

LGA permitted development order survey 2018



REPORT OF THE LGA PERMITTED DEVELOPMENT ORDER SURVEY 2018

SUMMARY

The main findings were as follows:

Effects of permitted development orders

- **50%** of respondent authorities agreed that PDO changes had resulted in the loss or relocation of businesses as offices were converted to housing;
- **69%** thought that changes to the PDO had reduced the availability of office space, **35%** likewise agricultural buildings, **25%** storage/distribution space, and **20%** retail space;
- **65%** reported that contributions to affordable housing through section 106 agreements had reduced, and **66%** that contributions for other infrastructure through section 106 agreements had reduced;

Concerns about PDOs

- **92%** were moderately or very concerned about the quality/design of housing resulting from PDOs;
- **89%** were moderately or very concerned about the appropriateness of the location of housing resulting from PDOs;

Local support for PDOs

- **24%** thought that local businesses were very or fairly supportive of changes of use to residential, **10%** likewise local residents, and **11%** their council's elected members;

Article 4 Directions

- **37%** of respondent authorities had introduced an Article 4 Direction since 2013;
- **41%** of those which hadn't had not done it due to a lack of resources to put in place, and **27%** because PDRs had not had a detrimental effect on the local area;
- **50%** agreed that the Secretary of State should not have powers to cancel or modify an Article 4 Direction;
- **31%** disagreed that the cost of putting in place an Article 4 Direction was reasonable;
- **64%** agreed that compensation rules restricted the ability of councils to use Article 4 Directions to immediately address the effects of PDRs;

PDO elements

- **97%** thought that those elements of the PDO which allowed change of use to residential should be changed; **45%** thought that they should be abolished; **22%** thought that councils should be able to opt in to designate PDR areas combined with required contributions for affordable housing and infrastructure;

Costs/resources

- **83%** reported that the costs of administering each prior approval process in their authority were considerably higher than the £96 fee set by central government;
- **50%** thought that their authority's ability to deliver planning services had been affected by the lack of a prior notification fee for larger household extensions.

INTRODUCTION

The LGA Permitted Development Order Survey 2018 was conducted by the Local Government Association's Research and Information team between 13th June and 31st July 2018 in order to develop an accurate evidence base on the impact of new permitted development rights¹. The results will inform the LGA's lobbying and advocacy work, and be used in discussions with Ministers about the changes, and the possibility of further widening permitted development rights.

The survey was sent to all 322 single-tier local authorities and shire districts in England in membership of the LGA. The response rate was 32 per cent² as shown in the table below:

Type of authority	Number of responses	Response rate
Shire districts	60	30%
London boroughs	13	43%
Metropolitan districts	13	36%
Unitaries	16	29%
Total	102	32%

General notes

- Given the response rate of around a third, the results should be taken to be indicative, rather than fully representative, of local authorities as a whole. Response rates were reasonably uniform across the different types of authority as shown above, and also regions (varying between 23 per cent and 43 per cent)
- There is no obvious response bias in that authorities more affected by permitted development rights responded more or less in the same proportion as other authorities. PD office-to-residential conversions in 2016/17 provided ten or more per cent of additional housing supply in 80 authorities, of which 27 responded to the survey (a response rate of 34 per cent); 77 of the remaining 242 responded (a rate of 32 per cent). Differences in findings between these two groups are referred to in the report where they are statistically significant at the 95% level.
- Detailed tables are shown in the appendix.
- Further to the first note, not all authorities answered, or were required to answer, every question, so the response to individual questions varies. In each table, the 'Total' row indicates the total number of respondents to the question, but note that this includes those who answered 'don't know'.

¹ A number of new permitted development rights came into force in May 2013 relating to residential housing. These include new rules that allow a change of use without the need for planning permission, in addition to increased limits for householder extensions. Changes of use covered are (i) Class B1(a) offices to Class C3 (dwellinghouses) (ii) Class A1 (shops), Class A2 (financial and professional services, a use as a betting office or pay day loan shop to Class C3 (dwellinghouses) (iii) Specified sui generis uses to Class C3 (dwellinghouses) (iv) Class B8 (storage or distribution centre) to Class C3 (dwellinghouses) (v) Agricultural buildings to Class C3 (dwellinghouses).

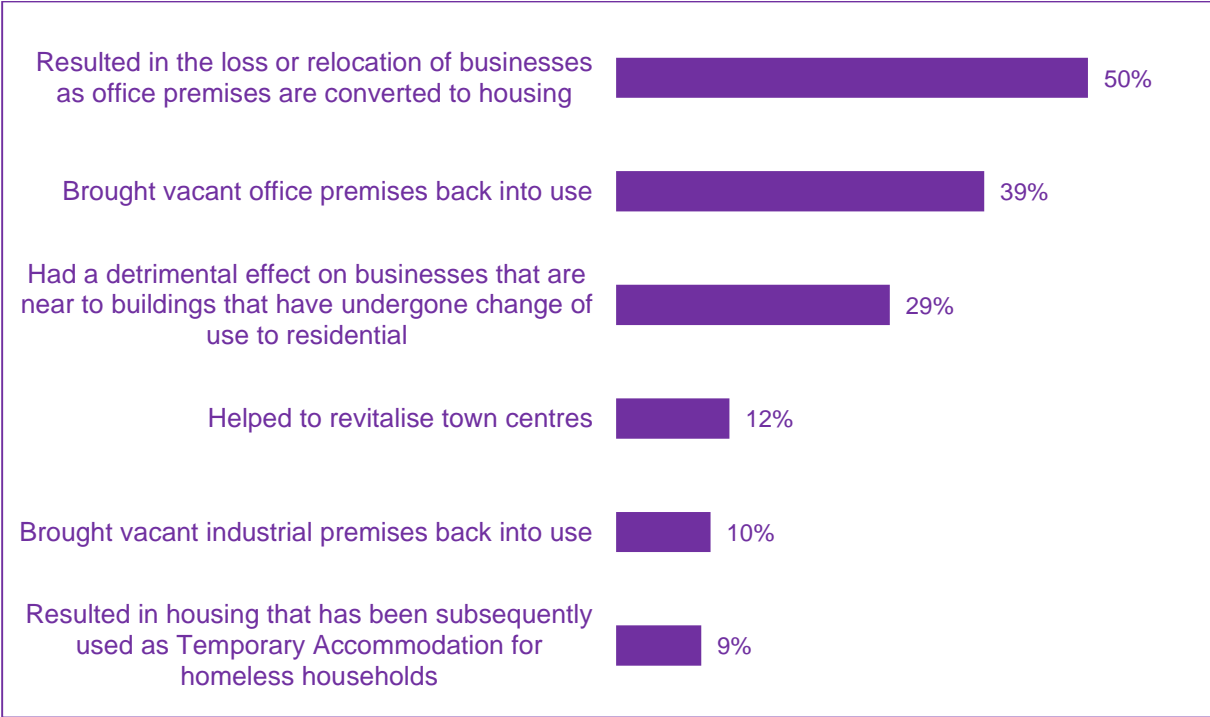
² A total of 105 authorities were covered (33 per cent) as two returns covered more than one authority. The tables in this report are based on 102 responses.

