



Tolworth Tower, Kingston

Permitted Development Rights

Permitted Development Rights (PDR) are key to housing supply, delivering 13,800 conversions in 2015/2016. Temporarily extended PDR rights to light industrial buildings present further opportunities.

The 2016 amendments to the General Permitted Development Order (GDPO) further extended permitted development rights to Light Industrial to Residential and made permanent office to residential PDR. This presents significant opportunities for investors and funds with commercial and industrial property portfolios.

Benefits:

- A streamlined procedure, where material considerations, such as planning policy or impacts on neighbours, do not have to be taken into consideration
- Deemed consent is in place. Should the Council fail to determine the application in the relevant time period (56 days), Prior Approval is granted by default.
- Exemption from affordable housing quotas.

Constraints:

- Physical Alterations (works permitted by GDPO Class O) are limited to internal works only. All external works (as defined under S55 [2] of the 1990 Act) require a planning permission.
- Classes M, N, P, PA, Q of the GDPO restrict the change of use to residential to between 150sqm – 500sqm.
- Change of use to residential under PDR is not exempt from Community Infrastructure Levy (CIL). However, liabilities can be offset where it can be shown that existing floorspace has been occupied for six months in the last 36 months.
- The City of London, Westminster CAZ, Manchester City Centre and parts of Ashford are exempt from the PDR until 30 May 2019. After that date local planning authorities wishing to maintain the exemption are required to make an Article 4 Direction to remove PDR.
- The rights do not apply to listed buildings.
- Where pre-existing planning conditions apply to existing consents preventing a change of use from office to other uses, PDR would not apply (High Court Judgment: Dunnett Investments Ltd v SSCLG & East Dorset District Council).



Permitted Development

Recent Amendments

Office to Residential

Class O – B1a (Office) to C3 (Residential) was made permanent on 6 April 2016. The prior approval process still requires practical completion within three years of consent being granted. Planning permission is still required, however, for associated external alterations.

Light Industrial to Residential

Class PA - From 1 October 2017 to 20 September 2020; on a temporary basis it will be permitted to change up to 500sqm of B1c (light industrial) floorspace to C3 residential floorspace. These are temporary rights expiring in 2020.

The rights do not apply to designated heritage assets.



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Prior approval

In order to benefit from the rights it is necessary to apply for Prior Approval. The prior approval process is subject to a 56-day determination period, at the end of which the absence of a decision is deemed to amount to approval. Each application must be supported by evidence which sets out:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

For changes from B1c (light industrial) floorspace to residential, additional information should be provided showing there are no adverse impacts on the area's primary industrial function.

13.8k

Number of Permitted Development Rights conversions in 2015-2016



Important Current Issues:

- The publication of the Housing White Paper indicated further Government support for the extension of PDR to increase housing delivery.
- These include further amendments to Part 4 Class C of the GDPO to extend permitted development rights for schools, where new buildings do not exceed 50% of the existing site area or 2500 sqm of floorspace or seven metres in height.
- Consultation is also taking place on new agricultural to residential permitted development right for conversions of up to 750 sqm for a maximum of five dwellings.
- However, the proposed permitted developments right to extend to demolition and redevelopment of existing office space; previously omitted from the 2016 Housing and Planning Act and Regulations, remain in flux. This remains an important omission from the scope of office to residential PDR.
- Consultation was initiated by the Department for Communities and Local Government in February 2016 to enable vertical extensions of up to two additional floors under permitted development rights.
- However, the Housing White Paper indicates that the changes will not be brought forward through PDR but will be considered as part of the review of the National Planning Policy Framework (NPPF) later this year.



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