



Review of the Use Classes Order

A response by Civic Voice to DCLG's issues paper

August 2011

1. Civic Voice is the national charity for the civic movement, working to make the places where everyone lives more attractive, enjoyable and distinctive and promoting civic pride. We know how important effective planning is to these goals. Given this role it is no surprise that civic volunteers are the most numerous participants in the planning system. This response is informed by their practical experience and local outlook.

2. We welcome the opportunity to shape the purpose and content of the Use Classes Order. Our starting point is that the Use Classes Order has an important role to play in managing change of use in the public interest within a strong development plan framework at the local level. We view it as a mechanism for achieving desirable policy outcomes by classifying different uses as a basis for determining where express planning consent for a change of use should be required. It is important, therefore, to address the desirability of achieving policy outcomes as well as land use impact when classifying use classes or granting permitted development rights. We believe there is a need to require express planning consent for more changes of use both to address land use impacts and engage the community. By contrast, the issues paper starts from an assumption that the Use Classes Order is a "*significant deregulatory tool*" intended to reduce pressure on developers and the planning system and that there is a need for further deregulation. We do not agree with this premise.

3. We believe the Use Classes Order could do more to support desirable policy outcomes but it does not need any significant change. We make some modest suggestions for improvement in responding to the main questions raised in the issues paper below:

- We support the continuing role of the planning system in managing changes of use even where there is no physical development required
- We do not consider the Use Classes Order to be a deregulatory tool but a means of classifying uses in ways that will both manage land use impacts and support desirable policy outcomes, such as the mix of uses in the high street
- We support greater local discretion over the implementation of the Use Classes Order and associated permitted development rights. This should allow local planning authorities to reduce permitted development rights as well as extend them and also to address the cumulative impact of changes of use on the local area. In all cases local variation should only occur with the consent of the local community. We also support improvements to the process for withdrawing

permitted development rights through Article 4 Directions so these are easier to use and more cost-effective for local councils

- ☛ We support changes to the current Use Classes to support greater diversity of uses in high streets and town centres and underpin the Government's commitment to putting the "town centre first". Lax planning safeguards have been an important reason for the growth of "clone towns" with the new economics foundation identifying 41% of UK towns as clone towns and a further 23% on the verge¹. The importance of a diverse range of local shops and services was identified as one of the most important contributors to what makes places enjoyable and people proud to live there in the results of Civic Voice's Love Local survey (www.civicvoice.org.uk/campaigns/love-local) in 2010. This also identified the loss of valued local shops as one of the main things at risk. We support a change to the Use Classes Order which introduces a new Use Class for community uses, such as essential shops – such as bakers, greengrocers and butchers – and services – such as banks, pubs and post offices. An alternative would be to make them *sui generis* by placing them outside the use classes altogether. We also support separating pubs from A2 and A1 uses which are purely commercial and making post offices *sui generis*
- ☛ We do not support further deregulation. There are significant problems which result from the operation of the current regime. These need to be addressed by an increase in planning control rather than relaxation. We have registered our strong opposition to the current proposals to relax the need for express planning consent to convert offices to housing
- ☛ We believe that a strong and effective planning system is a pre-requisite of public policy for economic growth, providing certainty and engaging councils, developers and local communities in deciding on the best mix of development and land use change. We do not support the premise that economic growth is being hindered by the planning system
- ☛ The question of ancillary uses and when they become material is best dealt with on a local basis
- ☛ We support greater discretion for local authorities to reduce the period of permitted development rights for temporary uses, such as markets and car boot sales, which can have a significant impact
- ☛ We believe "meanwhile uses" of buildings have an important role to play in building confidence and vitality and should be encouraged as appropriate to the area. There should be scope for local authorities to control such uses and there should be no presumption that permanent planning permission will be forthcoming.

¹ new economics foundation. 2010. *Re-imagining the High Street: Escape from Clone Town Britain*.