SURVEY FINDINGS

Effect of changes introduced since 2013 to the Permitted Development Order on local area (Table 1)

A half of respondent authorities agreed with the statement that PDO changes had resulted in the loss or relocation of businesses as offices were converted to housing, while 39 per cent agreed that vacant office premises had been brought back into use.

There were a few differences in responses between those authorities where more than 10 per cent of supply came from office-to-residential conversions in 2016/17 and other authorities; 74 per cent of the former agreed that there had been a loss or relocation of businesses (compared with 39 per cent of the latter group), and 11 per cent were neutral (compared with 32 per cent); 22 per cent of the former agreed that vacant industrial premises had been brought back into use (compared with 5 per cent).



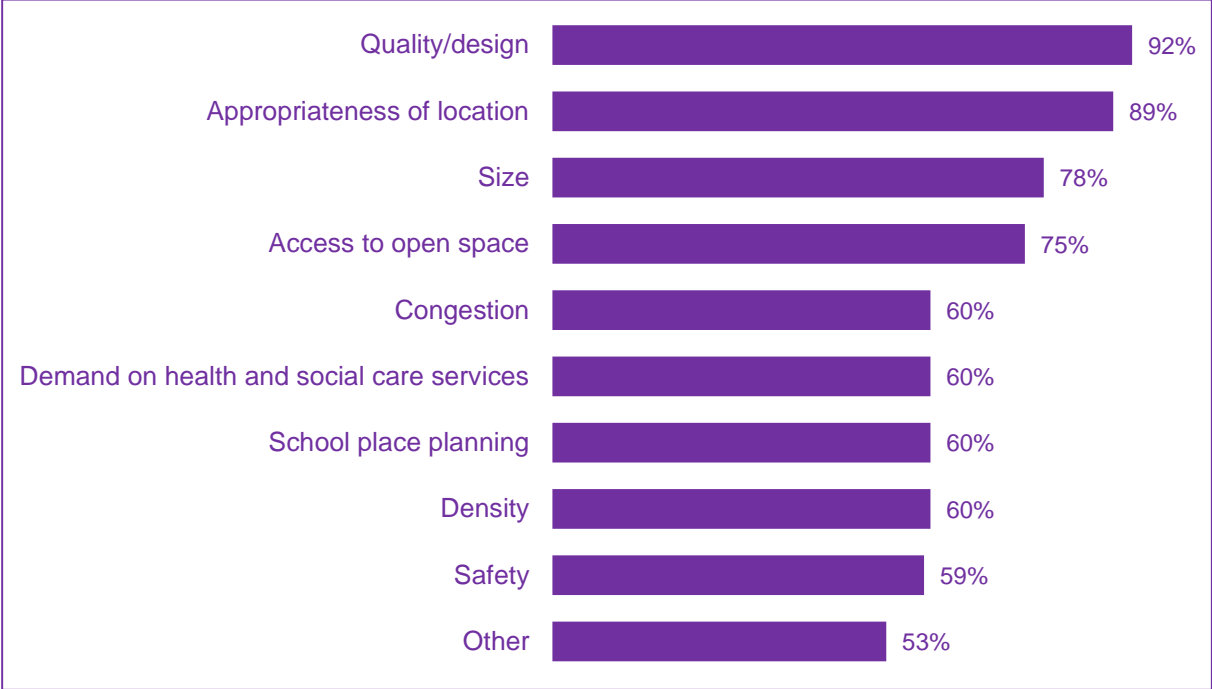
Base number of responses: 101-102.

Concerns about aspects of housing resulting from PDOs (Table 2)

Around nine out of ten respondents were either moderately or very concerned about the quality/design (92 per cent) and the appropriateness of the location (89 per cent) of housing resulting from PDOs. Around three-quarters were concerned about the size of housing (78 per cent) and its access to open space (75 per cent). Most others were mentioned by a majority of respondents.

There were several differences in responses between those authorities where more than 10 per cent of supply came from office-to-residential conversions in 2016/17 and other authorities:

- 70 per cent of the former were very concerned about size (compared with 38 per cent of the latter group);
- 81 per cent were very concerned about quality/design (55 per cent);
- 52 per cent were very concerned about school place planning (15 per cent);
- 44 per cent were very concerned about demand on health and social care services (11 per cent);
- 33 per cent were very concerned about congestion (11 per cent);
- 48 per cent were very concerned about access to open space (19 per cent).



Base number of responses: 100-102.

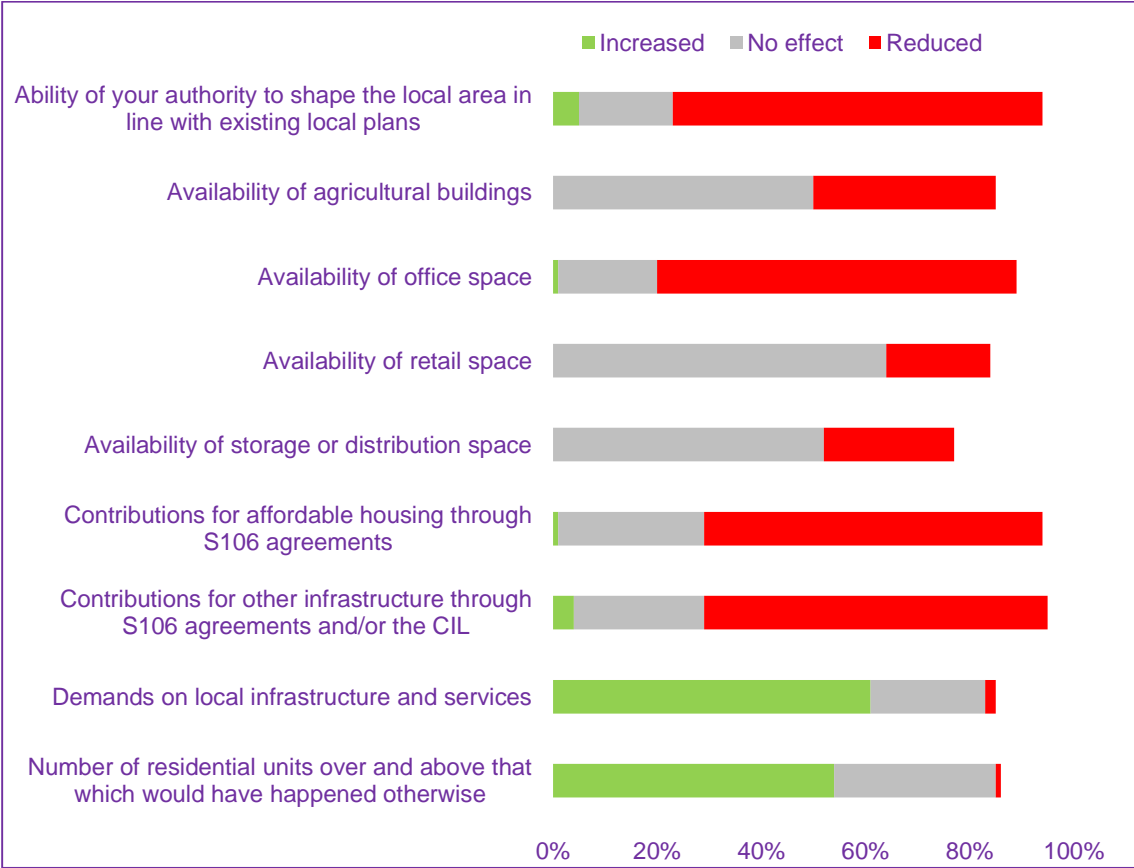
Effects of changes introduced since 2013 to the Permitted Development Order (Table 3)

Markedly higher proportions of respondents thought that changes to the PDO had reduced the availability of office space (69 per cent), agricultural buildings (35 per cent), storage/distribution space (25 per cent), and retail space (20 per cent) than thought availability had been increased. Excepting office space, most respondents reported ‘no effect’.

