

# **Rushmoor Borough Council**

## **Evidence for Proposed Article 4 Direction relating to Permitted Development Rights for New Residential Dwellings**

### **Strategic and Locally Important Employment Sites**

**March 2022**

## 1. Introduction

- 1.1 This report has been prepared to support the proposal for an Article 4 direction in Rushmoor Borough to remove a permitted development right (PDR) that can result in residential development without the need to apply for planning permission.
- 1.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (known as the GPDO) grants planning permission for specified forms of development, known as permitted development.
- 1.3 Under Article 4 of the GPDO, a direction can be made that removes specified permitted development rights (PDRs) and requires anyone proposing that form of development to submit a planning application. This is known as an 'Article 4 direction'. The process for making such a direction is set out in Schedule 3 of the GPDO. The National Planning Policy Framework (NPPF, 2021), as well as Planning Practice Guidance (PPG), sets out expectations for when these directions can be used. Of particular note are recent changes to the NPPF that require any Article 4 direction that restricts changes of use to residential to be limited to situations where the direction is necessary to avoid 'wholly unacceptable adverse impacts'.
- 1.4 The Council currently has an Article 4 direction in place that removes office to residential permitted development rights in locations designated as strategic and locally important employment sites by the Rushmoor Local Plan (2019).<sup>1</sup> The direction was confirmed in May 2017 and came into effect on 19 February 2018. However, following substantial changes to the Town and Country Planning (Use Classes) Order 1987 (as amended), the government has confirmed that the office to residential permitted development right will cease to exist from 1 August 2022 and that existing Article 4 directions which remove the permitted development right will no longer have effect.
- 1.5 The government introduced some new use classes in September 2020, including Use Class E (commercial, services and business) which combines a wide range of uses into a single use class. Subsequently, on 1 August 2021 a new permitted development right came into effect, enabling the conversion of buildings in Class E use (which includes offices and light industrial uses) to dwelling houses.
- 1.6 This report sets out the evidence and justification required by the GPDO, NPPF and PPG for introducing a new geographically limited Article 4 direction to remove the permitted development right which would otherwise enable the change of use of commercial, business and service uses (Use Class E) to residential (Part 3 of Schedule 2, Class MA of the GPDO) at specific strategic and locally important employment sites in the Borough.

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<sup>1</sup> The Local Plan is available to view at [www.rushmoor.gov.uk/rushmoorlocalplan](http://www.rushmoor.gov.uk/rushmoorlocalplan). The existing Article 4 direction is available to view at [www.rushmoor.gov.uk/article/11859/Employment-land-Article-4-direction-2017](http://www.rushmoor.gov.uk/article/11859/Employment-land-Article-4-direction-2017).

## 2. Background

### Permitted Development Rights

- 2.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (known as the GPDO) grants planning permission for a number of specified forms of development. The forms of development for which permission is granted are set out in Schedule 2 of the GPDO. These are known as permitted development rights (referred to here as PDRs).
- 2.2 The forms of development that benefit from these PDRs are extensive and wide ranging. They encompass various minor alterations to dwelling houses, minor operations, temporary uses and specified infrastructure development, as well as many other forms of development.
- 2.3 Permitted development has long been an important part of the planning system and allows minor development which would be unlikely to detrimentally affect the amenity of an area to proceed without the need for planning permission. It also facilitates development of essential infrastructure. Over recent years there has been an expansion of permitted development rights in England as part of a wider move towards deregulation.
- 2.4 The introduction of a PDR for changes of use from office to residential (Part 3 of Schedule 2, Class O) in 2013 represented a major change in how PDRs are used. This was initially introduced as a temporary measure, for three years, to bring forward more housing supply and to make better use of buildings that are no longer needed or are unsuitable for their original purpose. However, this PDR was made permanent in 2016, and the Council subsequently introduced an Article 4 direction withdrawing this permitted development right at specified employment sites.
- 2.5 The introduction of the new Use Class E in 2020 meant that there was a need for the government to amend and consolidate many of these PDRs. Use Class E covers many uses, including offices, light industrial, retail and financial and professional services, as well as a number of other uses, such as restaurants and cafes, medical facilities, and indoor sport and recreation. A single PDR for changes of use from Use Class E to residential came into effect on 1 August 2021.
- 2.6 The new PDR is accompanied by a list of forms of development that are not permitted, for example, where the cumulative floor space of the existing building changing use exceeds 1,500 square metres. In addition, a prior approval process is required, which means that an applicant needs to apply to the local planning authority for a determination as to whether prior approval is required. The local planning authority may only consider this application against a set of specific conditions set out in the relevant part of Schedule 2 of the GPDO, meaning that only specific matters can be considered. Prior approval is more of an exercise of assessing technical compliance as opposed to an opportunity for considering the overall planning balance, as would be the case for a planning application.

