

# Planning Reforms to Support Housing Delivery and Flexible Uses on the High Street

I have received this update from the Government:

I am writing to let you know that the government has now implemented the planning measures announced by the Prime Minister in his speech on 30 June to drive our economic recovery and get Britain building again. These measures will support the recovery and revitalisation of our high streets as we recover from Covid-19, bring new planning freedoms to boost housing supply and support the gentle densification of our towns and cities.

## **Introduction of space standards for homes created through permitted development rights**

I am pleased to confirm that I will be bringing forward secondary legislation in due course to introduce the requirement for all homes delivered through permitted development rights to meet the nationally described space standards.

The vast majority of homes built through permitted development rights are no different in terms of quality to those that come through planning applications and more than 60,000 homes have been delivered as a result of these policies. However, there are a very small number of developers who have abused these rights to build homes which are below standard and are not suitable for people to live in.

The actions of these developers must not be allowed to diminish confidence in these rights, which are crucial tools for regenerating brownfield land across the country, giving people greater flexibility to extend their homes and building the homes this country needs. We will put an end to this behaviour through a new requirement that all homes through permitted development rights meet space standards.

I have already introduced requirements that all homes built through permitted development rights have adequate light and introduced new prior approvals to ensure new homes don't have significant adverse impacts on neighbours. The introduction of space standards will now mean permitted development rights can no longer be seen as a route to undercut housing standards. Our vision is of a simpler, faster, more certain planning system, but one that delivers highest quality homes.

Developers will still be able to bring forward innovative proposals which could include smaller homes below the space standard, such as pocket living. However, these will have to go through a full planning application and it will be for local authorities to check the proposals are appropriate for their setting.

## **Supporting the High Street and Changes of Use**

High streets and town centres are undergoing the greatest period of change in the modern era. They must now provide a much wider range of facilities and services and adapt to accommodate new and emerging uses. We need to support this diversification to ensure these areas remain viable economic centres for our communities, both now and in the future.

To drive this diversification and support our town centres to recover from the pandemic, we have reformed the use classes order to create a new broad category of "Commercial, Business and Service". This new Class encompasses a wide range of uses and will provide businesses with greater freedom to adapt to changing circumstances, without the uncertainty and expense of a planning application. To support greater innovation, it will also allow businesses to have mixed uses to reflect changing retail and business models. These changes will support the needs of local communities by enabling new services and businesses to start up in accessible locations, bringing customers and vitality to our town centres.

We are also introducing a new class "Community and Learning" to ensure our community facilities are protected. This new class – which includes isolated shops, schools and community halls – will protect important community assets by requiring a full planning application for any changes in their use. The residential use classes will remain the same, differentiating between homes, hotels, residential institutions and Homes in Multiple Occupation.

In undertaking this reform, we recognise that there are certain uses which give rise to important local considerations, for example, the importance of protecting local pubs, live music performance venues and theatres and preventing the proliferation of hot food takeaways and betting shops. It will remain the case that changes to and from these uses will still be subject to full consideration through the planning application process. The new Use Classes came into effect on 1st September 2020. Transitional arrangements are in place until 31st July 2021 to ensure a smooth transfer to the new framework which will set out new permitted development rights to support greater housing supply in our town centres.

## **Building Upwards**

We need to support our building industry, create jobs for construction workers, and make the most of brownfield land to deliver more homes for our communities. On 24 June, we introduced a new permitted development right to allow the upward extension of free-standing blocks of flats to create new homes. To further support housing supply, we have also introduced a permitted development right to allow upwards extensions of buildings, to provide new homes and enable homeowners to extend their homes as their families grow. These rights apply to buildings constructed between 1948 and 2018. This new right came into effect on 31 August 2020 and means that owners of commercial and residential buildings will now be allowed to construct up to 2 additional storeys to make the best use of our low-density locations. This right will enable homeowners to extend their homes while protecting garden space and avoiding the disruption of basement extensions.

The new right grants planning permission, providing greater certainty to developers and homeowners and subject to the existing fast track approval process known as “prior approval”, where a local planning authority must consider specified matters first and they must notify owners and occupiers of the building being extended and adjoining premises can comment, and then the local council will consider representations made on those specified matters for prior approval.

As part of this, there will be a requirement for local planning authorities to assess the impact on neighbours in respect of overlooking, privacy and the loss of light. They can also consider the appearance of the proposed upwards extension. Developer must also secure approval regarding the adequate provision of natural light in habitable rooms and prepare a report on construction management to show how noise, dust and other disruption will be managed. The development will be subject to building regulations and fire safety rules, and additional development may bring older parts of the building into new building standards.

We recognise that development in certain locations requires individual consideration and therefore the right does not apply, for example, in national parks and conservation areas or to listed buildings.

### **Regeneration of Vacant and Redundant Buildings**

It is vital that we make the most of our brownfield land and underused buildings to enable our towns to grow in a sustainable way, provide the housing people need and support economic the economic recovery from Covid-19. We have therefore introduced an ambitious new permitted development right to encourage regeneration and bring empty buildings back to good use.

The right will allow redundant commercial and residential buildings to be demolished and rebuilt for residential purposes within the footprint of the existing building. This will serve to bring forward additional much needed homes and boost investment opportunities for the construction industry. This new right came into effect on 31 August 2020 and will apply to buildings built before 1990, where the building has been vacant for a period of at least 6 months.

To mitigate any adverse local impacts, we will require developers to submit their designs and landscaping plans to the local authority for approval. All new homes must have adequate natural light and the impacts on the surrounding area must also be considered. In addition, the local authority is required to consider highways matters, risk of flooding, and the impact on neighbouring buildings in respect of privacy and light. The local authority can also consider methods of demolition including any heritage issues such as the need for an archaeological assessment in sites of historical interest. The authority can approve the plans, reject them on the grounds above or could ask for further information. The development will be subject to building regulations, including in respect of fire safety.

Again, as development in certain locations requires individual consideration the right does not apply, for example, in national parks and conservation

areas or to listed buildings.

I have attached fact sheets which set out the key details of these reforms, which are also published on GOV.UK. The government has also updated the Planning Practice Guidance used by local authorities, homeowners and developer to include helpful questions and answers on specific topics related to these new rights. This is also available on GOV.UK under the heading "When is planning permission required?". I am determined that we do everything we can to build more homes, support town and city centres, and protect jobs. These measures will do all three. I

hope you will welcome them and ensure your constituents are aware of them.

**RT HON ROBERT JENRICK MP**