Around two-thirds thought that both contributions to affordable housing (65 per cent) and contributions for other infrastructure through section 106 agreements (66 per cent) had reduced. A similar proportion (61 per cent) thought that demands on local infrastructure/services had increased. A higher proportion (71 per cent) thought that their authority’s ability to shape the local area in line with local plans had reduced. Just over half (54 per cent) thought that the number of additional residential units had increased.

There were several differences in responses between those authorities where more than 10 per cent of supply came from office-to-residential conversions in 2016/17 and other authorities:

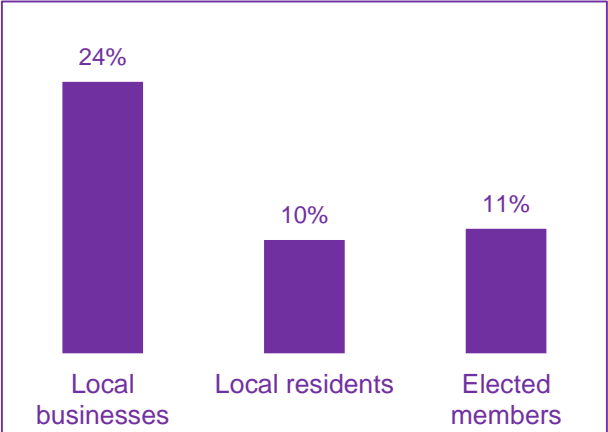
- 96 per cent of the former reported that of the availability of office space had reduced (compared with 58 per cent of the latter);
- 85 per cent reported that contributions for affordable housing through S106 agreements had reduced (56 per cent);
- 85 per cent reported that infrastructure contributions had reduced (58 per cent);
- 78 per cent reported increased demands on local infrastructure and services (54 per cent);
- 70 per cent reported residential units over and above that which would have happened otherwise (47 per cent).



Base number of responses: 100-102.

Support for permitted development rights allowing change of use into residential (Tables 4-6)

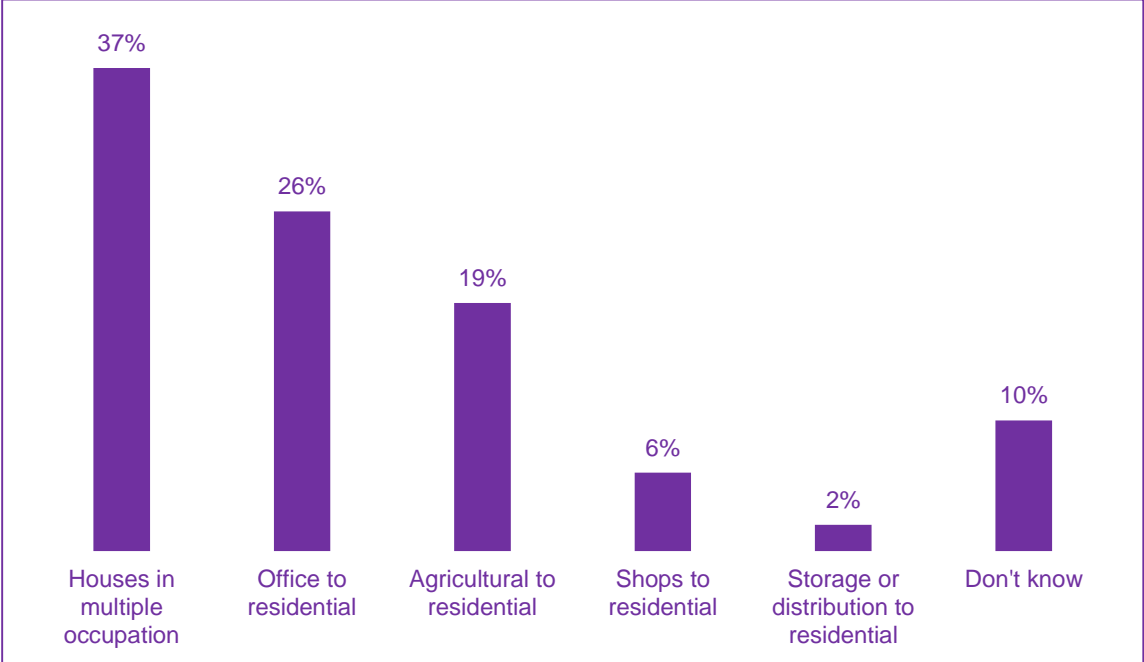
A minority of respondents thought that local businesses (24 per cent), local residents (10 per cent), and their council’s elected members (11 per cent) were either very or fairly supportive of changes of use to residential. (The respective proportions who did not know were 44 per cent, 31 per cent and 25 per cent.). None answered ‘very supportive’.



There were a few differences in responses between those authorities where more than 10 per cent of supply came from office-to-residential conversions in 2016/17 and other authorities: 37 per cent of the former thought that local businesses were not very supportive (compared with 15 per cent of the latter); and 48 per cent thought that elected members were not at all supportive (compared with 21 per cent).

Conversions eliciting most objections or complaints (Table 7)

Just over a third of respondents thought that houses in multiple occupation elicited the most objections or complaints from local residents/businesses; this was followed by conversions of offices to residential (26 per cent).

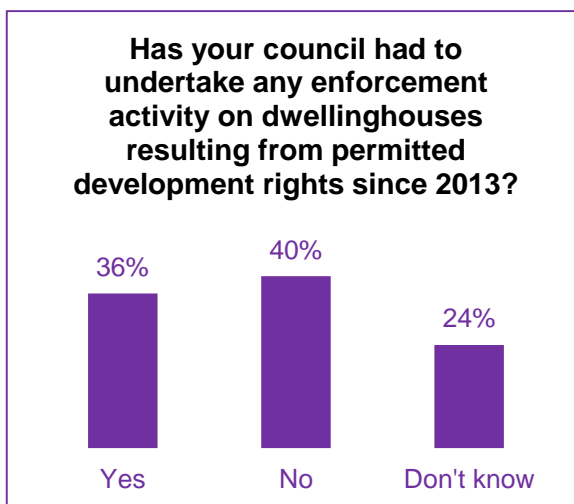


Base number of responses: 102.

Enforcement activity (Table 8)

Just over a third of respondents (36 per cent) had undertaken enforcement activity on dwellinghouses resulting from permitted development rights since 2013, 40 per cent had not, and 24 per cent were unable to say.

Authorities were invited to write-in further details of enforcement activity; thirty-one did so. Twelve referred to breaches of conditions (e.g. size, quality); 3 specifically referred to instances of buildings being demolished and replaced rather than converted. In terms of types of development, 6 referred to Class Q (agricultural) buildings, 5 to HMOs and 2 to extensions.

