

Report Item PC065-20/21 Nuthurst Parish Council Planning Committee 20th January 2021

Permitted Rights Consultation (closes 28th January 2021)

To; Councillors

From; Clerk

Recommendation – to submit an objection to the proposal.

Some more information about the consultation on Permitted Development rights flagged in CPRE's December Planning Newsletter. The consultation closes on 28 January 2021. The Newsletter states:

Consultation - Supporting housing delivery and public service infrastructure

On 3 December we published a consultation on measures which will support housing delivery and the provision of public service infrastructure. We are seeking views on:

- *a proposed new permitted development right for the change of use from Commercial, Business and Service use (new Class E) to residential (Class C3), to create new homes*
- *measures to support public service infrastructure through the planning system, by expanding existing permitted development rights for educational establishments and hospitals, and extending them to prisons; and, streamlining the planning application process for educational establishment, hospitals and prisons, so that key public service infrastructure improvements can be delivered more quickly*
- *the approach to simplifying and consolidating existing permitted development rights following recent changes to the Use Classes Order*

*The consultation Supporting housing delivery and public service infrastructure **closes on 28 January 2021**. For any enquiries about the consultation please email PublicServiceInfrastructure&PermittedDevelopmentConsultation@communities.gov.uk.*

The consultation documents can be found at

<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure/supporting-housing-delivery-and-public-service-infrastructure>.

CPRE have previously been in correspondence with our Horsham Councillors about the problems already being caused by Permitted Development Rights for agricultural buildings, which in some cases are nothing more than shacks. Councillors have raised the issue with other District Councillors, many of whom have similar concerns. They are jointly trying to get the issues addressed by Horsham. This new proposal aggravates the problem by extending it to any building which is used, even partly, for commercial purposes. Although it is clearly aimed at redundant buildings in town centres, it would also apply in the countryside and even in conservation areas of our villages.

Cases such as DC/19/1788 (Lodge Farm, Malthouse Lane, Ashington), DC/19/1870 (Rowfold Kennels, Coneyhurst Road, Billingshurst), and DC/19/1671 (Townhouse Farm, Coolham Road, Thakeham RH20 3EW) show how Permitted Rights can lead eventually to permitting new houses to be constructed in locations which flagrantly conflict with HDC planning policies.

In each of the above cases the final planning application was considered by HDC officers to be less damaging than the alternative Permitted Developments they had already approved. The result of such “cumulative permissions”, as they have been termed by one agent, is isolated pockets of housing scattered across the countryside. This is to the detriment of local democracy, undermining the District Plan, the efforts put into Neighbourhood Planning, and attempts to protect and enhance our countryside.

Permitted Development rights were intended for conversions not rebuilds and hence restrict the ability of Councils to challenge them. To allow new building on the strength of PD rights is perverse. In the High Court decision *Arnold v SSCLG* [2015] EWHC 1197 (Admin), the High Court held that the parent dwelling must be retained in order for the householder to benefit from the PD rights relied upon. The rights assumed the continuing existence of the original structure; if that was lost, so were the rights. *Arnold* went to the Court of Appeal but the appeal was dismissed [2017] EWCA Civ 231.