save-our-high-streets/>

^{vii} https://www.tcpa.org.uk/wp-content/uploads/2021/11/mappingclassereport-uclv3_ss.pdf

^{viii} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

^{ix} https://www.london.gov.uk/sites/default/files/placeshaping_capacity_survey_2018_web.pdf

^x <https://riba-prd-assets.azureedge.net/-/media/GatherContent/Business-Benchmarking/Additional-Documents/RIBA-Future-Trends-Report-Apr-2023pdf.pdf?rev=8509f9edd9b6465991e550a3a275e814>

^{xi} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

^{xii} https://www.tcpa.org.uk/wp-content/uploads/2021/11/mappingclassereport-uclv3_ss.pdf

^{xiii} https://www.tcpa.org.uk/wp-content/uploads/2023/09/PDR-consultation_TCPA-response_01.09.23.pdf