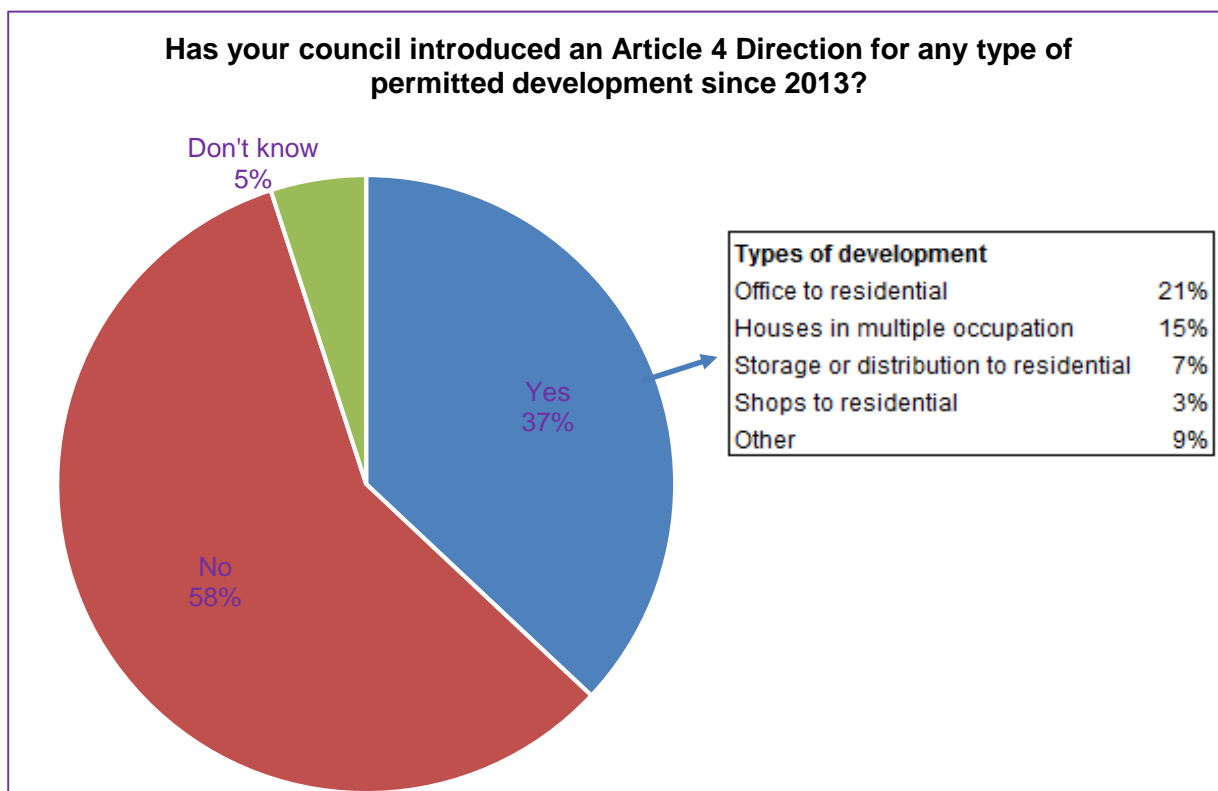


Base number of responses: 98.

Article 4 Directions (Tables 9-12)

A little over a third of respondent councils (37 per cent) had introduced an Article 4 Direction since 2013. Just over a half (56 per cent) of authorities where more than 10 per cent of supply came from office-to-residential conversions in 2016/17 had introduced an Article 4 Direction, compared with 28 per cent of other respondents.

Across all respondents, most commonly these were for office-to-residential conversions (21 per cent) or HMOs (15 per cent). In the '10-per-cent-group', 80 per cent had introduced it for office to residential conversions.



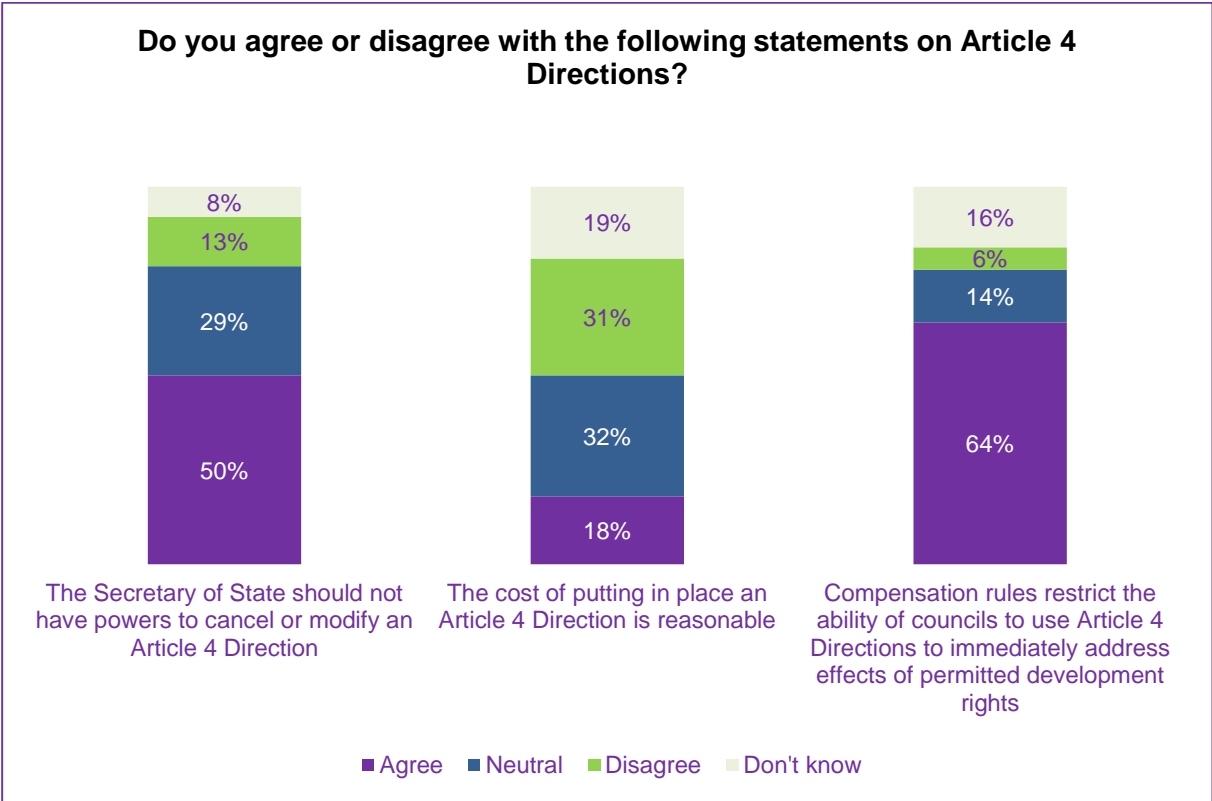
Base number of responses: 101 (37 type of development).

Just over a half (58 per cent) of all respondents had not introduced an Article 4 Direction, the main reasons being a lack of resources to put in place (41 per cent of this subset of respondents) and PDRs not having had a detrimental effect on the local area (27 per cent). The main 'other' reasons written-in were that it had been considered unlikely to succeed, and that it had not yet been necessary.

