



**Consultation on the Relaxation of Planning Rules for Change of Use from
Commercial to Residential
A response by the English National Park Authorities Association
June 2011**

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the nine Authorities, and our response represents the collective view of the Authorities. It has been prepared by officers, working within the policies established by the National Park Authorities (NPAs) and follows consultation within the National Parks Heads of Planning Group. Individual NPAs may submit separate comments, which will draw on the specific issues for their particular area.

General Comments

2. ENPAA strongly opposes the proposals set out in the consultation paper 'Relaxation of Planning Rules for Change of Use from Commercial to Residential' which will undermine the strategic planning approaches of the National Parks. Although ENPAA supports the Government's aims to increase the supply of housing it is felt that the proposals will lead to the loss of an important supply of business enterprises which is critical to supporting a mixed economy in our rural areas, will not meet the housing needs of existing rural communities and will stifle rather than support economic growth.
3. The nine National Parks in England, together with the Broads, cover a land area of 9.3% and are home to a population of 332,000. The English National Parks receive over 80 million visitors per year and contribute approximately £3.5 billion to the National Economy. They have two purposes:
 - to conserve and enhance the natural beauty, wildlife and cultural heritage of the Parks; and
 - to promote opportunities for public understanding and enjoyment of their special qualities.
4. In pursuing these purposes National Parks also have a duty to seek to foster the economic and social well being of local communities. The National Park Authorities must therefore carefully balance the protection of the special qualities of the area with addressing the provision of affordable housing for local people and encouraging provision of a range of employment opportunities. These issues have been key to the development of the National Parks Core Strategies, six of which have already been formally adopted. The core policies within the existing adopted plans have been the subject of detailed public consultation and have been tested through the Examination in Public process. The subject of commercial versus residential use was a matter which was debated in detail both within National Park Authorities and through the public consultation process.

Whilst it is recognised that there is some frustration in rural areas in respect of policy support for re-use of redundant building for commercial ahead of residential use, the balance of argument and public opinion was clearly in favour of protecting a sufficient supply of future commercial premises within our rural communities. The proposals set out in the consultation paper will undermine these spatial plans as a large proportion of potential development will be removed from the planning system.

5. The National Park Authorities have a long standing history of supporting small scale commercial enterprise, which operate in harmony with Park purposes. In areas which are traditionally reliant on tourism and agriculture National Park Authorities recognise the importance of supporting and retaining existing employment opportunities and diversifying further the economic base of their areas. The Vision for English National Parks and the Broads published in Defra Circular 2010 and endorsed by the Coalition Government and ENPAA sees National Parks as places where 'there are thriving, living, working landscapes... where sustainable development can be seen in action... and they will be recognised as fundamental to our prosperity and well-being' (UK Government *English National Parks and the Broads UK Government Vision and Circular 2010*, page 5). This vision is reflected in the recently published Natural Environment White Paper which says: 'a healthy, properly functioning natural environment is the foundation of sustained economic growth, prospering communities and personal wellbeing'.
6. In areas of high residential value, including all National Parks, the proposals set out in the consultation paper will increase the risk of the loss of many important business premises and further the demise of our sparse rural communities, and could speed a process whereby they become dormer villages rather than living and working communities. The Government will be aware from separate correspondence (eg. from the Lake District NPA) that the high proportion of second and holiday homes is already a major issue for some National Parks, which these proposals would exacerbate. Many of our Parks are already experiencing an ageing population profile and with the changes proposed the lack of access to employment opportunities will become acute meaning more younger people and working families having to move away from the Parks. This will further exacerbate changes to the demographics and will have impacts on the continued viability, and sustainability, of community facilities such as schools and shops.
7. Because of their nature as areas of development restraint the policy approach of many of the National Parks is only to allow new housing development if it is affordable or for local needs. By allowing the change of use from business use to residential use without the requirement for planning permission all new housing created would be available on the open market, much of which would likely be to serve externally driven demand (second and holiday homes). This is fundamentally in conflict with the long term Core Strategies of the National Park Authorities which have been tested and supported by the Planning Inspectorate and Government.
8. Generally the Core Strategies in place in National Parks already have policy mechanisms which allow for existing business premises to be converted to other uses, including residential use, but only after rigorous testing that there is no longer a market for this continued use. The Lake District National Park Core Strategy includes the following extract from its employment policy

“We will retain existing employment land and buildings (B1,B2 and B8), including allocated sites, for employment uses unless it can be demonstrated that they are unsuitable for employment purposes or, exceptionally, viable alternatives are readily available in the locality”

9. ENPAA considers that these existing mechanisms allow flexibility for applicants without undermining the economic strategies for the National Parks.

