



**House of Commons Housing, Communities and Local Government (HCLG) Committee**

**Inquiry seeking views on the Government's Recent Expansion of Permitted Development (PD) Rights, including its Impact on the Ability of Councils to Plan Development.**

**Response by National Parks England**

**April 2021**

**Summary**

1. National Parks England (NPE) 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 ten Authorities. Our response to the House HCLG Committee Inquiry on the Government's Recent Expansion of Permitted Development (PD) Rights, represents the collective view of officers who are working within the policies established by the National Park and Broads Authorities. Individual National Park Authorities and the Broads Authority may submit separate responses, which will draw on the specific issues for their particular area.
2. In our role as the statutory local planning authorities for our respective areas, National Park Authorities and the Broads Authority collectively cover just under 10% of the land area of England and are home to over 330,000 people.
3. It is appropriate and justified, given the statutory purposes for nationally protected landscapes, that National Parks and the Broads (Article 2/3 land) are exempt from certain PD rights including the recent [change](#) allowing conversions between the new class E commercial use class into housing.
4. National Park / the Broads Authorities are therefore not contributing evidence on PD for Class E to residential and we recognise that the scale of development in National Parks / the Broads is unlikely to fall within the scope of the Inquiry's consideration of the impact of PD for larger scale development. However, while there are justifiably some PD rights which do not apply in National Parks and the Broads, there are many which do and which take no account of differences in local circumstances or the designation of these areas.
5. We believe a review of current permitted development rights in protected landscapes is needed. The Government commissioned Landscapes Review (published in

September 2019<sup>1</sup>) recommended a full review of PD rights of all types in protected landscapes. “The current Permitted Development Rights system should also be reviewed and, if necessary, further PD rights should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval” (page 64). We have provided support for this recommendation and have offered to assist in such a review.

6. National Park and the Broads Authorities have previously questioned proposed changes to PD rights and the specific issues that they were designed to address. There is often an absence of evidence to suggest PD rights are needed because of the planning system. The basis for the Authorities’ concerns are:
  - Planning is about managing land in the wider public interest, and the removal of the ability of the Authorities’ ability to do this risks development that could potentially harm nationally protected landscapes;
  - Removing some developments from the planning process removes the ability to negotiate for a mutually acceptable outcome, and also the ability of people locally to have their say on the acceptability of new development (which can also lead to tensions between the Authorities and their residents)<sup>2</sup>. Discussion and negotiation often results in more successful schemes which are able to be approved as well enabling the involvement of consultees;
  - Introducing a national set of rules about what can be permitted development means applying those rules across the whole of the country, regardless of the sensitivity of local landscapes. A local approach to deciding whether development would be harmful or acceptable is a much more tailored approach;
  - Permitted development rights are often amended with little or no evidence as to whether there is a need to do so – the default approach seems to be that planning is seen as a barrier. Evidence from National Parks and the Broad Authorities submitted for the consultation on Proposed Reforms to Permitted Development Rights to Support the Deployment of 5G and Extend Mobile Coverage in 2019 for six National Park Authorities (including the Broads) showed that 90% of masts were approved/went ahead. Despite this evidence the Government is currently consulting on amendments to permitted development rights that would allow taller and thicker masts to be built without the need for permission in protected areas. It is not clear why such changes are required; and
  - The associated prior notification and prior approval procedures that caveat and rightly limit permitted development rights on Article 2/3 land are complex and labyrinthine, often duplicating the planning application process (which brings into question whether certain developments in National Parks and the Broads should be ‘permitted development’ at all).
7. The following points set out examples of where PD rights are impacting on National Parks / the Broads.
8. Telecommunications masts: We are keen to support wider broadband and mobile coverage in National Parks and the Broads and we recognise the social and economic

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<sup>1</sup> Landscapes Review, Final Report, September 2019 - [Landscapes review: National Parks and AONBs - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421117/Landscapes_review_National_Parks_and_AONBs_-_GOV.UK.pdf)