A half of respondents (50 per cent) agreed that the Secretary of State should not have powers to cancel or modify an Article 4 Direction (13 per cent disagreed).

Eighteen per cent agreed that the cost of putting in place an Article 4 Direction was reasonable, while 31 per cent disagreed.

Around two-thirds (64 per cent) agreed that compensation rules restricted the ability of councils to use Article 4 Directions to immediately address the effects of PDRs (only 6 per cent disagreed). The proportion agreeing was higher among the '10-per-cent-group' (81 per cent) than others (57 per cent).



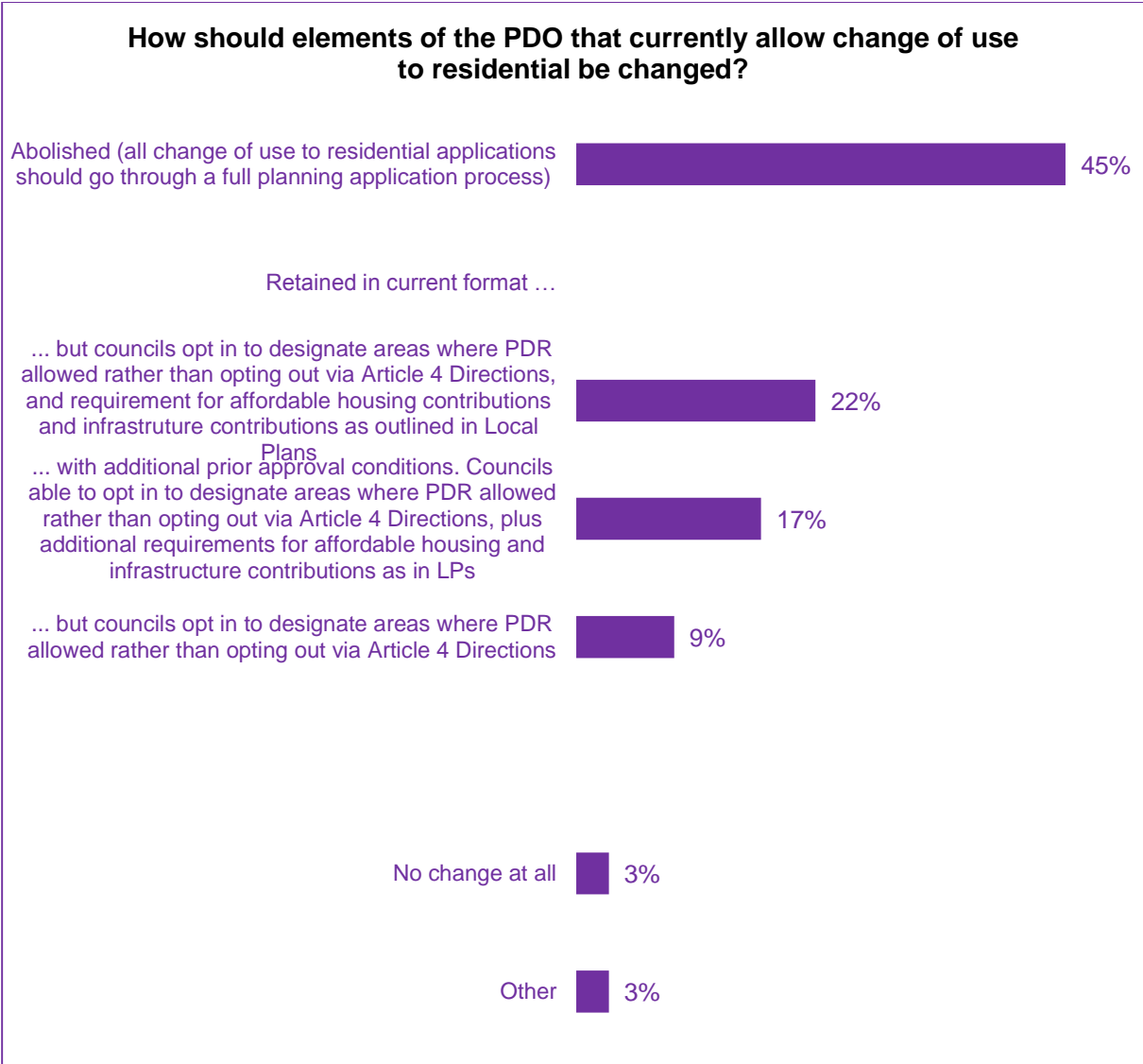
Base number of responses: 101-102.

Changes to elements of the Permitted Development Order (Table 13)

Virtually all respondents (97 per cent) thought that those elements of the PDO which allowed change of use to residential should be changed.

Almost a half of respondents (45 per cent) thought that they should be abolished so that all such residential applications went through the full planning application process.

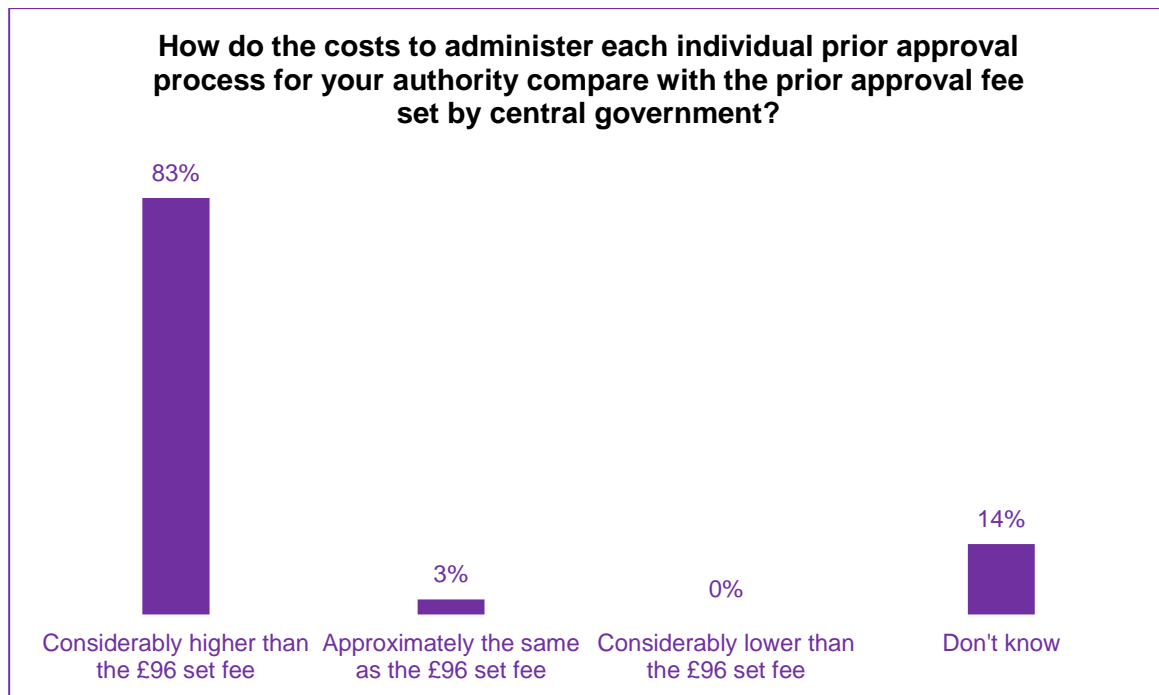
Almost all of the remainder (48 per cent) thought they should be retained in the current format but with modifications, most popularly (22 per cent) that councils opted in to designate PDR areas combined with required contributions for affordable housing and infrastructure.



