

Open consultation

Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification

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Applies to England

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Personal data



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This publication is available at <https://www.gov.uk/government/consultations/permitted-development-rights/consultation-on-additional-flexibilities-to-support-housing-delivery-the-agricultural-sector-businesses-high-streets-and-open-prisons-and-a-call-f>

Scope of the consultation

Topic of this consultation:

This consultation contains proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

This consultation also contains a call for evidence led by the Department for Environment, Food and Rural Affairs seeking views on nature-based solutions, farm efficiency projects and diversification.

Scope of this consultation:

This consultation seeks views on proposals relating to permitted development rights.

We are seeking views on proposed changes to a number of permitted development rights that allow certain existing buildings to change to residential use. This includes the rights that allow the change of use of buildings within the Commercial, Business, and Service use class and of agricultural buildings to dwellinghouses.

The consultation also seeks views on changes to the rights that allow for agricultural diversification and development on agricultural units.

We are proposing amendments to certain rights that allow for non-domestic extensions, including the right that allows for extensions to Commercial Business and Service premises and the right that allows for extensions to and the erection of industrial and warehouse buildings.

The consultation includes an amendment to the temporary use of land permitted development right that would allow markets to operate for more days per calendar

year.

The consultation also includes an amendment to the right that allows the erection, extension or alteration of schools, colleges, universities, hospital and closed prisons to also apply it to open prisons.

We are consulting on the application of local design codes to certain permitted development rights to support the delivery of well-designed development. Subject to the outcome of the consultation, any changes would be brought forward via secondary legislation as an amendment to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, when parliamentary time allows.

Finally, this consultation also contains a call for evidence led by the Department for Environment, Food and Rural Affairs. The call for evidence seeks views on nature-based solutions, farm efficiency projects and diversification.

Geographical scope:

These proposals relate to England only.

Impact assessment and Public Sector Equality Duty:

The consultation seeks views on any potential impacts on businesses, local planning authorities and communities from the proposed measures. The government is mindful of its responsibility to have regard to the potential impact of any proposals on the Public Sector Equality Duty, and therefore views are additionally sought on whether there are any impacts arising from these measures on those with a protected characteristic.

Basic information

Body/bodies responsible for the consultation:

The Department for Levelling Up, Housing and Communities and The Department for Environment, Food and Rural Affairs.

Duration:

This consultation will run from 24 July 2023 to 25 September 2023.

Enquiries:

For any enquiries about the consultation please contact:

PDRconsultationsummer2023@levellingup.gov.uk

How to respond:

You may respond by [completing an online survey](https://consult.levellingup.gov.uk/planning-development-management/permitted-development-rights-consultation) (<https://consult.levellingup.gov.uk/planning-development-management/permitted-development-rights-consultation>).

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

Alternatively you can email your response to the questions in this consultation to PDRconsultationsummer2023@levellingup.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Planning Development Management
Department for Levelling Up, Housing and Communities
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post-code)
- an email address
- a contact telephone number

Introduction

1. The government is committed to ensuring that the planning system is efficient, effective, responsive and delivers beautiful and well-designed development. Permitted development rights provide flexibilities and planning freedoms to different users, including businesses, local authorities and local communities. They are an important tool to support growth by providing certainty and removing the time and money needed to submit a planning application. This consultation seeks views on a package of proposals designed to promote the delivery of well-designed development, support housing delivery, the agricultural sector and economic growth.

2. Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (“the General Permitted Development Order”). Planning permission granted by the General Permitted Development Order is organised by Parts, grouping together categories of development or development in connection with types of uses, including for example changes of use, development by local authorities and non-domestic extensions. Individual rights within each Part can be subject to limitations and conditions in order to manage impacts and protect local amenity. For example some permitted development rights have size limits, are excluded in certain protected areas or allow for local consideration of specified planning matters through the prior approval process. In order to ensure the safety of road users we will retain existing transport prior approvals.

3. We want to support the delivery of the right homes in the right places across England. National permitted development rights make an important contribution to housing delivery. In the seven years to March 2022, they have delivered over 94,000 new homes to rent or to buy, representing 6% of overall housing supply delivered in that period. There are a number of permitted development rights that allow for the change of use from a variety of existing uses to dwellinghouses. We want to make sure that the existing conditions and limitations that apply to these rights are fit for purpose and that they provide the flexibility needed to sufficiently support delivery.

4. We also want to support the agricultural sector by providing further flexibilities to farmers to undertake works on their agricultural units and enable farm diversification without having to submit a planning application. We also want to make sure that the rights remain fit for purpose.

5. To further support economic growth, we want to make sure businesses have the flexibility needed to unlock their potential and we are therefore proposing amendments to rights that apply to Commercial, Business and Service premises, industrial buildings and warehouses. To further support communities and local retail, we are also seeking views on an amendment to the right that allows for the temporary use of land so that outdoor markets can operate for more days per calendar year.

6. We also want to support the prison service. An existing permitted development right allows for the erection, extension or alteration of schools, colleges, universities, hospitals and closed prisons. To support the prison service in ensuring there is sufficient capacity for Category D prisoners within the existing estate, it is proposed to amend the right to additionally apply to open prisons.

7. In this consultation, we are seeking views on the application of local design codes to certain permitted development rights with an existing design or external appearance prior approval. This would allow for the consideration of local design codes that are prepared and adopted by local authorities with local community involvement.

8. Lastly, this consultation contains a call for evidence, led by the Department for Environment, Food and Rural Affairs, which seeks feedback on nature-based solutions (to increase biodiversity such as through ponds, wetlands, reservoirs and peat re-wetting), farm efficiency projects (which improve the use of resources on farms, specifically slurry stores and reservoirs for crop irrigation) and diversification of farm incomes.

Design codes

9. The Building Better Building Beautiful Commission emphasised the importance of local design codes in achieving well-designed and beautiful places and ensuring a stronger and more predictable system with greater democratic involvement in planning decisions.

10. Design codes prepared by local authorities with communities will ensure beautiful and well-designed development by helping to shape buildings, public spaces, streets and neighbourhoods. They will set simple clear minimum standards on development in that area, such as height, form and density.

11. Steps have already been taken to embed beauty, design and place-making in the planning system. The National Planning Policy Framework was updated in July 2021 to strengthen the emphasis on beauty, place-making and good design. The Framework sets the policy expectation that, to provide maximum clarity about design expectations at an early stage, local planning authorities should prepare design codes and guides consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.

12. To go further, the Levelling Up and Regeneration Bill is seeking to introduce a duty for all local councils to produce a design code at the spatial scale of their authority area, either as part of their local plan or as a supplementary plan, both of which will give design codes significant weight when planning applications are determined.

13. Applying local design codes to certain permitted development rights could offer certainty to developers about the type of development that is acceptable and provide more local influence to local authorities about the design of new homes in their area, including those delivered through permitted development rights. This could provide local communities with more confidence that development delivered under a permitted development right aligns with the design expectations of the local area.

14. In some permitted development rights, there is a prior approval on the grounds of design or external appearance. Currently, where this is the case, each application is considered on a case by case basis by the local authority. Interpretation of the scope of the prior approval has varied. We want to reduce uncertainty and support the use of permitted development rights. We are considering whether, as local design codes are agreed, prior approvals for design and external appearance could be replaced by consideration of the design code. This would allow for consideration specifically of whether the external appearance of the building meets the local design code requirements. This could apply to, for example, the rights to extend existing buildings upwards in Part 20, and the change of use from agricultural buildings to residential in Part 3, Class Q.

