**Greater flexibilities for change of use: consultation response form**

**Question 1:**

Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?

**Answer:**

**No. Civic Voice does not agree with this proposed change of use as permitted development**

If adopted it is likely to hasten the demise of local shopping and the role of the High Street as the higher rents and site values for residential development encourage landlords to seek a change of use even if retail uses remain viable.

The Government places great store in ensuring that development is plan led and in line with Local Plan provisions and supports up-to-date Local Plans and the challenge may be for local planning authorities to review them and, where appropriate, release empty and underused shops – which is after all the alleged target of this proposal. **The proposals to allow conversion of shops to residential could, however, diminish street level activity and visual interest, with reduced levels of retail offer. The prior approval process provides some protection against this, but does not offer the proper protection that the planning application process offers.** The Government wants to promote healthy communities (NPPF paras 69/70) which have a local/neighbourhood centre as the hub. To promote change of use for these centres will undermine the vitality and viability of those centres and of any chance of maintaining strong neighbourhood.

It may also leave parts of town streets with non-retail uses such as hot-food takeaways amongst houses, creating a conflict of uses. This is more likely to happen where land values are higher for residential than retail and could have a much greater impact in some places than others and not always where it is needed most to deal with failing parts of shopping streets. There would be great pressure from landlords to convert the premises to residential to increase the value. It is likely that this would result in the loss of viable shop units suitable for small, independent retailers who create individuality in shopping streets and between neighbouring towns, leaving only the primary shopping areas with the chain stores which can afford higher rents and rates. This would create more clone towns which are vulnerable to chains collapsing as we have seen a great deal in the present recession.

It is anticipated that the conversions would take place mostly in secondary shopping frontages, but not all councils have a Local Plan in place which is compliant with the NPPF and this change is expected to come into force within six months and the relevant areas of town centres would not all be defined. However, where Local Plans have identified their town centre network, from city centres down to neighbourhood centres (as defined in the Glossary of the NPPF), identified them of the Proposals Map, including primary and secondary frontages where appropriate, and list the addresses covered by these centres, the Government should, as it is committed by the NPPF, to support up-to-date Local Plans. **These areas should be exempted from the current proposals.**

The proposal allows for councils to assess the impact of the loss of shops, but the effect is likely to be cumulative rather than any individual premises being lost, so could take some time to have much effect but in the longer term it could make a significant difference to the character of an area. Also, shops and class A2 premises, such as banks, provide jobs and conversion of premises to residential leaves more people living in a town centre but fewer jobs and services.

The proposal also allows physical changes to the premises to convert them into houses without the requirement for planning permission, albeit with an opportunity for prior approval to assess the impact on the appearance. This is likely to mean that over a period of time, the secondary frontages of towns would lose their shopfronts which reveal how the character of a place has changed over time even when shops have closed. This can be important to show the historic character of a place and would have been controlled by planning when change of use occurs. Prior approval may stop the first few, but as the amount of non-shop uses increases, it may be harder to resist such changes.

According to the proposal, shops or A2 units of up to 150 square metres (the equivalent of the ground floor space of two small shops) could be converted to up to four flats. This area is too big as a definition of a small shop, yet if converted to up to four flats it is far too small - it would create sub-standard units of housing and also add to parking pressures in parts of shopping streets which could often have daytime parking restrictions to allow visits to the remaining shops. This could further undermine their viability. In many towns it is likely to have a significant impact and result in the loss of independent shops and variety in shopping streets as well as loss of the historic evidence of an area’s change of character and because of the conversions to housing, parking issues which reduce the viability of more shops.

In order to promote healthy communities, whether maintaining existing neighbourhood centres or creating a new community, it is important to understand each community from the bottom up. Who will the population be? What will they do? What will their needs and wants be? How can the existing residential accommodation be supplemented? Where should new residential spaces be created? From what property stock (if conversion instead of new build)? How will this impact the remaining commercial property? What impact will this have on parking? On traffic? On public transport? etc. All are decisions a good town planner should be taking to best develop the town of the future.

**Question 2:**

**Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?**

**“No. There are numerous redundant A2 premises on the high street as banks and building societies contract their businesses in response to the banking crisis and more people engaging in internet banking. These redundant premises are adequate for any newly-emerging businesses and there is no need for further shops to be converted to these uses”.**

**Question 3:**

**Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?**

**Answer:**

**No.**

The proposal runs contrary to long-established national and local planning policies (endorsed by the NPPF) which restrict residential development in the countryside to that necessary only for agriculture, forestry, horticulture, or other *bona fide* rural enterprise. Allowing the unregulated conversion of farm buildings to houses (even extending to complete demolition and new-build), together with the inevitable associated suburbanising development of gardens, swimming pools, close-boarded fences and driveways, will have a devastating effect on the appearance of the countryside and on our surviving stock of traditional and historic farm buildings.

Since 1948 there has been a general presumption against new dwellings in the open countryside for the very good reasons, based predominantly on landscape protection and sustainability. The proposal undermines the very principles set out in the NPPF that limit unfettered new dwellings in sporadic locations. If new dwellings are required in rural areas, they should be determined on the basis of a functional need. Allowing residential conversion as permitted development will create new housing which will make no contribution towards local needs or affordable housing provision. Because of the differential in values between commercial and residential, it will also bring to a complete halt any further conversion of redundant farm buildings to much-needed places of rural employment.