Base number of responses: 98.

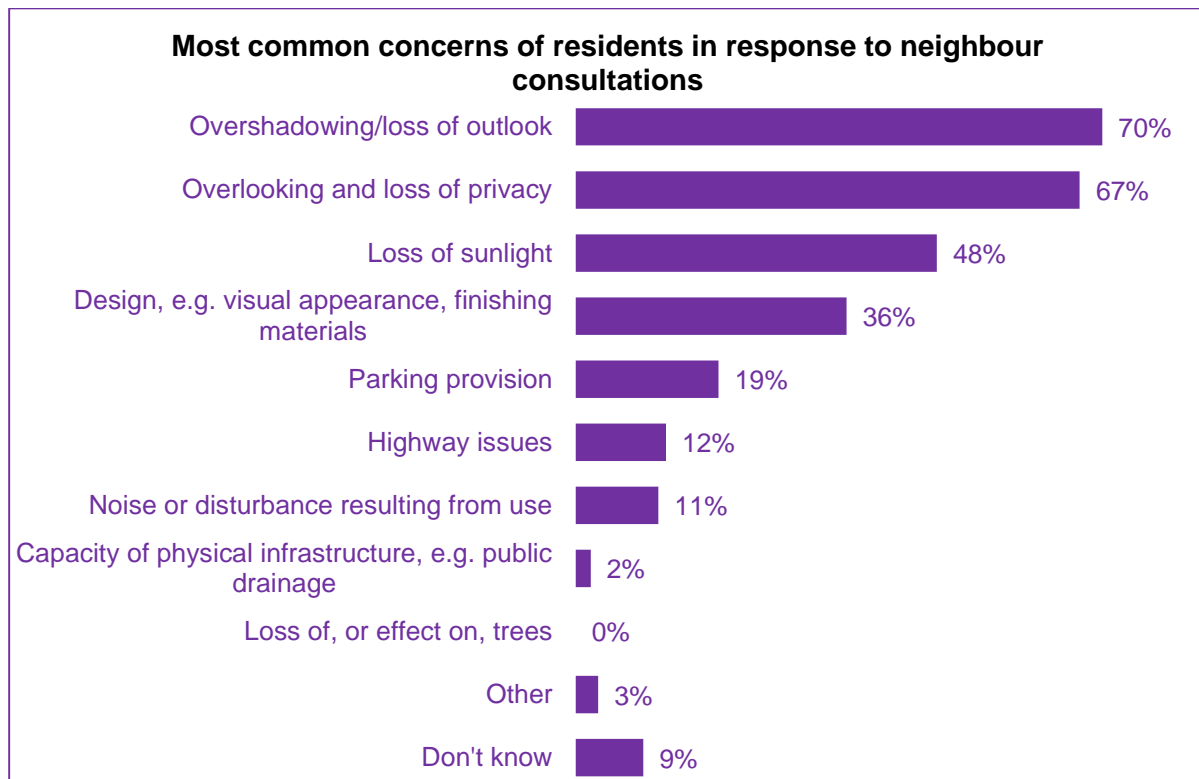
Prior approval process (Tables 14-17)

More than four-fifths of respondents (83 per cent) reported that the costs of administering each prior approval process in their authority were considerably higher than the £96 fee set by central government.



Base number of responses: 101.

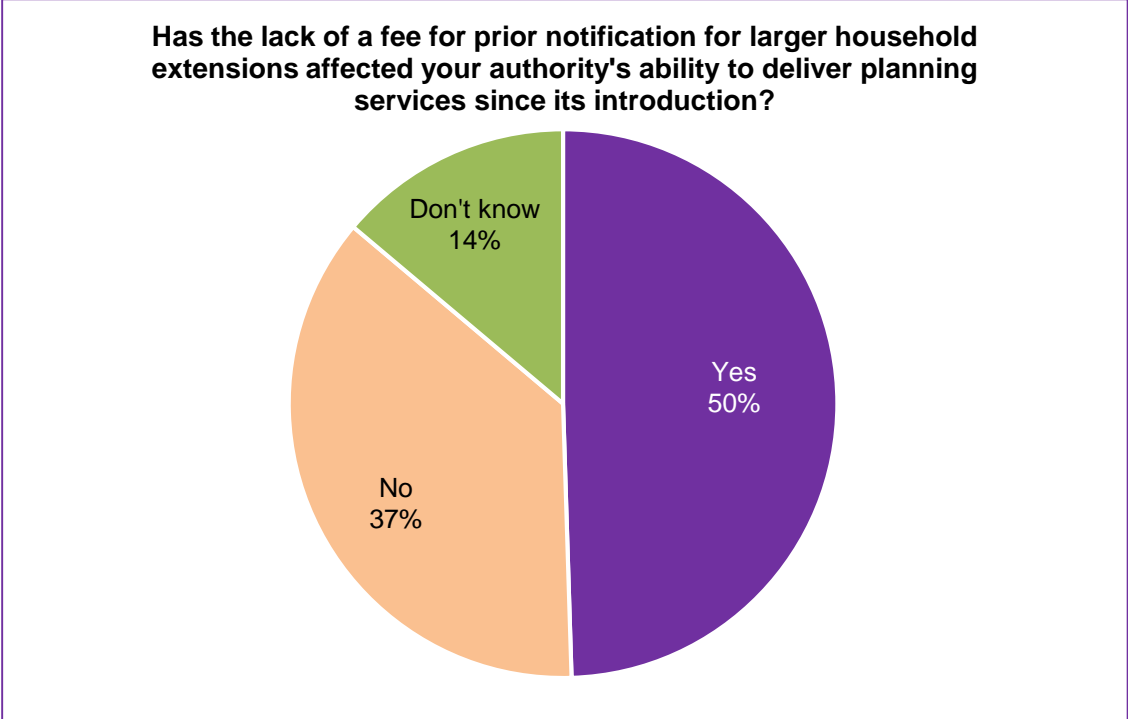
In relation to prior notifications for larger householder extensions, the two most common concerns cited by residents in response to neighbour consultations were overshadowing/loss of outlook (70 per cent) and overlooking and loss of privacy (67 per cent). These were followed by loss of sunlight (48 per cent) and design (36 per cent).



Base number of responses: 102.