15. We want to ensure that, if we were to apply local design codes to certain rights, this would support the use of the rights to enable additional development. We would therefore welcome views though the consultation on how best to achieve this objective.

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Impact assessments

16. We would welcome your view on the likely impacts of this proposal.

Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Supporting housing delivery through change of use permitted development rights

17. Changes in consumer behaviour has presented a significant challenge for retailers in our town centres and the way we use our high streets and town centres is changing, with such areas now providing a greater mix of residential, commercial and leisure uses. Residential uses can help diversify and create more resilient high streets. We are therefore exploring ways in which this right could be amended to reflect the changing landscape of our high streets and to deliver more homes. While Commercial, Business and Service uses are predominately found on our high streets, they also support rural areas and other local communities. Changes will support the delivery of additional homes across England that might otherwise have not come forward through a planning application.

18. In order to further support housing delivery, the government is seeking views on amending existing permitted development rights which allow the change of use of certain buildings to residential. This will provide further flexibility and support the creation of more homes. These rights are set out in Part 3 (changes of use) of the General Permitted Development Order.

Commercial Business and Service uses to dwellinghouses (Class MA of Part 3)

19. Following the 2020 '[Supporting housing delivery and public service infrastructure consultation \(https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure\)](https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure)', a new permitted development right (Class MA of Part 3) came into effect in August 2021 to provide for the change of use of premises in the Commercial, Business and Service use class (Use Class E) to residential. This broad use class includes a range of uses commonly found on the high street, such as shops, restaurants, offices, as well as gyms and light industrial buildings.

20. The permitted development right is subject to certain limitations and conditions. For example, the right allows for local consideration of key planning matters through prior approval, such as the impact of noise from commercial premises on new residents and flood risk.

Floorspace limits

21. The permitted development right currently allows up to 1,500 square metres of Commercial, Business and Service use to change use to residential; this could allow, for example, the delivery of up to 20 two bed homes. To provide greater flexibility for owners and support housing delivery, it is proposed that the right is amended to allow more floorspace to change to residential use. Increasing the cumulative floorspace that may change use in an existing building could have significant benefits for housing delivery, particularly for larger sites. We are seeking views on whether the size cap should be doubled to 3,000 square metres or removed to provide no limitation on the amount of floorspace that can change use.

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:

- a) Double the floorspace that can change use to 3,000 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Vacancy requirement

22. The existing permitted development right requires that the premises be vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval. This was introduced to safeguard against businesses being displaced. However, we believe the requirement may be ineffective and could result in property being left vacant for longer periods. In order to provide greater flexibility for owners, enable more premises to change use, and therefore to deliver additional homes, it is proposed that this vacancy requirement is removed.

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Article 2(3) land

23. Article 2(3) land is defined in Part 1 of Schedule 1 to the General Permitted Development Order as conservation areas, areas of outstanding natural beauty, areas designated under s.41(3) Wildlife and Countryside Act 1981, National Parks, the Broads and World Heritage Sites. This designated land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

24. The Class MA permitted development right applies in conservation areas subject to prior approval (see question 6), but not in other article 2(3) land.

25. The right aims to help town centres and high streets respond more effectively to changes in consumer behaviour by providing a greater and more agile mix of residential, commercial and leisure uses. New housing opportunities could also help those that would benefit from being in close proximity to services, such as the elderly and those living with disabilities. Increased footfall from new residents can also assist in the wider regeneration of an area.

26. Allowing our town and village centres within protected landscapes (such as National Parks) to benefit from the right could help ensure the longer term viability and vitality of these community hubs, supporting the residents and businesses that rely on them. The take-up of the right to date in terms of applications for prior approval indicates the important contribution it could make to housing delivery and high street diversification.

27. We want to seek views on enabling a broader range of areas to benefit from the additional housing delivery and high street diversification that the permitted development right can bring. We therefore are seeking views on broadening the right to enable its use in other types of article 2(3) land. We consider that the right could be acceptable in these areas as it allows only for the change of use and does not permit any operational or building works that would impact on the appearance of the premises.

28. World Heritage Sites are designated by UNESCO for having cultural, historical, scientific or other forms of significance. We therefore consider that the right should not be extended to such sites.

Q.5 Do you think that the permitted development right (Class MA of Part 3) should apply in other excluded article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Prior approval – conservation areas

29. In conservation areas, there is currently a separate prior approval which allows local areas to take a view on the impacts of the change of use of the ground floor on the “character or sustainability of the conservation area”. This allows for local consideration where the historic context of the conservation area is also important. This prior approval is unique to this right, with other rights operating in conservation areas successfully without comparable safeguards.

30. We want to simplify the process, allowing conservation areas, including those on high streets and in town centres, to benefit from the additional homes and use diversification the right provides. We are therefore seeking views on how the prior approval is operating in practice.

31. To note, the right does not allow any physical works that would amount to development. Any changes to the external appearance of the building, regardless of whether the current conservation area prior approval was removed or retained, would require a planning application.

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If no, please explain why you don't think the prior approval works in practice?

Hotels, boarding houses and guest houses (Use Class C1) to dwellinghouses

32. Hotels and guest houses play an important role in the tourism industry, helping to stimulate economic activity and drive footfall in their localities. However, in areas of high housing need, these buildings may better serve their local communities if repurposed as housing.

33. We are proposing to allow the change of use of hotels, boarding houses or guest houses (in the C1 Hotels use class) to dwellinghouses through permitted development rights. This could either be delivered through an expansion to the Commercial, Business and Service uses to dwellinghouse right (Class MA of Part 3) or through the creation of a new right.

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to

dwellinghouses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

34. If the change of use of hotels, boarding houses or guest houses to residential was supported through permitted development rights, certain elements of the development may require specific safeguards or allow for additional consideration by the local planning authority through the prior approval process. For example, it may be necessary to allow for local consideration of the impacts the change of use could have on the local tourism economy. It may also be the case that a different size limit on the amount of floorspace changing use should apply. The homes created under the right would be limited to use as a C3 dwellinghouse, and would not benefit from permitted development rights to change use to a small House in Multiple Occupation, or to the proposed [use class for short term lets](https://www.gov.uk/government/consultations/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights) (<https://www.gov.uk/government/consultations/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights>).

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please specify.

Impact assessments

Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

If so, please give your reasons.

Betting offices and pay day loan shops etc. to dwellinghouses (Class M of Part 3) and arcades etc. to dwellinghouses (Class N of Part 3)

36. Two permitted development rights (Class M and N of Part 3) allow certain other high street and town centre uses to change use to residential. Class M allows the change of use of hot food takeaways, betting offices, pay day loan shops and launderettes to dwellinghouses. Class N allows the change of use of amusement arcades and centres and casinos to dwellinghouses.

Floorspace limits

37. Both rights are long standing and are subject to a floorspace limit which allows up to 150 square metres to change use to residential. This aimed to strike a balance between housing delivery and retaining commercial uses on the high street. It is proposed that the floorspace limits are either doubled to 300 square metres or removed.

38. This will provide greater flexibility to allow for the delivery of additional homes, particularly in our town centres, removing the need for a planning application in more cases. The matters for prior approval would remain unchanged.

Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

39. Laundrettes can provide a valuable community service in certain areas. Therefore we are proposing that the existing right (Class M of Part 3) no longer apply to laundrettes. This would allow for local consideration of any proposed change of use through a full planning application.

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to laundrettes?