- 2.7 Rushmoor lies within five kilometres of the Thames Basin Heaths Special Protection Area. Planning Practice Guidance (PPG) states that ‘special rules’ apply where permitted development is likely to have a significant impact upon a protected area.<sup>2</sup> In Rushmoor, any development that will lead to the creation of any net new residential development and which is therefore likely to have a significant impact upon the Special Protection Area, even if it falls within permitted development, cannot take place without the developer making satisfactory arrangements to address the requirements of the Conservation of Habitats and Species Regulations 2017.
- 2.8 As part of its [Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy](#), Rushmoor enables developers of residential schemes that involve the creation of new dwellings to make a financial contribution towards the provision of suitable alternative natural green space (SANG) (if available) and strategic access management and monitoring measures (SAMM) to negate the potential increase of visitors on the Special Protection Area.<sup>3</sup> Financial contributions to secure this are normally secured through planning applications and associated Section 106 obligations.

#### Article 4 Directions

- 2.9 Under Article 4 of the GPDO, a planning authority or the Secretary of State can remove specified PDRs and require that a planning application be made. This is known as an ‘Article 4 direction’. Schedule 3 of the GPDO provides more detailed legislation on the process to be followed in making such directions.
- 2.10 An Article 4 direction does not mean that development cannot take place. Its purpose is to bring consideration of the development within the remit of the local planning authority by way of a planning application. This must be determined in accordance with the development plan and other material considerations.
- 2.11 There are two types of Article 4 direction:
- Immediate: an immediate Article 4 direction, once served on an area, removes the specified PDR with immediate effect, albeit that it still requires confirmation within six months of coming into force. The process for an immediate Article 4 direction is covered in Paragraph 2 of Schedule 3 of the GPDO.
  - A non-immediate Article 4 direction does not come into effect immediately, and instead specifies a later date when it takes effect, which is at least 28 days and at most 2 years after the last notice is served. In practice, this is usually at least 12 months after the last notice of making the direction is served to avoid liability for compensation, in line with Sections 107 and 108 of the Town and Country Planning

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<sup>2</sup> PPG Paragraph: 019 Reference ID: 13-019-20190722.

<sup>3</sup> Available to view at [www.rushmoor.gov.uk/spa](http://www.rushmoor.gov.uk/spa).

Act 1990 (as amended). The process for a non-immediate direction is dealt with in Paragraph 1 of Schedule 3 of the GPDO.

- 2.12 The National Planning Policy Framework (NPPF) sets out the circumstances in which an Article 4 direction can or should be considered in Paragraph 53. It states that:

*'The use of Article 4 directions to remove national permitted development rights should:*

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible'.*

- 2.13 It is therefore clear that an Article 4 direction needs to be supported by evidence which clearly shows why it is necessary, and which justifies the extent of the area. This report provides that evidence. It is considered that the phrase 'wholly unacceptable adverse impacts' presents a high bar for controlling changes of use to residential.

- 2.14 Planning Practice Guidance (PPG) provides further guidance on the operation and scope of Article 4 directions. It states that:

*'Provided that there is justification for both its purpose and extent, an Article 4 direction can:*

- remove specified permitted development rights related to operational development or change of use*
- remove permitted development rights with temporary or permanent effect.<sup>4</sup>*

- 2.15 The PPG also provides additional guidance on the use of directions:

*'Where an Article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an Article 4 direction is necessary to avoid wholly*

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<sup>4</sup> PPG Paragraph: 037 Reference ID: 13-037-20210820.

*unacceptable adverse impacts. In other cases, Article 4 directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area.*

*The potential harm that the Article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:*

- *a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority, National Park or Area of Outstanding Natural Beauty)*  
...
- *cases where prior approval powers are available to control permitted development*  
...<sup>5</sup>

2.16 Local authorities are required to monitor on a regular basis whether their directions are still needed and whether the justifications for them remain sound.

2.17 To comply with national policy and guidance, there needs to be robust evidence to support an Article 4 direction which clearly identifies the potential harm and why it is necessary to protect local amenity or the well-being of the area and, in the case of changes of use to residential, what the wholly unacceptable adverse impacts would be.

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<sup>5</sup> PPG Paragraph: 038 Reference ID: 13-038-20210820.