<sup>2</sup> For example a 12.5 metre phone mast built under permitted development rights at Staithes on the North York Moors. This led to considerable local opposition, including 72 separate objections when sent in under prior notification.

benefits that this brings. Vibrant rural economies and communities are essential to underpin our landscapes and their special qualities, and digital connectivity is a key issue. However, PD rights apply to telecommunications infrastructure currently and as set out in the consultation, could mean that taller masts and some other equipment can be put in place without the need for planning permission and in some instances, without the need for prior approval. The size and scale, mass and bulk of these masts and other infrastructure can impact the landscape and scenic beauty of nationally protected landscapes. Through the planning application process, the siting and impacts can be discussed and a sensible solution usually found, evidenced in the 90% approval rate for such schemes. For this particular PD right, the issue the proposed change to PD rights is trying to address is not obvious and the impacts of the changes would be extremely significant.

9. Office to residential: This permitted development right was first introduced in 2013 and has resulted in the loss of office sites and buildings in protected landscapes. For example, the New Forest and Exmoor National Park Local Plan do not allocate employment sites, relying instead on a flexible criteria-based approach to proposals. In the New Forest some prime office sites are being lost to residential conversions. The New Forest National Park Authority recently granted Prior Approval for an office to be converted to 29 residential units. The new housing would be all unrestricted, open market dwellings, with no affordable housing provision for local people. Exmoor National Park Local Plan policies seek to safeguard employment sites and buildings and to prioritise new local need affordable housing but in Exmoor there has also been a loss of offices to market housing contrary to adopted policies. For this particular PD right, the lack of affordable housing and the loss of employment space, without any real test on the impact of such a loss, is contrary to adopted locally evidenced policies and the lack of affordable housing and employment space impact on the sustainability of the community.
10. Temporary uses (28/56 day) rule: in the New Forest this rule is having a large impact in allowing, for example, car boot sales in the middle of the National Park (plan attached) where no planning permission is required, covering a large area of land and causing associated traffic and other impacts. Additionally, the National Park Authority is currently considering a Park-wide Article 4 Direction to address the increase in 'pop up' campsites, which are now making use of the 56 day rule. For this particular PD right, the unrestricted nature (other than number of days) without proper consideration of the impacts, causes harm to the local area and impacts the community.
11. Residential permitted development right: this allows extensions within certain criteria but which, as they apply nationally and provide a blanket right, cannot reflect different local circumstances. PD allows poorly designed extensions on traditional buildings which do not reflect local character, including flat roofs. In the New Forest, North York Moors and Exmoor, extensions through PD are being used as a 'back stop' or 'fall back' in negotiations on planning applications. The New Forest has had appeals allowed for proposals that breach the Local Plan policy on extension sizes on the basis that under PD the homeowner could do a larger extension that would be more detrimental. The wording of some existing PD rights is open to interpretation and loopholes in it have been used to create some unattractive environments that detrimentally impact on the landscape character of National Parks. This appears to be contrary to the Government's current focus on improving design.

12. Lighting: unless part of a wider planning proposal, artificial lighting does not require planning permission despite the harm it can cause to dark night skies through light pollution. Many National Parks/the Broads have Dark Sky Reserve / Park status or are considering it. National Park/the Broads Authority share the concerns of the UK Dark Skies Group about the impacts of artificial lighting. The Group is contributing to this Inquiry to highlight the need for lighting proposals, particularly for agriculture and other exempt non-domestic facilities, to require approval by local planning authorities.
13. Fences: This PD right has caused problems in the New Forest with unsightly high fences which do not reflect local character because of the interpretation of 'adjacent to carriageway'. This is impacting on the rural character of the area and creating avenues of close-boarded fences where there was once open, planted boundaries [see attached photo]. Some existing PD wording is open to interpretation and loopholes in it have been used to create unattractive environments that detrimentally impact on the landscape character of National Parks. This appears to be contrary to the Government's current focus on improving design.
14. PD rights in dwellings allow changes to windows and doors which apply in protected landscapes including National Parks as well as in areas outside them. They also apply in conservation areas. The replacement of windows and doors in traditional and historic buildings with non-traditional materials such as uPVC erodes local character and historic interest [see attached photo]. Indeed, it seems contrary to the current drive by the Government towards improved design.