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Date the building was in use in order to benefit from the right

40. The two rights are long standing, and consequently apply to buildings that were in the uses to which the rights apply on 20 March 2013 in the case of Class M and 19 March 2014 in the case of Class N. There is now an opportunity to consider whether a new cohort of buildings should benefit from the right. We are therefore proposing to introduce a two-year rolling requirement which requires the building to have been in that use for a continuous period of at least two years prior to the application for prior approval. This mirrors the approach currently taken in the permitted development right for the change of use from Commercial, Business and Service use to residential (Class MA of Part 3).

Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or laundrette instead to a two-year rolling requirement?

- a) Yes
- b) No

c) Don't know

Please give your reasons.

Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?

a) Yes

b) No

c) Don't know

Please give your reasons.

Article 2(3) land

41. Article 2(3) land is set out in the General Permitted Development Order and includes conservation areas, Areas of Outstanding Natural Beauty, areas designated under s.41(3) of the Wildlife and Countryside Act 1981, National Parks, the Broads and World Heritage Sites. This designated land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

42. We want more areas to benefit from the flexibility and resulting homes that these permitted development rights bring. The Class M right does not apply to any article 2(3) land, while the Class N right does not apply in National Parks and Areas of Outstanding Natural Beauty, the Broads, World Heritage Sites and areas designated under s.41(3) of the Wildlife and Countryside Act 1981, it does, however, apply in conservation areas. We consider that both rights could help deliver additional housing in these areas and we therefore seeking views on allowing the right to operate in other article 2(3) land.

43. World Heritage Sites are designated by UNESCO for having cultural, historical, scientific or other forms of significance. We therefore consider that the Class M and Class N rights should not apply to such sites.

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?

a) Yes

b) No

c) Don't know

Please give your reasons.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Impact assessments

44. We would welcome your view on the likely impacts of these proposals.

Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

If so, please give your reasons.

Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G of Part 3)

45. This long standing permitted development right (Class G of Part 3) allows the change of use of the space above a wide range of uses to provide for new homes. The right applies to Commercial, Business and Service (Use Class E) uses as well as betting offices and pay day loan shops. It allows for the change of use to mixed use with up to two flats. We are now exploring the potential to go further to support the

delivery of more homes, including on the high street, while maintaining the existing ground floor use.

Uses the right applies to

46. The government is committed to supporting vibrant and thriving town centres and high streets. The right already applies to all uses within the Class E use class, pay day loan shops and betting offices. Class E uses can include shops, restaurants, creches, offices, as well as gyms and light industrial buildings.

47. We want to explore whether the right could be amended to further support the delivery of homes above other types of high street or town centre premises while retaining the ground floor business use. The right already provides for local consideration of the impact of noise on potential residents through prior approval and we propose to maintain this. This would allow for consideration of plans to mitigate any potential impacts to ensure that new development can be integrated effectively with existing businesses and other uses.

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please say which uses the right might apply to and give your reasons.

Number of flats that can be delivered

48. The right helps makes effective use of underused or empty storage space above an existing use. While, in practice the amount of space is likely to be limited there may be cases where premises could accommodate more than two flats. It is therefore proposed that the number of flats that may be delivered under the right is doubled from two to four.

49. Owners of premises in Commercial Business and Service use may choose instead to make use of the Class MA permitted development right for the change of use to residential based on individual circumstances. To note that all homes delivered must, as a minimum, meet the nationally described space standards.

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Consequential changes to the permitted development right that allows the change of use from a mixed use to Commercial Business and Service use or betting office or pay day loan shop right (Class H of Part 3)

50. Allied to Class G, Class H of Part 3 provides for the change of use from a mixed use residential to a Commercial Business and Service use, betting office or pay day loan shop. This enables a mixed Commercial Business and Service (or betting office or pay day loan shop) and residential use (of up to two flats above) to change use to solely a Commercial Business and Service (or betting office or pay day loan shop) use without the need for a planning application. There are protections in the right so that a Commercial Business and Service mixed use building cannot change use to a betting office or pay day loan shop.

51. If the Class G permitted development right is amended to apply to other uses, then we would similarly look to amend Class H to make sure that the two rights align and to ensure that the uses contained in an amended Class H could not change use to a betting office or pay day loan shop.

Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Impact assessments

52. We would welcome your view on the likely impacts of these proposals.

Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No

c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?

a) Yes

b) No

c) Don't know

If so, please give your reasons.

Agricultural buildings to dwellinghouses (Class Q of Part 3)

53. We want to give farmers greater freedom to change the use of their existing buildings to residential use and support the delivery of new homes in rural communities.

54. An existing permitted development right (Class Q of Part 3) allows agricultural buildings to change to residential use. Originally introduced in 2014, the right was expanded in 2018 to increase the number of homes permitted and to encourage the development of smaller homes for rural workers. The right is subject to various conditions and limitations, including the type of agricultural buildings that can benefit from the right, the maximum size and number of dwellinghouses that can be delivered and the extent of works that can be undertaken.

55. This consultation seeks views on amendments that would further support housing delivery by allowing more homes to be delivered through the right, expanding the type and location of buildings that can benefit from the right and extending the scope of works that can be undertaken under the right. These changes would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land.

Size limits and maximum numbers of homes delivered

56. The purpose of the right is to provide new homes in rural areas by bringing underused or redundant agricultural buildings into effective use. In response to concerns about the size of homes delivered when the right was first introduced and to focus the right on housing for agricultural and rural workers, the right was amended in 2018 to encourage more, smaller homes to be delivered.

57. Therefore, the existing right now allows for the delivery of:

- up to 3 larger homes, to be greater than 100 square metres and within an overall floorspace of 465 square metres; or
- up to 5 smaller homes each no greater than 100 square metres; or
- up to 5 homes comprising a mixture of larger and smaller homes, with neither exceeding the thresholds for each type of home.

58. This means the maximum amount of floorspace that can change use is 865 square metres, delivering four smaller homes of 100 square metres and one larger home of 465 square metres.

59. We have received feedback that the existing smaller and larger home limits, which are unique to this right, are overly complex. Furthermore, the 465 square metre limit was initially introduced in 2018 not only to provide for up to three larger homes, but also to align with what had up to that time been the size limit of agricultural buildings permitted under the Class A and B of Part 6 permitted development rights. These Part 6 right limits now stand at 1,000 square metres, which provides an opportunity to review the size limits and number and type of homes that may be delivered by the agricultural buildings to dwellinghouses right (Class Q of Part 3).

60. We want to simplify and bring the right in line with its related Part 6 counterparts. In doing so, we also want to retain the focus on providing smaller homes for rural workers and local people, whilst increasing the overall number of homes that can be delivered under the right.

61. We propose removing the existing limitations on smaller and larger homes, and instead introducing a single maximum floorspace limit of either 100 or 150 square metres per home. We also propose increasing the maximum number of homes that can be delivered on an agricultural unit from 5 to 10. Finally, we propose introducing an overall maximum of 1,000 square metre floorspace changing use, that would include any previously developed under Class Q.

62. These changes would allow for up to 10 homes of varying sizes up to 100 or 150 square metres to be delivered. For example, 10 homes could be delivered, such as a mix of 6 three bed homes, and 4 four bed homes. It would not result in the creation of very large homes over 150 square metres.

63. For the avoidance of doubt, the [nationally described space standards](https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard) (<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>) would continue to apply to homes delivered through the right.

Q.25 Do you agree that the smaller and larger home size limits within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be replaced with a single maximum floorspace limit of either:

- a) 100 square metres per dwellinghouse
- b) 150 square metres per dwellinghouse

- c) No change
- d) Don't know

Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.27 Do you agree that the 5 home limit within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be increased to allow up to a total of 10 homes to be delivered within an agricultural unit?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Rear extensions

64. At present, the permitted development right for the change of use from agricultural buildings to residential does not allow for any increase to the external dimensions of the original building.