### 3 Permitted Development Right – Class E to Residential

- 3.1 Class MA of Part 3 of Schedule 2 of the GPDO grants planning permission to change use from commercial, business and service use (Use Class E) to residential. Use Class E covers a wide variety of uses, including most retail uses, cafes and restaurants, financial and professional services, indoor sport and recreation, medical and health services, creche/nursery or day centre, offices, research and development, and light industrial.
- 3.2 This PDR was introduced in 2021 and replaced several previous forms of PDR. This includes changes from office, retail, and financial and professional to residential.
- 3.3 Development not permitted by this PDR includes where the building has not been vacant for at least three months prior to the application, buildings exceeding 1,500 sq. m of floorspace, where the building is listed and where the building is in a variety of defined locations such as scheduled monuments or safety hazard areas, but not including conservation areas.
- 3.4 The matters that can be considered under prior approval are as follows:
- Transport and highways impacts,
  - Contamination,
  - Flooding,
  - Impacts from noise from commercial premises on occupiers,
  - For the change of use of a ground floor in a conservation area, the impact on the character or sustainability of the conservation area,
  - Natural light in all habitable rooms,
  - Impact on occupiers from introduction into an area important for industry, waste management and/or storage and distribution,
  - For the change of use of a nursery or health centre, the impact on the local provision of services, and
  - Fire safety impacts on the occupants of the building.
- 3.5 The matters that cannot be considered under prior approval include the following:
- Provision of affordable housing,
  - Noise impacts from sources other than commercial premises,
  - Loss of floorspace required to support the local economy,
  - Impacts on existing businesses of residential use in the area,
  - Size of proposed dwellings in terms of number of bedrooms, and
  - Impacts on infrastructure other than transport and highways.

## 4 Geographical Coverage

- 4.1 In line with Planning Practice Guidance (PPG), the extent of an Article 4 direction requires justification.
- 4.2 The Rushmoor Local Plan (2019) identifies the employment sites that are the most important for supporting the economy of the Borough and which need to be retained in employment use. The Local Plan designates employment sites as either strategic or locally important employment sites. Evidence to inform the Local Plan looked at a variety of factors to identify which employment areas should be retained, and which could be brought forward for other uses, and the strategic and locally important employment sites were those that were considered important to retain.
- 4.3 The Borough's strategic and locally important employment sites are diverse, ranging from flagship office locations, such as Farnborough Business Park, to more diverse industrial and warehousing areas, such as the East Aldershot Industrial Cluster. A number of these strategic and locally important employment sites include a wide mix of employment uses, incorporating industrial uses, warehouses and offices, as well as other commercial activities, and include older premises alongside more modern developments.
- 4.4 The Borough's current Article 4 direction removes PDRs that were in place at the time that the direction was confirmed, relating to employment uses (office, light industrial and warehousing) converting to residential use. It applies to 18 employment sites in the Borough designated as either a strategic or locally important employment site in the Local Plan. This approach was accepted by the Secretary of State.
- 4.5 The following table outlines the 16 employment sites that are designated as either a strategic or locally important employment site that would be included within the new Article 4 direction.

Site	Core Use	Local Plan Designation
Blackwater Trading Estate	Light industrial	Locally Important
Civil Enclave	Office and light industrial	Strategic
East Aldershot Industrial Cluster	Light industrial, industrial and warehousing	Strategic
Eelmoor Road	Light industrial and warehousing	Locally Important
Farnborough Aerospace Park	Office park/R&D	Strategic
Farnborough Business Park	Office park	Strategic

Site	Core Use	Local Plan Designation
Frimley Business Park	Office park /R&D	Strategic
Hawley Lane East	Light industrial	Locally Important
Invincible Road Industrial Estate	Retail, light industrial, industrial and warehousing	Strategic
Lynchford Lane	Light industrial	Locally Important
Redan Road Industrial Estate	Light industrial	Locally Important
Rotunda Estate	Light industrial	Locally Important
Southwood Business Park	Office park/R&D, industrial and warehousing	Strategic
Spectrum Point	Office	Locally Important
Springlakes	Light industrial and warehousing	Locally Important
Wyndham Street	Light industrial, offices and sui generis	Locally Important

- 4.6 The following locally important employment sites are not included within the Article direction, as they are predominantly not in Class E use.

Site	Core Use	Local Plan Designation
Hawley Lane West	Warehousing	Locally Important
Hollybush Lane	Industrial and waste processing	Locally Important

- 4.7 The following employment sites will not be included within the direction. Because they are located within 400 metres of the Thames Basin Heaths Special Protection Area, residential development could not take place at these sites.

