



## **Greater Flexibilities for Change of Use - Consultation**

### **Response from National Parks England**

**October 2013**

1. National Parks England supports the policy-making process by co-ordinating the views of the ten English National Park Authorities. It is governed by the Chairs of the ten Authorities. Our response represents the collective view of officers who are working within the policies established by the National Park Authorities (NPAs) and follows internal consultation amongst the All Parks Heads of Planning Professional Group. We are happy for our response to be made publicly available and would be happy to discuss any of the points we make further with officials if that would be helpful.
2. In August 2013 the Government launched a consultation seeking views on allowing further flexibilities between the use classes to help make better use of existing buildings, support rural communities and high streets, provide new housing and contribute to the provision of child care for working families. National Parks England wishes to make the following points in response to the consultation document.

#### **Summary**

3. We understand the need for greater flexibility and support the focus on bringing empty and redundant buildings back into productive use. National Park Authorities already have a strong track record of supporting the re-use of buildings through facilitative planning policies and project funding.
4. We do not believe that the proposals for greater flexibility in relation to Class A1 (financial and professional services), or the change of uses to allow for nurseries and state schools will have any significant impacts on the National Parks as a whole. But we are very concerned about the proposal to allow the conversion and rebuilding of agricultural buildings for up to three dwellings, which we set out in more detail below.
5. If Government is committed to greater flexibility to allow more housing in National Parks, then we would favour a more flexible and informed policy approach, rather than relying on deregulation and the introduction of blanket permitted development rights. We have considered how this new permitted development right (PDR) might be reframed to permit more new housing by exception, for example affordable housing and/or homes for farm workers, but this would require an extremely complex prior approval process which brings us back to retaining the existing planning application route (albeit with more flexible policy guidance).

6. A further alternative would be to review and simplify the arrangements for making Article 4 Directions in Article 1(5) land that would make it easier for National Parks to be exempted from the proposed PDR for agricultural buildings without fear of compensation. We would be willing to be involved in piloting any streamlining arrangements for Article 4 Directions.

### **Response to Proposals for Change**

7. 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?
8. We welcome the exclusion of Article 1(5) land from this proposal although we are unclear as to why an exemption was considered appropriate in this instance but not for the four other proposals.
9. Question 2 - Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?
10. We do not anticipate this proposal having any significant impacts on National Parks but individual Park Authorities may wish to comment on any potential localised impacts.
11. 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?
12. **No – we firmly believe National Parks should be excluded from this proposed PDR.** National Parks have long enjoyed the highest status of protection under successive Acts of Parliament and Government Guidance. Only very recently in responding to a debate in Parliament on the subject of planning policy in national parks<sup>1</sup>, Planning Minister Nick Boles referred to National Parks as the “true jewels in the crown of the English landscapes” and as such it was right to “accord them a different status” and approach development issues “slightly differently”.
13. Such sentiments are entirely consistent with existing Government advice. The English National Parks and the Broads Circular (2010) “recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them”.
14. The Government’s own core planning principles as recently articulated in the new National Planning Policy Framework (NPPF) make it clear that planning should be “genuinely plan-led” and “take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside” [para 17].

15. To allow unrestricted and unmanaged housing to take place across our National Parks would represent a reversal of a long standing approach that has sought to ensure that the limited development opportunities available in the Parks cater for local needs rather than meet the insatiable appetite for market housing and second homes. This new PDR would seriously undermine the Park Authorities' work to secure adequate provision for affordable housing in areas which command exceptionally high house prices.
16. The likely number of new dwellings that would come forward under this proposal would lead to an unacceptable impact. For example, the Yorkshire Dales has some 6,000 farm buildings located in the National Park. Even if only 5% of these buildings were converted to housing, this would create an additional 300 new dwellings in one of England's finest landscapes.
17. Many farm buildings are prominently located within the landscape which, with their undeveloped and simple form, make a significant contribution to the character and appearance of the National Parks. The conversion and redevelopment of these buildings for residential use, together with the associated domestic paraphernalia and activity, will result in lasting changes to character and appearance of some of our most remote and tranquil landscapes. We do not believe that these associated impacts could be reasonably controlled by condition as suggested in the Consultation.
18. The take up of the new PDR is likely to displace and result in the loss of a number of existing farm buildings, with potentially unintended but harmful consequences for the land based economy, which is so important in sustaining National Parks as "living working" communities. We note that this proposal is put forward under the heading of "*Re-use of existing redundant agricultural buildings*" but there is no definition of what constitutes a redundant farm building, the only qualification is that a landowner would not be able to erect a new agricultural building under permitted development rights for 10 years. In other words, as drafted, this proposal would apply to existing farm buildings in current agricultural use.
19. The suggested upper threshold of 150m<sup>2</sup> for a single dwelling represents a sizeable four bedroom house. It exceeds by some margin the size thresholds operated by many Park Authorities in securing affordable homes and retaining a stock of modestly sized private homes. For example, the New Forest operate a "small dwellings policy" where identified "small dwellings" (80m<sup>2</sup> or less) cannot be enlarged beyond 100m<sup>2</sup>. Dartmoor has an affordable housing guideline of 80m<sup>2</sup>. Similarly, farm workers' dwellings are typically between 100m<sup>2</sup> and 120m<sup>2</sup>. This PDR will not deliver affordable homes for people living and working in National Parks.
20. Two further points are worth making. Firstly, increasing the scope and range of PDRs, especially in regard to allowing significant levels of new housing in the countryside, risks undermining "localism" in so far that local Park communities are likely to feel disenfranchised by the planning process if they have no say at all over where and how new housing is built. A locally determined approach is preferable to a blanket PDR.

21. Furthermore, any feeling of disenfranchisement will not be helped by a complex prior approval process where the opportunity for public consultation is much more limited and the principle of development already established.
22. And last of all, the prior approval process is silent on how the Habitats Regulations would be applied for new housing within or close to designated European sites, which necessitate appropriate avoidance and mitigation strategies. For example, in the New Forest, any new housing within 400m of the boundary of the New Forest Special Protection Area has to make a financial contribution towards a package of mitigation measures that have been agreed with Natural England. In the absence of such mitigation, it can not be ascertained that any new housing will not adversely affect the integrity of these designated sites.
23. Given that the proposal will not deliver affordable homes in National Parks and for the reasons we have outlined above, we believe there is a valid case for exempting National Parks from this proposal.
24. 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?
25. We do not anticipate this proposal having any significant impacts on National Parks but individual Park Authorities may wish to comment on any potential localised impacts.
26. 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 or nurseries providing childcare and to carry out building work connected with the change of use?
27. We do not anticipate this proposal having any significant impacts on National Parks but individual Park Authorities may wish to comment on any potential localised impacts.

National Parks England

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<sup>1</sup> - extract from Hansard, HoC, 11.09.13, Col 302 WH