65. In order to maximise the potential of previously developed rural land, we are consulting on an amendment to allow for rear extensions to the original building during the change of use. We propose that extensions would need to be sited to the rear of the original agricultural building with a maximum depth of 4 metres, be single storey in height, could extend the entire width of the existing rear elevation, and would only be permitted where the land has previously been developed. There would be limits on the maximum height of the roof and other householder restrictions would also apply.

66. For the purposes of this right, previously developed land would be defined as an area covered by a hard surface, such as a farmyard, which adjoins the original building. To stop people from intentionally developing land prior to undertaking the change of use, the land must have been developed prior to the publication of this consultation. A developer would be required to provide evidence that the land was developed prior to this date if requested by their local planning authority. For the avoidance of doubt, the entire footprint of the extension would need to be sited on previously developed land. For example, if an area of hard surface only extended 2

metres from the existing building's rear elevation, any extension could also only extend 2 metres from the existing building's rear elevation.

67. Any floorspace created through the erection of an extension would be counted towards any limits on the overall total floorspace that can change use or floorspace of individual dwellinghouses, either as exists under the current right or as amended in line with the proposals in questions 25 and 26.

68. For the avoidance of doubt, this amendment would not allow new homes delivered under the Class Q right to benefit from the householder permitted development rights (set out in Part 1). It would not apply retrospectively to homes that have already been developed under the Class Q permitted development right and could not be used to extend a new home delivered under the right at a later date. Instead, it would provide an opportunity to extend the original building as part of the change of use and maximise the potential of the plot. The design and external appearance of any extension could be considered by the planning authority during the prior approval process. The building operations permitted under the right would be amended to allow for the construction of the extension.

69. To limit any impacts of an extension on a neighbour's amenity, we are also consulting on the introduction of a prior approval that allows for the consideration of the impacts of the extension on the amenity of neighbouring premises, including overlooking, privacy and light.

Q.28 Do you agree that the permitted development right for the change of use from agricultural buildings to residential use (Class Q of Part 3) should be amended to allow for an extension to be erected as part of the change of use on previously developed land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.29 Do you agree that a prior approval be introduced, allowing for the consideration of the impacts of an extension on the amenity of neighbouring premises, including overlooking, privacy and light?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Minimum building size

70. When considered as a whole, this package of measures would allow for the delivery of additional homes, enabling more buildings to benefit from the right, and for new floorspace to be created as part of the change of use.

71. In response to this, we want to make sure that unsuitably small buildings do not benefit from the right. We want to make sure that the right is not used to change the use of isolated, small buildings, sited sporadically across the open countryside.

72. We are therefore consulting on introducing a requirement that all buildings must have an existing floorspace of at least 37 square metres to benefit from the right. This proposed size aligns with the minimum threshold in the nationally described space standards. This would ensure that an existing building is capable of delivering at least one dwelling (prior to the erection of any extension) before benefiting from the right.

Q.30 Do you agree that buildings should have an existing floorspace of at least 37 square metres to benefit from the right?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Article 2(3) land

73. There are a range of landscape exclusions which apply to certain permitted development rights. This includes excluding protected areas known as article 2(3) land, which covers conservation areas, Areas of Outstanding Natural Beauty, areas designated under s.41(3) Wildlife and Countryside Act 1981, National Parks, the Broads and World Heritage Sites. The purpose of such designated land is to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

74. The agricultural buildings to dwellinghouses right does not apply in article 2(3) land. However, communities in areas such as National Parks and Areas of Outstanding Natural Beauty also need new homes for local people in order to thrive and to prosper. We want to encourage the most effective use of existing buildings in these areas, supporting local communities while minimising the need for greenfield development. Therefore, we are seeking views on amending the right to apply in article 2(3) land. This would allow more underused rural buildings to benefit from the right, delivering much needed rural homes in such locations.

75. For the avoidance of doubt, we are not consulting on allowing rear extensions to be erected (as outlined in questions 28 and 29) during the change of use process in article 2(3) land. Should both elements of the consultation proceed, rear extensions would not be permitted under the right in article 2(3) land.

76. World Heritage Sites are designated by UNESCO for having cultural, historical, scientific or other forms of significance. We therefore consider that the right should not be extended to such sites.

Q.31 Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Agricultural buildings not solely in agricultural use

77. The right requires that the site was solely used for an agricultural purpose as part of an established agricultural unit. We are aware that some buildings that could be suitable for conversion do not benefit from the right as they have not been solely used for an agricultural purpose despite being on an agricultural unit. For example, some buildings may be hired out for storage.

78. We propose amending the right to enable it to apply to buildings on agricultural units that may not have been solely used for agricultural purposes, in order that more buildings may benefit and therefore more homes could be delivered. Views are invited on whether there are any types of uses where the right should not apply. It is envisaged that the right would not, for example, apply to existing farm shops or buildings in a flexible use granted under the Class R of Part 3 right, as these uses already support diversification.

79. For the avoidance of doubt, should we proceed with the proposal to apply the right in article 2(3) land (as outlined in question 31 and this proposal, we would amend the right so that agricultural buildings not solely in an agricultural use on article 2(3) land could also benefit from the right.

Q.32 Do you agree that the right be amended to apply to other buildings on agricultural units that may not have been solely used for agricultural purposes?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.33 Are there any specific uses that you think should benefit from the right?

- a) Yes
- b) No
- c) Don't know

If yes, please give examples of the types of uses that the right should apply to.

Q.34 Are there any specific uses that you think should not benefit from the right?

- a) Yes
- b) No
- c) Don't know

If yes, please give examples of the types of uses that the right should not apply to.

Former agricultural buildings no longer on an agricultural unit

80. Buildings that were once used for agricultural purposes but are no longer on established agricultural units do not currently benefit from the agricultural buildings to dwellinghouses right (Class Q of Part 3). We want to make it easier for these buildings to be brought back into use. We are therefore also consulting on extending the right to apply to former agricultural buildings no longer on an established agricultural unit.

81. For example, at present, a barn located just outside of a village that is no longer part of a working farm would not benefit from the right. The building may sit empty unless planning permission for the change of use is granted in respect of a full planning application. The proposed amendment could allow buildings such as these to benefit from the right.

82. A building would be defined by its last known use. In order to benefit from the right the onus would be on the developer to evidence that the last known use of the building was for agricultural purposes as part of an established agricultural unit.

83. The right would only apply to buildings erected prior to the publication of this consultation. New buildings erected after the publication of this consultation would be brought into scope on a rolling ten-year basis, as is the case for newly constructed agricultural buildings on agricultural units.

84. For the avoidance of doubt, should we proceed with the proposal to apply the right in article 2(3) land (as outlined in question 31) and this proposal, we would amend the right so that former agricultural buildings no longer on an agricultural unit on article 2(3) land could also benefit from the right.

Q.35 Do you agree that the right be amended to apply to agricultural buildings that are no longer part of an agricultural unit?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Highways access

85. As it is proposed to increase the number of homes that could be delivered, we also want to ensure that any new dwellinghouses delivered under any amended right must have suitable access to a public highway and that no buildings without existing adequate highways access can benefit from the right.

86. Through the prior approval process, the existing right allows for the consideration of transport and highways impacts of the development, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse. However, access to a public highway is not explicitly required through a condition within the right itself. Furthermore, the construction of an access road is not permitted through the building operations which are allowed under the right.

87. We are therefore consulting on requiring that any existing building must have existing suitable access to a public highway to benefit from the right.