Site	Core Use	Local Plan Designation
Cody Technology Park	Office, R&D and light industrial	Strategic
Royal Pavilion	Office/R&D campus	Strategic

## 5 Unacceptable Impacts of the Class E to Dwelling House PDR

### a. Loss of Employment Floorspace

- 5.1 The Council is concerned that the PDR threatens the amount of floorspace available to businesses, which could prevent the Council from meeting its assessed needs for employment floorspace and thereby impede economic growth. This section examines the evidence around that position.
- 5.2 A key objective of the Rushmoor Local Plan (2019) is ‘to maintain and enhance the Borough’s position as a prosperous economic centre’. To this end, it sets out a number of economic policies, which aim to:
- Enhance existing, and enable the provision of new, high-quality employment space,
  - Direct new employment provision to the most appropriate locations, and
  - Support key employment sectors.<sup>6</sup>
- 5.3 Rushmoor has a strong and vibrant economy and accommodates a diverse range of businesses in knowledge-based sectors, including defence and aerospace, financial and business services, logistics and distribution, and environmental technologies.
- 5.4 The Local Plan aims ‘to maintain, and where possible, enhance’ the economic diversity of the Borough.<sup>7</sup> The Council aims to attract new investment into Rushmoor, both in terms of new businesses and the development of physical (for instance, fibre-optic broadband) and social (education and training) infrastructure; it will also support current businesses to innovate and grow, and will encourage the creation of new businesses.
- 5.5 The Local Plan identifies that to retain existing businesses and attract new businesses into the Borough, the supply of employment land and premises that meet identified needs is crucial. The [Employment Land Review](#) (ELR, 2016) provides a detailed assessment of the supply of employment floorspace and land within the Hart, Rushmoor and Surrey Heath functional economic area (FEA) and the likely future demands.<sup>8</sup>
- 5.6 The Local Plan confirms that forecast floorspace requirements for the FEA can be met from the existing supply of land allocations and extant permissions, but without there being a significant surplus of employment land. The Local Plan also highlights that to help ensure the protection of an adequate supply of B-class employment premises in the Borough, the Council introduced an Article 4 direction to remove permitted development rights relating to the change of use of certain types of employment premises to residential. As noted in

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<sup>6</sup> Rushmoor Local Plan (2019), Paragraph 11.1.

<sup>7</sup> Rushmoor Local Plan (2019), Paragraph 11.6.

<sup>8</sup> Available to view at [www.rushmoor.gov.uk/article/11449/Evidence-on-the-economy](http://www.rushmoor.gov.uk/article/11449/Evidence-on-the-economy).

Paragraph 1.4, the current Article 4 direction will expire in 2022 as a direct result of amendments to the GPDO.

- 5.7 Uncontrolled loss of employment floorspace through PDRs will make it considerably less likely that the aims and objectives of the Local Plan will be achieved, and this will impact on economic growth.
- 5.8 It is recognised that the Employment Land Review (ELR) and the Rushmoor Local Plan (2019) predated the COVID-19 pandemic, and there may be considerable changes to working practices that might affect office requirements. These changes are yet to be understood in full. However, the need for space for industrial activities (including light industrial uses which fall within Class E) is less likely to have been reduced by the pandemic.

#### Wholly unacceptable adverse impacts

- 5.9 Development that would have an adverse impact on economic growth is clearly wholly unacceptable. The NPPF is built around achieving sustainable development in the wider public interest, the stated purpose of the planning system. Of the three overarching objectives of sustainable development, the economic objective is to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity' (Paragraph 8).
- 5.10 In producing the Local Plan, the Council assessed the need for employment space and sought to safeguard the space to meet these needs and ensure economic growth at the defined strategic and locally important employment sites. This would be put at wholly unacceptable risk by PDRs which could reduce this finite space.

### **b. Impact on Existing Businesses**

- 5.11 Impacts on businesses and economic growth are not necessarily limited to those who would occupy the premises that are to be converted to residential use. The impacts are also likely to be felt by established businesses in the surrounding area if a residential use were to be introduced close to their premises. In established employment areas, this is unlikely to have been anticipated when the businesses began operating, and such established businesses may generate noise and disturbance as part of their operations. The introduction of residents could result in noise and environmental nuisance complaints or objections and planning concerns if those occupiers make planning or licensing applications to expand or intensify their operations.
- 5.12 It is worth noting that the Local Plan relies on the potential for intensification of existing employment areas to meet its needs for employment development, as demonstrated by Policy PC2 (Strategic Employment Sites) which states that 'where possible and appropriate, the redevelopment and regeneration of these sites will be supported to provide B-class employment floorspace that meets the needs of the market'.