**Protecting the character of the countryside has long been a principal aim of our planning system.** Under the propsals, no consideration will be given to the impact of residential use on the historic and landscape value of historic farm buildings. Existing design guidelines that ensure that conversions respect the established character of the historic ‘host’ buildings and the wider countryside will be irrevocably undermined.

**Large functional agricultural buildings have often been built to ensure we have a viable agricultural industry, even where their location and scale is unsuitable to the character of the countryside. The justification has been that such buildings were functionally necessary and in the national interest. The conversion of such buildings into scattered residential properties will detrimentally affect the character of the countryside and this cannot be adequately mitigated by the prior approval regime which is proposed. In time it will also lead to the erection of large new farm buildings to replace those lost to residential use.**

Local Plans are required to meet an authority’s objectively assessed housing needs in sustainable locations within or well-related to existing towns and villages. The proposal is not justified in terms of meeting identified need in sustainable locations, and conflicts with existing policies to protect the countryside from inappropriate and unnecessary development.

**Because of the very high values attached to dwellings in the countryside and because farm buildings are so very widespread, the impact of this proposed change will be much greater than the commercial change already permitted.**

**For the reasons set out above, we consider that the conversion of any agricultural building to residential use should continue to require full planning permission and that local planning authorities should continue to be able to consider a full range of planning considerations in deciding their suitability.**

If PD rights were to be granted, it is absolutely essential that agricultural buildings within Conservation Areas, Green Belts, AONBs, National Parks and AONBs and any within the curtilage or settings of listed buildings should be excluded.

**Question 4:**

**Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare, and to carry out building work connected with the change of use?**

**Answer:**

The potential impact of B1 (office) use and nursery use will be very different: traffic flows, level of noise etc. In many places this may be appropriate, but not all, and should be considered on a case to case basis. C1, C2, C2A and D2 properties may be more appropriate to offer this permitted right to, but there are some where it could be equally inappropriate. If a planning authority could have a list of exclusions of properties where (with sound, defined reasons) such an extension to permitted rights was not allowed, this could mitigate problems for "difficult" sites.

**The main issue with nurseries, as with schools, is adequate provision for the dropping off and collection of children safely without causing undue problems on the highway network. Concerns also sometimes arise about noise in relation to residential premises. These issues should continue to be addressed through the full planning process and not a less efficient prior notification process which does not allow adequate time for neighbours and Parish Councils to be properly consulted**

**Question 5:**

**Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state-funded schools and nurseries proving childcare and to carry out building work connected with the change of use?**

**Answer:**

No**, it is essential that new educational buildings are appropriately located in relation to the populations they serve, with adequate provision for dropping off and collecting children safely without causing undue problems on the highway network. These issues should continue to be addressed through the full planning process and not a less efficient prior notification process which does not allow adequate time for neighbours and Parish Councils to be consulted.”**

**Question 6:**

**Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?**

**Answer:**

This consultation is taking the relaxation of planning rules too far. If agreed, a number of important and long-established planning principles will be put at risk, namely the proper protection of town centres – as defined in the NPPF Glossary as including city centres, district centres and local centres - for retail purposes and the protection of the countryside from inappropriate development. Planning policies can and should be adjusted locally to take account of changing circumstances but changes should not be implemented via this national system of permitted development and prior notifications. In particular, prior notifications confuse the public and do not allow adequate time for proper consultation, particularly with Parish Councils.

The effect of these changes would result in a significant number of developments not contributing to the costs of infrastructure because they would not attract Section 106 contributions. Adequate infrastructure is a key component of making new development acceptable to affected communities and that will not be possible under the proposed system.

We also suggest that this should be linked to the Localism agenda. Surely telling people that they can produce a local plan, to enable the sustainable economic development of their areas, and then taking way perhaps the most important and fundamental elements of the plan – the right to prevent shops and offices being lost to housing – is little more than making a mockery of the whole process. What use will a local plan be if it cannot plan for a balance of basic structural, social and economic factors such as shops and offices? These are fundamental elements in the economic vitality and viability of town centres – stripping out these assets for a short-term “win” by creating a few housing units risks undermining the long-term vitality and viability of town centres. Selectively stripping out shops and offices that are most attractive for development rather than “vacant” or “underused” could remove key elements which contribute to the critical mass of the offer of a centre.

In short, the proposal to create greater freedom to change from shops to housing is a blunt tool which would be incapable of being selective and removing vacant shops, but instead will choose properties that are more readily converted to housing, leaving vacant properties untouched.

We propose changing the shops to housing initiative to:

* support Local Plans which take a positive approach to planning for town centres and have a vision and strategy for the development of their range of town centres, including neighbourhood centres.
* support town centres, including neighbourhood centres, by focusing retail development and other key town centre uses, including offices, within existing centres.

A residential free-for-all will have a devastating effect on the availability of incubator and mature commercial property, as well as potentially having a legion of adverse effects on undesignated historic buildings and landscapes. Conversely, there is no demonstrable evidence to show that the planning system has been a brake on appropriate schemes.

We would ask for exemptions for any centre that has been clearly identified in an up to date local plans, but with the proviso that these are reviewed in the next two years.