Q.36 Do you agree that any existing building must already have an existing suitable access to a public highway to benefit from the right?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Works permitted

88. At present, the right allows the change of use together with reasonably necessary building operations, which may include works which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out these building operations. The right does not allow for full demolition and rebuild. As set out in [planning practice guidance \(https://www.gov.uk/guidance/when-is-permission-required#agricultural-building-change\)](https://www.gov.uk/guidance/when-is-permission-required#agricultural-building-change), the right assumes that the agricultural building is capable of functioning as a dwelling. It is

not the intention of the right to allow rebuilding works which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

89. We are interested in understanding how the building operations allowed work in practice and if the current legislation is fit for purpose. We are interested in hearing about your experience of the scope of the building operations reasonably necessary in enabling the conversion of existing buildings, whether this should be amended and if so how. We are also interested in your views on whether the current planning practice guidance should be amended.

90. For the avoidance of doubt, responses to this question will be considered separately to the previous question on allowing extensions as part of the change of use (as outlined in questions 28 and 29). Any amendments made to works permitted under the right would be separate from the introduction of any ability to extend the building. Requirements that the existing building is suitable for conversion (or any amended words to that effect) would still need to be met prior to and separately from the erection of an extension.

Q.37 Do you have a view on whether any changes are required to the scope of the building operations permitted by the right?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please provide details.

Q.38 Do you have a view on whether the current planning practice guidance in respect of the change of use of agricultural buildings to residential use should be amended?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please provide details of suggested changes.

Enabling the change of use of other rural buildings to residential

91. The current Class Q permitted development right allows only for the change of use of agricultural buildings (and any land within its curtilage) to residential. To further

support rural communities through the delivery of more homes, we are seeking views on applying additional flexibilities for other rural uses to change use to residential. For example, it may be appropriate for a building in forestry or equestrian use to change use either under an amended Class Q or a bespoke new right.

92. Similar conditions and limitations, including prior approvals, that apply to agricultural buildings would also apply to any other buildings that were to benefit from a permitted development right allowing change of use to residential. For example, the buildings would need to be in their respective use on the date this consultation was published, with new buildings that are built after this date needing to have been in their respective uses for ten years prior to benefiting from the right.

93. Any expansions to the agricultural buildings to dwellinghouses right, such as its application in article 2(3) land, or the ability to erect an extension during the change of use, that proceeds as a result of this consultation would also apply to any expansion of the right to include buildings in other uses. This may be through the expansion of the Class Q right to apply to other uses, or through the creation of a new right, similar to the agricultural buildings to dwellinghouses right, but that applies to other uses.

Q.39 Do you agree that permitted development rights should support the change of use of buildings in other predominantly rural uses to residential?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.
If yes, please specify which uses.

Q.40 Are there any safeguards or specific matters that should be considered if the right is extended to apply to buildings in other predominantly rural uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons
If yes, please specify.

Impact assessments

94. We would welcome your view on the likely impacts of these proposals.

Q.41 Do you think that any of the proposed changes in relation to the Class Q permitted development right could impact on: a) businesses b) local planning

authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Q.42 Do you think that changes to Class Q will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Supporting the agricultural sector through additional flexibilities

95. There are also a range of permitted development rights that support the agricultural sector. There is a right which allows agricultural buildings to change to a range of flexible commercial uses, supporting farm diversification, and two rights that allow for a range of on farm development to provide farmers with the flexibility they need to support the day to day running of their farms.

96. We want to continue to support the agricultural sector. We are consulting on a range of amendments to these rights, which aim to provide the agricultural sector with increased flexibility.

97. In conjunction with the Department for Environment, Food and Rural Affairs, we are also seeking views in relation to nature-based solutions, farm efficiency projects and diversification. More details can be found in the call for evidence chapter of this consultation.

Agricultural buildings to a flexible commercial use (“agricultural diversification”) (Class R of Part 3)

98. We want to further support the rural economy by providing greater flexibilities around the change of use of existing buildings to commercial uses. There is an existing permitted development right (Class R of Part 3) which allows for the change of use of agricultural buildings to a range of uses. This includes flexible use as

storage, distribution, hotels and Commercial, Business and Service uses such as shops and offices.

Types of uses to which the right applies

99. The existing right allows for the change of use of a building and any land within its curtilage from its agricultural use to a flexible commercial use. We want to expand the type of buildings that can benefit from the right, or a similar new right, creating more opportunities for rural diversification and supporting the rural economy. For example, it may be appropriate for a building in forestry, equestrian or another predominantly rural use to diversify into a flexible commercial use.

100. Some of the same conditions and limitations that apply to the existing agricultural buildings to flexible commercial use right would apply to other buildings (and the land within their curtilage) changing use. The buildings (and land within their curtilage) would need to be in their respective uses before the date of the publication of this consultation, with buildings erected after this date needing to have been in their respective uses for ten years prior to benefiting from the right.

Q.43 Do you agree that permitted development rights should support the change of use of other buildings in a predominantly rural land use to a flexible commercial use?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.
If yes, please specify which uses.

What flexible uses can buildings be used for

101. At present, the right allows for the change of use to a flexible use for:

- storage or distribution (Use Class B8)
- hotels (Use Class C1)
- Commercial, Business and Service (Use Class E)

102. We want to increase the flexibility afforded to those uses that benefit from the right.

103. Use Class E covers a wide range of uses, including shops and restaurants etc. It also includes use for indoor sports, recreation or fitness (not involving motorised vehicles or firearms, principally to visiting members of the public); and research and development of products or processes; and industrial processing (which can be

carried out in any residential area without detriment to the amenity of that area by reason of noise, vibrations, smell, fumes, smoke, soot, ash, dust or grit).

104. We want people to be able to go further than the uses Use Class E allows.

105. We propose amending the right to allow for outdoor sports, recreation or fitness uses to be undertaken. This would allow for landowners to use buildings and land within its curtilage for outdoor activities, such as paintballing, but not including motor sports.

Q.44 Do you agree that the right be amended to allow for buildings and land within its curtilage to be used for outdoor sports, recreation or fitness?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

106. Building on the Prime Minister's ['farm to fork' summit](https://www.gov.uk/government/publications/outcomes-from-the-uk-farm-to-fork-summit/an-update-following-the-uk-farm-to-fork-summit-held-at-10-downing-street-on-16-may-2023)

(<https://www.gov.uk/government/publications/outcomes-from-the-uk-farm-to-fork-summit/an-update-following-the-uk-farm-to-fork-summit-held-at-10-downing-street-on-16-may-2023>) in May 2023, we want to support the local production and processing of food for sale locally. Under the existing right, research and development of products and processes, and any industrial processes which can be carried out in a residential area (without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit) can be undertaken under a flexible Class E use. We could go further by expanding the right to other uses, such as general industrial (Use Class B2).

107. The use would be limited to only allow the processing of raw goods produced on the site, and to be sold on the site, excluding livestock. This would for example support farm shops where locally grown produce is then processed for sale.

108. The existing prior approval process would be retained. It is triggered when more than 150 square metres of floorspace is proposed to change use and allows the local planning authority to consider the transport and highways, noise, contamination and flooding risks impacts of the change of use.

Q.45 Do you agree that the right be amended to allow buildings to change use to general industrial, limited to only allow the processing of raw goods produced on the site and which are to be sold on the site, excluding livestock?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

109. The right could also be expanded to apply to allow other flexible commercial uses that would support the rural economy. We want to know more about any other uses the right could allow buildings (and land within their curtilage) to change use to.

Q.46 Should the right allow for the change of uses to any other flexible commercial uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.
If yes, please specify which uses.