No	Question	National Parks England response
1	1. What role should PD rights play in the planning system?	<p>PD rights may have a role in streamlining the need to apply for permission where there would be no impact or a 'de minimis' impact. This is very different from reducing the role of the planning system with no requirement for permission in the interests of pursuing a growth agenda.</p>
2	2. What is the impact of PD rights on the quality and quantity of new housing, including affordable and social housing?	<p>We have no comments on the effect of the new Class E to residential because this PD right does not apply in National Parks / the Broads. However, in National Parks there are examples of the loss of offices to residential as a result of PD rights.</p> <p>In the New Forest some prime office sites are being lost to residential conversions. The NPA recently granted Prior Approval for an office in the National Park to be converted to 29 residential units. The new housing would be all unrestricted, open market dwellings, with no affordable housing provision for local people. Exmoor National Park Local Plan policies seek to safeguard employment sites and buildings and prioritise new local need affordable housing but have also seen the loss of offices to market housing contrary to adopted policies. For this particular PD right, the lack of affordable housing and the loss of employment space, without any real test on the impact of such a loss, is contrary to adopted locally evidenced policies and will have a great impact on the sustainability of the community.</p>
3	3. What is the impact of PD rights on local planning authorities, developer contributions and the provision of infrastructure and services?	<p>The pace and extent of changes to PD rights have impacted on the ability of local planning authorities to plan for their areas. For example, policies in the Bakewell Neighbourhood Plan in the Peak District National Park which have been the subject of consultation are now affected by recent changes to PD. This has the effect of causing confusion with local communities and potential delays with plan-making. Recent changes to class E mean that adopted Exmoor National Park Local Plan policies seeking to protect local services and facilities relating to "A" uses such as shops and cafes are out of kilter with the new broadly based E use class. Development delivered through national Permitted Development rights does not typically fund the full range of</p>

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		infrastructure that would be secured through the full planning application process.
4	4. Is the government's approach to PD rights consistent with its vision in the planning white paper?	<p>The Government's aspiration to improve the quality of design set out in the Planning White Paper and the recent proposed changes to the NPPF are inconsistent with an extension to PD rights. For example:</p> <ul style="list-style-type: none"> <li>• The replacement of windows and doors in traditional and historic buildings with non-traditional materials such as uPVC erodes local character and historic interest [see attached photo].</li> <li>• The fencing PD right: This is impacting on the rural character of the area and creating avenues of close-boarded fences where there was once open, planted boundaries [see attached photo].</li> <li>• PD allows poorly designed extensions on traditional buildings which do not reflect local character, including flat roofs.</li> </ul> <p>The Government-commissioned Landscapes Review (Final Report, September 2019) was clear that the current Permitted Development Rights system should also be reviewed and, if necessary, further rights should be added to the list of those currently withdrawn within national landscapes (including National Parks). This would help ensure that the full application process applies before determining planning approval in our protected landscapes. Despite this recommendation, no review has been undertaken since the report was published in 2019 and, instead, national Permitted Development rights have been further extended even within protected landscapes.</p>
5	5. What is the impact of PD rights on the ability of local authorities to plan development and shape their local communities?	<p>The pace and extent of changes to PD rights have impacted on the ability of local planning authorities to plan for their areas. For example, policies in the Bakewell Neighbourhood Plan in the Peak District National Park which have been the subject of consultation are now affected by recent changes to PD. This has the effect of causing confusion with local communities and potential delays with plan-making. Recent changes to class E mean that adopted Exmoor National Park Local Plan policies seeking to protect local services and</p>