Response to Consultation Questions

Question A:

Do you support the principle of the Government’s proposal to grant permitted development rights to change use from B1 (business) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?

10. No. The proposals will mean that business uses, which are important to the viability of the local economy in National Parks will be lost to residential use without any control from the planning authority. In areas of high residential value like National Parks the preferred use will be residential use. The proposals will undermine the strategic approaches for the provision of employment and housing established in the National Park Authorities’ adopted Core Strategies, which have been subject to public consultation and independent examination. The proposed mitigation measures are more applicable to an urban rather than rural context, particularly with regards to transport and parking. The approach will further erode the sustainability of our sparse and very sparse rural areas. ENPAA feels that further consideration needs to be made of the special circumstances of National Parks and how the proposed changes will fit with National Parks purposes and the duty, and set out in the Vision for National Parks (UK Government *English National Parks and the Broads UK Government Vision and Circular 2010*) referenced above.

Question B:

Do you support the principle of granting permitted development rights to change use from B2 (general industrial) and B8 (storage & distribution) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?

11. No, for the reasons outlined above. The large proportion of changes of use, which do not require substantial external changes will fall into class B2 use so this element of the changes will have the greatest negative impact on the special qualities of the National Parks.

Question C:

Do you agree that these proposals should also include a provision which allows land to revert to its previous use within five years of a change?

12. No. The provision to allow the use to revert back will make it very difficult to monitor.

Question D:

Do you think it would be appropriate to extend the current permitted development rights outlined here to allow for more than one flat?

13. No. If the proposal involved more than one unit it would be preferable that the change of use was kept within the planning system to allow changes to contribute to meeting defined local need.

If so, should there be an upper limit?

Question E:

Do you agree that we have identified the full range of possible issues which might emerge as a result of these proposals?

14. No, the possible issues have not considered the impact of the proposed changes in remote rural areas or areas of special protection. The proposals threaten the sustainability of such areas.

Are you aware of any further impacts that may need to be taken into account?

15. In areas of high residential value, including all National Parks, the proposals set out in the consultation paper will increase the risk of the loss of many important business premises and further the demise of our sparse rural communities, allowing them to become dormer villages. The lack of access to employment opportunities will become acute meaning more younger people and working families having to move away from the Parks. This will exacerbate further changes to the demographics and will have impacts on the continued viability, and sustainability, of community facilities such as schools and shops. There should also be safeguards within the new provisions which prevent change of use via the 'back door' as premises, particularly barns may be suitable for business use but not residential use.
16. One of the proposals put forward in the consultation is that Article 4 Directions may be utilised as a means of preventing inappropriate development. However the compensation element will mean that this is either costly for the National Park Authority or many of the units will already have been changed before the 12 month period ends.

Question F:

Do you think that there is a requirement for mitigation of potential adverse impacts arising from these proposals and for which potential mitigations do you think the potential benefits are likely to exceed the potential costs?

Question G:

Can you identify any further mitigation options that could be used?

17. National Parks should be removed from the GPDO for the change of use from Business to Residential so that control to support sustainable development and local housing need can be retained.

Question H:

How, if at all, do you think any of the mitigation options could best be deployed?

18. Through formal legislation as above.

Question I:

What is your view on whether the reduced compensation provisions associated with the use of article 4 directions contained within section 189 of the Planning Act 2008 should or should not be applied? Please give your reasons:

19. Although the National Park Authority supports the reduced compensation provisions for Article 4 Directions contained in Section 189 of the Planning Act 2008, it is likely that applicants will seek to carry out works in the 12 months prior to the implementation of the Article 4 Direction. Alternatively Local Planning Authorities will bear the costs of compensation, which will be difficult in the current economic climate.

Question J:

Do you consider there is any justification for considering a national policy to allow change of use from C to certain B use classes?

Question K:

Are there any further comments or suggestions you wish to make?

20. As set out above.

ENPAA
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