Allowing mixed uses

110. We also want to provide more flexibility around the mix of uses that are allowed to operate under the right. At present, while the right allows for the change of use to one of the permitted uses and subsequently to another, it only provides for one use at a time. Whilst this provides some flexibility within the Commercial, Business and Service use class (Class E) uses, it would not allow for a hotel and farm shop to coexist under the right, for example. We are proposing to amend the right to allow for a mix of the permitted uses on site.

111. For example, under the existing right the amendment would allow for 200 square metres of floorspace to be used as a farm shop, with 300 square metres of floorspace being used as a hotel on the same site, in this case utilising the entire 500 square metres. This would provide greater flexibility and further support the rural economy and farm diversification.

Q.47 Do you agree that the right be amended to allow for a mix of the permitted uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Amount of floorspace that can change use

112. At present, the right allows for up to 500 square metres of floorspace to change use.

113. We want to allow people to maximise their use of previously developed rural buildings. We are proposing to amend the right to allow for 1,000 square metres of floorspace to change use. This would allow more buildings, or more parts of a building, to change use, supporting the rural economy and farm diversification.

Q.48 Do you agree that the right be amended to increase the total amount of floorspace that can change use to 1,000 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Prior notification/approval triggers

114. At present, if more than 150 square metres of floorspace is changing use, developers must seek prior approval from the planning authority in relation to transport and highways impacts, noise impacts, contaminations risks, and flooding risks. If 150 square metres or less of floorspace is changing use, the developer must notify the planning authority.

115. We are interested in understanding more about how this works in practice. We are particularly interested in whether the trigger for when prior approval is required over prior notification is appropriate.

Q.49 Is the trigger as to whether prior approval is for required set at the right level (150 square metres)?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If not, please say what it should be, and give your reasons.

Impact assessments

116. We would welcome your view on the likely impacts of these proposals.

Q.50 Do you think that any of the proposed changes in relation to the Class R permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Agricultural development

117. There are also permitted development rights which enable agricultural development to support farmers carrying out their core business.

118. The two rights, set out in Part 6 of the General Permitted Development Order, enable a wide range of works to take place which are reasonably necessary for the purposes of agriculture on that unit. On agricultural units of 5 hectares or more (Class A) the right allows for the erection and extension of agricultural buildings, and excavation and engineering works. Separately another right applies to agricultural units of less than 5 hectares (Class B) and allows for the extension to existing agricultural buildings (but not the erection of new buildings), amongst other works, such as the provision of hard surfaces or the installation of additional or replacement plant or machinery.

119. To provide farmers with greater flexibility, we are consulting on increasing the size limits of new buildings and extensions that can be erected under the rights.

120. The rights currently apply in all areas, including sites designated as a scheduled monument. At present, this allows for extensions and for the erection of new buildings on such sites. We are proposing to remove the flexibility for such works where the site has been designated as a scheduled monument.

121. We are not proposing any other changes or exemptions to these permitted development rights.

Agricultural development on units of 5 hectares or more (Class A of Part 6)

122. The existing right allows up to 1,000 square metres of ground area to be covered by any building or extension (or any works or structure (other than a fence) for accommodating livestock, or any plant or machinery arising from engineering operations).

123. The 1,000 square metre limit takes into consideration the proposed new development, together with any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks on the same agricultural unit that has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development. In effect, this limits the ground area of the agricultural unit that can be developed to 1,000 square metres on a rolling two-year basis. For example, if an agricultural building covering 1,000 square metres of ground area was erected in January 2020, no new development that would cover any additional ground area would be allowed under the right until January 2022.

124. The right was updated in 2018, increasing the size of the ground area that can be covered from 465 square metres to 1,000 square metres.

125. We are proposing to increase the size limit by 500 square metres to allow for any new building or extension erected under the right to cover up to 1,500 square metres of ground area. This would take some structures out of the planning application process, giving farmers greater flexibility to help them respond to the challenges facing the agricultural sector and erect buildings that are more in line with modern agricultural practices.

126. Prior approval is required as to the siting, design and external appearance of any building erected under the right.

127. For the avoidance of doubt, we are not consulting on increasing the ground area limits for any works or structures for accommodating livestock or any plant or machinery arising from engineering operations.

128. This right currently applies to sites designated as a scheduled monument. We are also proposing to remove the flexibility for the erection of new buildings and extensions where the site has been designated as a scheduled monument.

Q.51 Do you agree that the ground area limit of new buildings or extensions erected under the right be increased from 1,000 to 1,500 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.52 Do you agree that we remove the flexibility for extensions and the erection of new buildings where there is a designated scheduled monument?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Agricultural development on units of less than 5 hectares (Class B or Part 6)

129. In 2018, this right was amended to increase the size limits of works allowed. The size limitations of extensions or alterations of agricultural buildings were increased, alongside the size limitations controlling the installation of plant, machinery or hard surfaces.

130. The area limit of any building extended under the right was increased from 465 square metres to 1,000 square metres. The cubic content limit of extensions was also increased from a 10% increase above the cubic content of the original building to a 20% increase above the cubic content of the original building. The 1,000 square metre limit and the 20% cubic content limit both apply, with extensions and alterations capped at the lower of the two limits, which will vary depending on the specific circumstances of each case.

131. We are proposing to amend the right to allow for larger extensions by increasing both the cubic content and the ground area limit.

132. We are proposing to increase the ground area limit of any extension erected under the right. This would allow for the ground area of any building extended under the right to reach 1,250 square metres.

133. We are also proposing to increase the cubic content limit of any extension erected under the right. This would allow for the cubic content of a building extended under the right to increase by 25% above its original cubic content.

134. As with the existing limitations, the lower of the two limits would apply, which would vary depending on the specific circumstances of each case.

135. For the avoidance of doubt, we are not consulting on the 1,000 square metre limit applied to the installation of additional or replacement plant or machinery, or the provision of a hard surface.

136. This right currently applies to sites designated as a scheduled monument. We are also proposing to remove the flexibility for extensions where the site has been designated as a scheduled monument.

Q.53 Do you agree that the right be amended to allow extensions of up to 25% above the original building cubic content?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.54 Do you agree that the right be amended to allow the ground area of any building extended to reach 1,250 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.55 Do you agree that we remove the flexibility for extensions where there is a designated scheduled monument?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Impact assessments

137. We would welcome your view on the likely impacts of these proposals.

Q.56 Do you think that any of the proposed changes in relation to the Part 6 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Supporting businesses and high streets through greater flexibilities

Commercial Business and Service use extensions (Class A of Part 7)

138. The Commercial, Business and Service use class (Class E) incorporates a broad range of uses commonly found on the high street including shops, restaurants,

offices, gyms, and light industrial buildings. These different uses relate to a range of businesses which are an integral part of our economy.

139. An existing permitted development right, under Class A of Part 7, allows for the extension or alteration to a Commercial, Business and Service establishment. The original right was amended in 2021 to recognise and encompass the broader range of uses now in that use class. This right is subject to a number of limitations and conditions which vary dependent on the site location. For example, on article 2(3) land or on a site of special scientific interest, the gross floorspace of the original building cannot increase by 25% or 50 square metres (whichever is the lesser). In any other case, the gross floorspace of the original building cannot increase by 50% or 100 square metres (whichever is the lesser).

140. To provide further flexibility and certainty to a range of businesses, we propose that the current floorspace limit of extensions or alterations is increased from 50% or 100 square metres of floorspace (whichever is the lesser) to 100% or 200 square metres of floorspace (whichever is the lesser).

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

141. We are not proposing to change the current floorspace thresholds for extensions or alterations on article 2(3) land or a site of special scientific interest. This is to ensure that development undertaken in these protected areas is of an appropriate scale.