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		<p>facilities relating to “A” uses such as shops and cafes are out of kilter with the new broadly based E use class.</p> <p>Permitted development rights are also negatively impacting on the ability of local planning authorities (including National Park Authorities) to deliver much needed affordable housing for local people. As the range of factors that can be considered by planning authorities under the ‘Prior Approval’ process is so narrow, the provisions of the development plan that seek to ensure development meets identified local needs are not being triggered.</p> <p>Policies in local plans that apply to development are designed to tackle local and national issues. For example, water use and energy efficiency as well as adaptable homes. These policies would result in development that, using these three examples, are designed to address water scarcity in some areas, mitigate and adapt to climate change and to be able to be adaptable to the changing needs of the community/owner. Because development through PD does not need to address those needs or standards, the result is less efficient dwellings that are not suitable for older/less mobile people.</p>
6	6. Is the government right to argue that PD rights support business and economic growth?	<p>National Park and the Broads Authorities have previously questioned proposed changes to PD rights and the specific issues that they were designed to address. There is often an absence of evidence to suggest PD rights are needed because of the planning system. For example, in the case of telecommunications development, monitoring data shows that of those schemes in which National Parks and the Broads, as Local Planning Authorities, were notified appropriately in advance, 90% were approved / went ahead. Authorities were unaware of cases of refusal except in isolated cases where the damage to landscape would seriously undermine National Park purposes. Nationally important landscapes should be nationally protected, and developments that have the intrinsic potential to be visually intrusive should be properly assessed by National Park Authorities or the Broads Authority. That cannot be achieved without those teams being engaged in the process which</p>

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		enables discussion and negotiation often resulting in more successful schemes which are able to be approved.
7	7. What is the impact of PD rights on the involvement of local communities in the planning process?	<p>As well as preventing planning teams from being engaged in the scrutiny of proposals, and a process which enables discussion and negotiation, PD rights prevent local communities being involved – and who can often provide invaluable local knowledge resulting in a more successful scheme. They are effectively excluded from having a say on a development in their area. This can result in contentious development such as telecommunication masts being permitted without representatives of local communities and neighbouring properties having their views considered.</p> <p>The associated prior notification and prior approval procedures create a misleading public impression that the local planning authority retains control over permitted development.</p>
8	8. Should the government reform PD rights? If so, how?	<p>Yes – there is a clear need to consolidate/simplify. Land use planning is about mediating the use of land in the public interest. Increasing PD rights removes this mediation process.</p> <p>If the Government proposes further reform, it should be based on evidence that the current system is preventing development (which it is not as 95% of applications are approved) and based on a full understanding of what the impact of changes to PD are likely to be.</p> <p>We believe a review of current permitted development rights in protected landscapes is needed. The Government commissioned Landscapes Review (published in September 2019) recommended a full review of PDRs of all types in protected landscapes “The current Permitted Development Rights (PDR) system should also be reviewed and, if necessary, further PDRs should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval” (page 64). National Park Authorities and the Broads have previously</p>



No	Question	National Parks England response
		expressed concern at proposed extensions to PDRs within nationally protected landscapes as contrary to the conclusions of the Landscapes Review and the identified need to have greater regard to their statutory purposes. We have provided support for this recommendation and have offered to assist in such a review.
9	<ol style="list-style-type: none"> <li>1. What role can the planning system and PD rights play in delivering a sustainable built environment, and in incentivising developers to use low carbon materials and sustainable design?</li> <li>2. How should re-use and refurbishment of buildings be balanced with new developments?</li> <li>3. What can the government do to incentivise more repair, maintenance and retrofit of existing buildings?</li> </ol>	<p>The extension of national Permitted Development rights conflicts with the Government’s published National Design Guide (2019) and the draft National Model Design Code (2021). With the range of factors that planning authorities can assess being so narrow, important considerations like design and sustainable construction are by-passed by Permitted Development rights.</p> <p>There is a disconnect between the national policy statement in paragraph 130 of the NPPF (2019) that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...” and the further extension of national Permitted Development rights. Raising the bar on the design of new development will be very difficult to achieve if an increasing proportion of new development is delivered with only limited scrutiny.</p>

**For Further Information:**

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Attachments