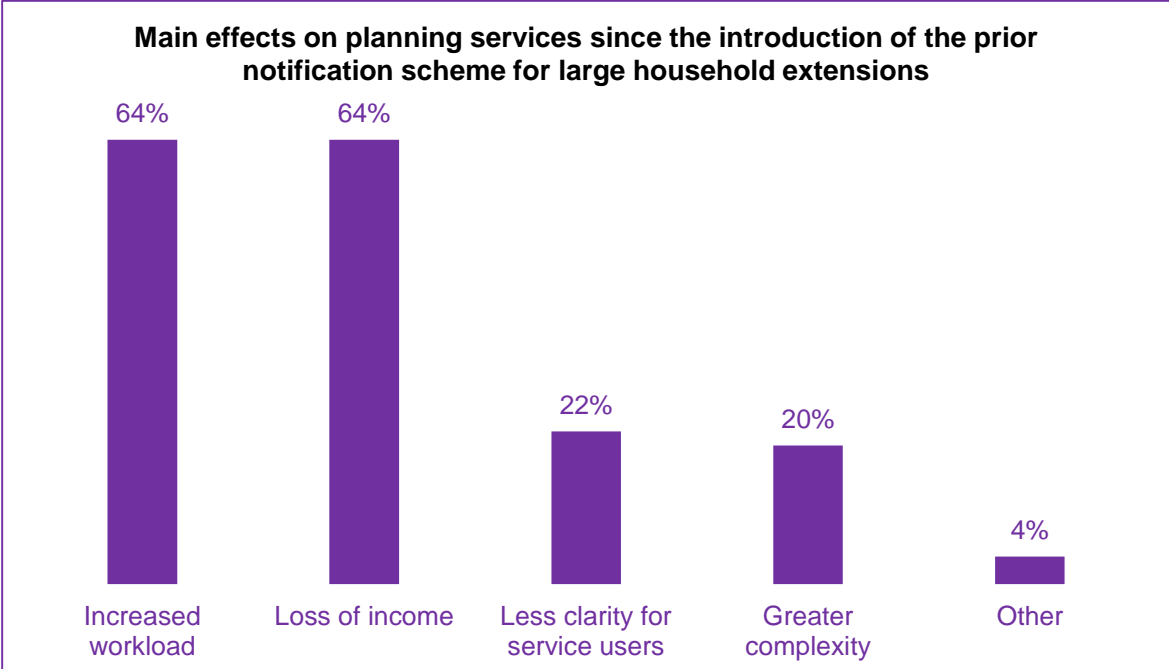
A half of respondents thought that their authority's ability to deliver planning services had been affected by the lack of a prior notification fee for larger household extensions. Just over a third (37 per cent) thought it had had no effect, and 14 per cent were unable to say.

The proportion stating 'no effect' was lower in the '10-per-cent-group' (22 per cent) than others (43 per cent).



Base number of responses: 101.

The two main effects on planning services of the introduction of the prior notification scheme for larger household extensions were an increased workload and loss of income (both 64 per cent).



Base number of responses: 50.

General comments

Authorities were invited to write-in further comments on permitted development orders; thirty-one did so. Almost all expressed concerns about PDOs. The main themes which emerged were as follows:

- Complexity of the system, making it hard for the public to understand (8 authorities);
- Poor quality, size, in appropriate location of development (8);
- Conflict with local plans (8);
- Problems with prior notification process (7);
- Environmental concerns (6);
- Problems with extensions (5);
- Strains on local authority resources (4);
- Undemocratic nature of PDOs (3).

A few responses are quoted below:

I have great concerns over the undemocratic nature of the permitted development order since 2013. These largely take away the ability of local residents, businesses and councillors to contribute in any meaningful way to the development process and remove any possibility of generating added value either through the ability of a Local Planning Authority to negotiate reasonable amendments to make a scheme acceptable or through the ability to attract planning gain. Aside from this, permitted development rights circumvent policies of the local plan and prevent the properly managed development of a place, thereby compromising the aims of the local plan.

In particular PD has had a dramatic and negative effect on our town centre and is now impacting on our industrial areas. The impact on households placed, in particular, on industrial areas is huge. In [the authority] we now have over 1,000 conversions. For a relatively small town this is a huge number. The majority of household placed are from out of borough and there is little or no consultation from placing authorities. Education and health authorities are seeing a huge impact on demand for there services.

PD from employment to residential is significantly undermining the balance of housing and employment set out in the local plan. We are mainly seeing tiny one-bed homes being created. The result is that we have lost the employment land that we need and have a huge oversupply of one-bed units.

Prior notification procedures for agricultural conversions have resulted in modern buildings being converted in sensitive locations with no benefit to the environment and little regard to the sustainability of the location.

Prior notification as a system introduces unnecessary complexity into the system and misleads local members of the public that there is a greater level of control than the local authority has. They infer that permission isn't required because they aren't harmful but often require assessment of harm without assessment of fairly basic aspects (like is it an appropriate location) due to restrictions on what can be considered. They require significant amounts of work and technical consultation often within overly restrictive timeframes and mostly avoid consultation with the public.

TABLES

Table 1: do you agree or disagree with the following statements on the impact that the changes introduced since 2013 to the Permitted Development Order (PDO) have had, to date, within your local authority area?		
	Number	Per cent
Brought vacant office premises back into use		
Agree	40	39%
Neutral	32	31%
Disagree	26	25%
Don't know	4	4%
Total	102	100%
Brought vacant industrial premises back into use		
Agree	10	10%
Neutral	27	26%
Disagree	56	55%
Don't know	9	9%
Total	102	100%
Had a detrimental effect on businesses that are near to buildings that have undergone change of use to residential		
Agree	30	29%
Neutral	34	33%
Disagree	18	18%
Don't know	20	20%
Total	102	100%
Resulted in housing that has been subsequently used as Temporary Accommodation for homeless households		
Agree	9	9%
Neutral	13	13%
Disagree	45	44%
Don't know	35	34%
Total	102	100%
Helped to revitalise town centres		
Agree	12	12%
Neutral	43	42%
Disagree	43	42%
Don't know	4	4%
Total	102	100%
Resulted in the loss or relocation of businesses as office premises are converted to housing		
Agree	50	50%
Neutral	26	26%
Disagree	15	15%
Don't know	10	10%
Total	101	100%

Table 2: to what extent has your council been concerned, if at all, about the following aspects of housing resulting from PDOs?

	Number	Per cent
Size		
Not at all concerned	3	3%
Not very concerned	17	17%
Moderately concerned	30	30%
Very concerned	48	48%
Don't know	3	3%
Total	101	100%
Density		
Not at all concerned	10	10%
Not very concerned	26	25%
Moderately concerned	32	31%
Very concerned	30	29%
Don't know	4	4%
Total	102	100%
Quality/design		
Not at all concerned	2	2%
Not very concerned	5	5%
Moderately concerned	30	29%
Very concerned	64	63%
Don't know	1	1%
Total	102	100%
Safety		
Not at all concerned	4	4%
Not very concerned	31	31%
Moderately concerned	42	42%
Very concerned	17	17%
Don't know	7	7%
Total	101	100%
Appropriateness of location		
Not at all concerned	3	3%
Not very concerned	7	7%
Moderately concerned	28	28%
Very concerned	61	61%
Don't know	1	1%
Total	100	100%
School place planning		
Not at all concerned	3	3%
Not very concerned	28	28%
Moderately concerned	34	34%
Very concerned	26	26%
Don't know	10	10%
Total	101	100%

Demand on health and social care services		
Not at all concerned	6	6%
Not very concerned	25	25%
Moderately concerned	39	39%
Very concerned	21	21%
Don't know	10	10%
Total	101	100%
Congestion		
Not at all concerned	4	4%
Not very concerned	31	31%
Moderately concerned	42	42%
Very concerned	18	18%
Don't know	5	5%
Total	100	100%
Access to open space		
Not at all concerned	5	5%
Not very concerned	18	18%
Moderately concerned	46	46%
Very concerned	29	29%
Don't know	3	3%
Total	101	100%
Other		
Not at all concerned	7	17%
Not very concerned	0	0%
Moderately concerned	3	7%
Very concerned	19	46%
Don't know	12	29%
Total	41	100%

Table 3: how have the changes introduced since 2013 to the Permitted Development Order (PDO) affected the following, to date, in your local authority area?