Industrial and warehousing extensions (Class H of Part 7)

142. The warehouse, logistics and storage sector keeps the country moving, delivers economic growth and supports our economy and jobs. It performs an important function, allowing the movement and delivery of goods between businesses and from businesses to consumers.

143. An existing permitted development right, under Class H of Part 7, allows for the erection, extension or alteration of an industrial building (Use Class B2) or warehouse (Use Class B8). This right is subject to a number of limitations and conditions; the conditions vary dependent on the site location and the type of development proposed.

For example, where a proposed new building is on article 2(3) land or on a site of special scientific interest then the gross floorspace of the new building cannot exceed 100 square metres. In all other cases, the gross floorspace of a new building cannot exceed 200 square metres.

144. To provide further flexibility to the growing logistics and storage sector, we propose that the current floorspace threshold of new buildings permitted under the right in non-protected areas should be increased from 200 square metres to 400 square metres.

145. This will provide more certainty to businesses to keep up with the growing demand for warehouse and industrial space across the sector. It is important to note that we do not propose changing the 100 square metres limit for new buildings on article 2(3) land or a site of special scientific interest. This is to ensure that development undertaken in these protected areas is of an appropriate scale.

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

146. The same permitted development right also provides for significant extensions to be made to existing warehouses or industrial buildings, specifically:

- On article 2(3) land – 500 square metres or 10% (whichever is the lesser),
- On site of special scientific interests – up to 1,000 square metres or 25% (whichever is the lesser),
- In all other cases – up to 1,000 square metres of floorspace or 50% (whichever is the lesser).

147. To provide further flexibility to the sector, we propose that the current floorspace thresholds of extensions erected in non-protected areas should be increased from 1,000 square metres of floorspace or a 50% increase over the original building (whichever is lesser) to 1,500 square metres of floorspace or a 75% increase over the original building (whichever is lesser).

148. We are not proposing to change the current floorspace thresholds for extensions to buildings on article 2(3) land or a site of special scientific interest. This is to ensure that development undertaken in these protected areas is of an appropriate scale.

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Impact assessments

149. We would welcome your view on the likely impacts of these proposals.

Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Markets - temporary use of land (Class B of Part 4)

150. Outdoor markets are an important part of high streets and local centres across England, providing opportunities for small businesses and communities. Markets can provide an economic boost to high streets by providing employment and increasing footfall and local spending.

151. Nationally set permitted development rights allow for the temporary use of land for any purpose for up to 28 days per calendar year, of which up to 14 days can be used for markets, motor car and motorcycle racing (under Class B of Part 4). The right allows for the provision of moveable structures on the land relating to the permitted use. It is important to note that this permitted development right does not remove the need to gain a license to hold a market.

152. Markets are one of the tools which can boost local growth, create more resilient and thriving centres and support local businesses. To ensure that these economic benefits are maximised, we are proposing that the limit on the number of days that the permitted development right can be used for the purposes of holding a market is

increased from 14 days. This could for example be doubled to 28 days per calendar year to bring it in line with other uses permitted under the right, or a different number and views are invited on what this might be. This additional flexibility, 28 days or any different number, would not apply to motor car and motorcycle racing.

153. For the avoidance of doubt, we are not consulting on any changes to the right that allows for the holding of a market by or on behalf of a local authority (Class BA or Part 12).

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:

- a) 28 days per calendar year (in line with other uses permitted under the right)
- b) A different number of days per calendar year
- c) No change
- d) Don't know

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?

Impact assessments

154. We would welcome your view on the likely impacts of these proposals.

Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Ensuring the sufficient capacity of open prisons

155. The government is committed to delivering a modern and efficient prison service and ensuring there is sufficient prison capacity within the existing estate while continuing to protect communities. Following an earlier consultation, the existing permitted development right which allows for the erection, extension, or alteration of

schools, hospitals etc was amended in 2021 to additionally apply to prisons with a closed perimeter (Category A – C prisons). To support the necessary increase in capacity, it is now proposed to amend further this right (Class M of Part 7) to apply to open prisons (Category D sites).

156. We propose to add a new separately defined category of 'open prison', rather than amend the existing definition of prison within the right which applies only to closed prisons. While the aim is to boost capacity of existing open prisons, it will not result in changes to the category of prisoners that occupy the site. The right may be used to erect prefabricated units to provide additional prisoner accommodation and supporting facilities, and developments would be limited by height and size restrictions.

157. The existing Class M of Part 7 right is subject to limitations and conditions. It allows for additional development on a site of up to 25% of the footprint of the building as it was on 21 April 2021 or 250 square metres whichever is the greater. New buildings are subject to a height limit of 6 metres, and no development may be within 5 metres of the boundary of the curtilage. It is not proposed to make any changes to the existing limitations.

158. As with schools, hospitals and other prisons it is proposed that development related to open prisons is not subject to prior approval. The Ministry of Justice would be required to give prior notification to the local planning authority of the proposed development under the right, and planned start date. This will enable the local planning authority to satisfy itself that the development complies with the legislation. This will ensure local communities are aware of the planned changes.

Q.63 Do you agree that the existing Class M of Part 7 permitted development right is amended to additionally apply to open prisons?

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Q.64 Do you agree that there should be a prior notification process where the development under the Class M of Part 7 right is being used for open prisons?

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Impact assessments

159. We would welcome your view on the likely impacts of these proposals.

Q.65 Do you think that the proposed changes to the Class M of Part 7 permitted development right in relation to open prisons could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Public Sector Equality Duty

160. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty Assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

161. We would welcome your comments as part of this consultation on whether the proposed new permitted development right could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

162. If providing comments, please make it clear which permitted development right or chapter of this consultation your comment relates to.

Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Call for evidence - nature-based solutions, farm efficiency projects, and diversification

163. This section of the consultation is owned by the Department for Environment, Food and Rural Affairs (DEFRA). Your responses to this section will be shared with DEFRA officials for analysis.

164. Our recent statement *Unleashing Rural Opportunity* made it clear that supporting growth and jobs in rural communities is a top priority for this government and is fundamental to levelling up our countryside. As part of that drive, we announced our intention to consider possible changes to permitted development rights to give farmers more flexibility in making their existing agricultural buildings more productive without having to submit a planning application. With the right approach, this could unlock enterprise and growth in the rural economy and allow people to work and develop their skills in their local area as well as enabling farmers to realise the full potential of their businesses.

Background

165. Permitted development rights provide a degree of certainty and reduce the burden of the planning application process for applicants, enabling them to make best use of their agricultural units and support the wider rural economy. However, we recognise that it is not always clear if planning permission or associated assessments are needed. At the UK [Farm to Fork Summit](https://www.gov.uk/government/publications/outcomes-from-the-uk-farm-to-fork-summit/an-update-following-the-uk-farm-to-fork-summit-held-at-10-downing-street-on-16-may-2023#cutting-red-tape) (<https://www.gov.uk/government/publications/outcomes-from-the-uk-farm-to-fork-summit/an-update-following-the-uk-farm-to-fork-summit-held-at-10-downing-street-on-16-may-2023#cutting-red-tape>) in May government committed to providing greater planning certainty and flexibility to support farmers and the rural economy. We want to understand any issues that applicants have experienced in securing permission or consent for works on their land and would welcome suggestions on how we could simplify the process, e.g., through clearer guidance or support.

166. There may be opportunities to update planning practice guidance, the National Planning Policy Framework or the General Permitted Development Order to provide clarity to applicants.

167. There are already permitted development rights that allow farmers and land managers to diversify their businesses without needing to submit a planning application.

These include:

- a. the temporary use of land right (Class B of Part 4), which allows people to temporarily use their land for most uses for 28 calendar days a year;
- b. the agricultural buildings to flexible commercial use right (Class R of Part 3), which allows the change of use of an agricultural building to a flexible commercial use such as a farm shop or hotel (also covered in the 'Supporting the agricultural sector through additional flexibilities' chapter of the consultation);

c. the agricultural buildings to dwellinghouse right (Class Q of Part 3), which allows people to change the use of an agricultural building to dwellinghouses (also covered in the 'Supporting housing delivery through change of use permitted development rights' chapter of the consultation); and

d. the newly introduced recreational camping permitted development right (Class BC of Part 4), which allows for land to be used as a recreational campsite for up to 60 days a year.

168. Most nature-based projects will also be required to go through other checks such as Habitats Regulations Assessment, species licensing, and Environmental Impact Assessment. Checks required outside of the planning system include environmental permitting, screening, possibly consent under the Environmental Impact Assessment agriculture regulations for uncultivated or semi-natural land; forestry regulations for afforestation, deforestation and other forestry related projects; ordinary watercourse consents for works in small watercourses; and Natural England Site of Special Scientific Interest Consents, etc.

169. These checks are designed to avoid harm to habitats and species and are applicable to projects, whether planning permission is granted by a planning authority or through a permitted development right. We want to help provide greater clarity for land managers and planning authorities about when these checks or applications for planning permission are required and/or how they are carried out.

170. We are particularly interested in planning or other issues associated with:

- nature-based solutions such as ponds, wetlands, reservoirs e.g., for peat re-wetting and other engineering works; and
- farm efficiency projects which improve the use of resources on farms, specifically slurry stores and reservoirs for crop irrigation; and
- diversification of farm incomes beyond what is already covered by permitted development rights.

171. As part of any potential future changes, we will carefully consider impacts to avoid unintended consequences, such as to the environment, weakened environmental protections, flood risk, risks to public safety, food security or local communities. We encourage your feedback to help us shape future policy. Where necessary we will undertake further consultation on proposals.

Nature-based solutions

172. The term 'nature-based solutions' applies to projects seeking to use, manage, change or restore an area of land to address environmental issues, such as nutrient pollution, flooding, plant pest or disease impacts, climate change or biodiversity loss.

173. Nature-based solutions are important to help deliver the government's Environment Act 2021, Environmental Improvement Plan, and Net Zero targets, and

can contribute to food security objectives. These projects may support farmers in restoring, creating, or enhancing habitats and other actions for species (e.g., Landscape Recovery and Nature for Climate Fund Peatland Grant Scheme), or through private finance from housing development (e.g., District Level Licensing and Biodiversity Net Gain schemes).

174. A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

175. Though it should be noted that the Town and Country Planning Act 1990 excludes the use of any land (or a building occupied together with the land) for the purposes of agriculture or forestry from its definition of 'development'. Therefore, the change of use from an open space to an agricultural field through the planting of crops is not development and does not require planning permission. This does not negate the need for planning permissions for other elements of the works that may be necessary to facilitate the change of use, such as engineering works to flatten the land.

176. Some planning decisions have considered that changes in land use from agriculture to non-agricultural landscapes (such as peatland restoration, sand dune reprofiling and the creation of wetland habitats) have constituted a material change of use that requires planning permission.

177. Some smaller scale development, whether it be a change of use, building operations, or engineering works, may be covered by permitted development rights. Permitted development rights are not available where a development requires an environmental impact assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and will require separate planning authority approval where it may have significant effect on Habitats Sites (which are protected by the Conservation of Species and Habitats Regulations 2017).

178. Whilst nature-based solutions offer long term benefits, in the short term they can have impacts on the environment and local communities if not undertaken with due care and consideration. For example, river restoration may result in increased local flooding risks and increased sediment loads reducing water quality. A certain level of scrutiny and control will be required in some cases.

Q.67 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.68 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If

referring to an existing permitted development right, please be as specific as possible.

Q.69 Would a specific and focused permitted development right expedite or resolve a specific delivery challenge for nutrient mitigation schemes?

Q.70 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to nature-based solutions.

Q.71 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

Q.72 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Q.73 Would you propose different solutions for different sized agricultural units?

Q.74 Do you foresee any unintended negative consequences that may result from more nature-based solutions coming forward (e.g., impacts to other species, flood risk, wildfire risk, risk to public safety, releasing contaminants from contaminated land or hydrology etc.)? How could these be avoided?

Farm efficiency projects

179. As part of the Farming Transformation Fund to improve farm prosperity, in 2022 Defra launched:

- the Slurry Infrastructure grant (£33.9 million in the first round), to help farmers increase their slurry storage to better manage nutrients and reduce diffuse water and air pollution;
- the Water Management grant (£10 million in the first round), to fund capital items for crop irrigation, including reservoirs to collect rainwater and surface water runoff over winter and reduce reliance on water abstraction in the summer months.

180. Built structures, such as above ground stores, and dug stores such as slurry lagoons and reservoirs, are considered development and require planning permission. Some of these projects may currently benefit from a permitted development right and may not require a the submission of a planning application. We are interested in what issues, farmers and land managers face during the delivery of farm efficiency projects.

Q.75 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.76 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

Q.77 Please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing in relation to slurry stores or lagoons and small-scale reservoirs.

Q.78 Would these issues be resolved by amending planning practice guidance or permitted development rights, or any other solutions?

Q.79 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Q.80 Would you propose different solutions for different sized agricultural units?

Q.81 Do you foresee any unintended negative consequences that may result from more farm efficiency projects coming forward (e.g., impacts on nutrient pollution, protected sites or hydrology)? How can these be mitigated?

Diversification of farm incomes

181. We know that farmers and land managers are seeking to diversify their businesses depending on their individual circumstances and local opportunities.

Q.82 What guidance, policy, or legislative changes could help to provide a more supportive framework for planning authorities to determine planning applications within?

Q.83 What new permitted development rights, or amendments to existing permitted development rights, would streamline and simplify the process? If referring to an existing permitted development right, please be as specific as possible.

Q.84 Are there any other diversification projects which have not been covered in this call for evidence or the wider consultation, that you wish to provide evidence for? If so, please provide specific case studies (including planning reference numbers where available) which can help us understand what issues farmers and land managers are facing.

Q.85 Would these issues be resolved by amending existing permitted development rights, or any other solutions?

Q.86 Are there any success stories that we can learn from on individual cases, or in certain local planning authorities?

Q.87 Would you propose different solutions for different sized agricultural units?

Q.88 Do you foresee any unintended negative consequences that may result from more farm diversification projects coming forward? How can these be mitigated?

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share special category personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By ‘special category personal data’, we mean information about a living individual’s:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By ‘criminal offence data’, we mean information relating to a living individual’s criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or ‘criminal offence’ data (terms explained under ‘Sensitive Types of Data’) which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR (‘substantial public interest’), and Schedule 1 paragraph 6 of the Data Protection Act 2018 (‘statutory etc and government purposes’). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

Representations submitted in response to the call for evidence chapter of this consultation will be shared with the Department for Environment, Food and Rural Affairs (DEFRA). DEFRA lead on this chapter of the consultation and all responses

will be analysed by them. When this information is shared we will ensure that your personal data remains in strict accordance with the requirements of the data protection legislation. Comments submitted in response to the other chapters of the consultation will not be shared. A memorandum of understanding will be in place before any data is shared.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

dataprotection@levellingup.gov.uk

or

Knowledge and Information Access Team
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for 2 years before it is deleted.

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