	Number	Per cent
Availability of office space		
Increased	1	1%
No effect	19	19%
Reduced	70	69%
Don't know	12	12%
Total	102	100%
Availability of retail space		
Increased	0	0%
No effect	65	64%
Reduced	20	20%
Don't know	17	17%
Total	102	100%
Availability of storage or distribution space		
Increased	0	0%
No effect	53	52%
Reduced	25	25%
Don't know	23	23%
Total	101	100%
Availability of agricultural buildings		
Increased	0	0%
No effect	51	50%
Reduced	36	35%
Don't know	15	15%
Total	102	100%
Contributions for affordable housing through section 106 agreements		
Increased	1	1%
No effect	29	28%
Reduced	66	65%
Don't know	6	6%
Total	102	100%
Contributions for infrastructure (other than affordable housing) through section 106 agreements and/or the Community Infrastructure Levy		
Increased	4	4%
No effect	25	25%
Reduced	67	66%
Don't know	5	5%
Total	101	100%
Demands on local infrastructure and services		
Increased	61	61%
No effect	22	22%
Reduced	2	2%
Don't know	15	15%
Total	100	100%

Ability of your authority to shape the local area in line with existing local plans		
Increased	5	5%
No effect	18	18%
Reduced	71	71%
Don't know	6	6%
Total	100	100%
Number of residential units over and above that which would have happened otherwise		
Increased	55	54%
No effect	31	31%
Reduced	1	1%
Don't know	14	14%
Total	101	100%

Table 4: in your opinion, how supportive are local businesses of the permitted development rights allowing change of use into residential?

	Number	Per cent
Very supportive	0	0%
Fairly supportive	24	24%
Not very supportive	21	21%
Not at all supportive	12	12%
Don't know	45	44%
Total	102	100%

Table 5: in your opinion, how supportive are local residents of the permitted development rights allowing change of use into residential?

	Number	Per cent
Very supportive	0	0%
Fairly supportive	10	10%
Not very supportive	42	42%
Not at all supportive	18	18%
Don't know	31	31%
Total	101	100%

Table 6: in general, to what extent are elected members in your council supportive of permitted development rights allowing change of use into residential?

	Number	Per cent
Very supportive	0	0%
Fairly supportive	11	11%
Not very supportive	36	36%
Not at all supportive	29	29%
Don't know	25	25%
Total	101	100%

Table 7: as far as you are aware, which of the following types of conversion to residential elicit the most objections or complaints from local residents/businesses?

	Number	Per cent
Houses in multiple occupation	38	37%
Office to residential	27	26%
Agricultural to residential	19	19%
Shops to residential	6	6%
Storage or distribution to residential	2	2%
Don't know	10	10%
Total	102	100%

Table 8: has your council had to undertake any enforcement activity on dwellinghouses resulting from permitted development rights since 2013?

	Number	Per cent
Yes	35	36%
No	39	40%
Don't know	24	24%
Total	98	100%

Table 9: has your council introduced an Article 4 Direction for any type of permitted development since 2013?

	Number	Per cent
Yes	37	37%
No	59	58%
Don't know	5	5%
Total	101	100%

Table 10: for which types of development did your council introduce an Article 4 Direction?

	Number	Per cent
Office to residential	21	57%
Houses in multiple occupation	15	41%
Storage or distribution to residential	7	19%
Shops to residential	3	8%
Agricultural to residential	0	0%
Other	9	24%
Don't know	0	0%
Total	37	100%

Table 11: why has your council not introduced an Article 4 Direction?

	Number	Per cent
Lack of resources to put in place	24	41%
Permitted development rights do not have a detrimental effect on the local area	16	27%
Lack of resources for subsequent cost fo processing applications	9	15%
Too expensive	6	10%
Other	18	31%
Don't know	4	7%
Total	59	100%

Table 12: do you agree or disagree with the following statements on Article 4 Directions?

The Secretary of State should not have powers to cancel or modify an Article 4 Direction	Number	Per cent
Agree	51	50%
Neutral	29	29%
Disagree	13	13%
Don't know	8	8%
Total	101	100%
The cost of putting in place an Article 4 Direction is reasonable		
Agree	18	18%
Neutral	33	32%
Disagree	32	31%
Don't know	19	19%
Total	102	100%
Compensation rules restrict the ability of councils to use Article 4 Directions to immediately address effects of permitted development rights		
Agree	65	64%
Neutral	14	14%
Disagree	6	6%
Don't know	16	16%
Total	101	100%

Table 13: how, if at all, do you think that the elements of the Permitted Development Order, that currently allow change of use to residential should be changed?

	Number	Per cent
Abolished (all change of use to residential applications should go through a full planning application process)	44	45%
Retained in current format but councils opt in to designate areas where PDR allowed rather than opting out via Article 4 Directions, plus an additional requirement for affordable housing contributions and infrastructure contributions as outlined in Local Plans	22	22%
Retained in current format with additional prior approval conditions. Councils able to opt in to designate areas where PDR allowed rather than opting out via Article 4 Directions, plus additional requirements for affordable housing contributions and infrastructure contributions as outlined in Local Plans	17	17%
Retained in current format but councils opt in to designate areas where PDR allowed rather than opting out via Article 4 Directions	9	9%
No change at all	3	3%
Other	3	3%
Total	98	100%

Table 14: how do the costs to administer each individual prior approval process for your authority compare with the prior approval fee set by central government (£96)?

	Number	Per cent
Considerably higher than the £96 set fee	84	83%
Approximately the same as the £96 set fee	3	3%
Considerably lower than the £96 set fee	0	0%
Don't know	14	14%
Total	101	100%

Table 15: thinking about prior notifications for larger householder extensions, within the limitations of planning grounds what are the three most common concerns cited by residents in response to the subsequent neighbour consultation?

	Number	Per cent
Overshadowing/loss of outlook	71	70%
Overlooking and loss of privacy	68	67%
Loss of sunlight	49	48%
Design, e.g. visual appearance, finishing materials	37	36%
Parking provision	19	19%
Highway issues	12	12%
Noise or disturbance resulting from use	11	11%
Capacity of physical infrastructure, e.g. public drainage	2	2%
Loss of, or effect on, trees	0	0%
Other	3	3%
Don't know	9	9%
Total	102	100%

Table 16: has the lack of a fee for prior notification for larger household extensions affected your authority's ability to deliver planning services since its introduction?

	Number	Per cent
Yes	50	50%
No	37	37%
Don't know	14	14%
Total	101	100%

Table 17: what have been the main effects on planning services within your authority since the introduction of the prior notification scheme for large household extensions?

	Number	Per cent
Increased workload	32	64%
Loss of income	32	64%
Less clarity for service users	11	22%
Greater complexity	10	20%
Other	2	4%
Don't know	0	0%
Total	50	100%



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We consider requests on an individual basis.