### Wholly unacceptable adverse impacts

- 5.13 The introduction of a limited number of residential properties into established employment areas could have a direct impact on the operation of a potentially large number of surrounding businesses. The variety of businesses located in the Borough's strategic and locally important employment sites is an essential part of its continued economic success. If businesses are forced to relocate from their current site, there is no guarantee that they can be accommodated elsewhere within the Borough. This would therefore represent a wholly unacceptable adverse impact.

### c. Housing Needs

- 5.14 The government considers that one of the main benefits of PDRs which enable the conversion of buildings from a non-residential to residential use is that they boost housing delivery and therefore contribute towards meeting housing needs. With a policy target of a minimum of 436 net new homes per annum in Policy SS2 (Spatial Strategy) of the Local Plan, the delivery of new homes is clearly of great importance to the Council. It is important to note that the Local Plan allocates sufficient sites to meet the housing needs over the Plan period, including several sites that were previously in use as employment sites (predominately vacant office floorspace). The Council has also exceeded the government's Housing Delivery Test requirements since they were introduced.
- 5.15 As noted in Paragraph 1.4, Rushmoor has an Article 4 direction in place which removes permitted development rights that enable the conversion of employment floorspace to residential at specified locations in the Borough. Since the Article 4 direction was confirmed (made permanent), the Council has granted planning permission for 904 new dwellings on schemes that involve the conversion or loss of employment floorspace consisting of:
- 43,500 sq. m of office floorspace,
  - 3,100 sq. m of light industrial floorspace,
  - 1,388 sq. m of storage and distribution floorspace.
- 5.16 The vast majority of these dwellings received planning permission through the submission of a conventional planning application, with only a very small number (24 dwellings) obtaining consent through the prior approval process.
- 5.17 The table below provides some examples of schemes that have been approved through a full planning application since the Article 4 direction came into effect:

Site	Type of Development	Residential Units	Floorspace Lost (sq. m)	Status
Enterprise House, Aldershot	Redevelopment	12	400	Complete

Site	Type of Development	Residential Units	Floorspace Lost (sq. m)	Status
Thomson House, Farnborough	Conversion	115 <sup>9</sup>	6,684	Complete
The Crescent, Farnborough <sup>10</sup>	Redevelopment	159	13,555	Under construction
52 Victoria Road, Aldershot	Redevelopment	56	956	Under construction
117 Farnborough Road, Farnborough <sup>10</sup>	Conversion	113	7,400	Under construction
Meudon House, Farnborough <sup>10</sup>	Redevelopment	197	7,500	Under construction
2-4 Mount Pleasant Road, Aldershot	Redevelopment	17	1,415 <sup>11</sup>	Under construction

5.18 The table above demonstrates that the Council is not against the conversion or loss of employment floorspace to meet housing needs, with three of the above sites being allocated within the Local Plan for residential use. It is important to note that none of the sites identified above were located within an employment site covered by the Council's existing Article 4 direction or designated as a strategic or locally important employment site within the Local Plan.

5.19 Four schemes were approved through PDRs. Of the 24 dwellings approved, 13 were one-bedroom flats, with the remaining units comprised of two-bedroom flats. In contrast, the scheme which received planning permission at Meudon House provides a mix of one- and two-bedroom flats and 34 three-bedroom houses.

#### Size and type of dwellings

5.20 Conversions of employment uses through PDRs in Rushmoor have predominantly resulted in small dwellings. There is no reason to believe that this concentration on smaller dwellings is likely to change, as without the influence of local planning policy geared towards a mix of units, there are few incentives for developers to deliver larger units that could potentially house families. This is exacerbated by other aspects of PDRs, for instance, the lack of a

<sup>9</sup> 115 units resulted from the conversion of the existing build. A new block was also consented which provided an additional 30 units.

<sup>10</sup> Site allocated in the Local Plan.

<sup>11</sup> Light industrial floorspace (formerly Use Class B1c).

requirement to provide outdoor amenity space which makes PDR developments particularly unsuitable for families (see Dwelling Standards section below).

#### Wholly unacceptable adverse impacts

- 5.21 The Local Plan (Chapter 10) identifies that a mixed community requires a variety of housing to provide homes for different households. The Council recognises that a mix of types of homes is required to promote sustainable communities. The jointly commissioned Strategic Housing Market Assessment (SHMA, 2016) with Hart, Rushmoor and Surrey Heath councils indicates that the majority requirement across the Housing Market Area (HMA) is for two- and three-bedroomed homes. The Local Plan acknowledges that not all sites will be able to provide a full mix of dwelling types, and Rushmoor already has the highest proportion of one- and two-bedroom units out of the three HMA authorities.<sup>12</sup>
- 5.22 The NPPF is clear that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (Paragraph 62). This objective could be undermined by the delivery of residential units from the permitted development change of use of Class E uses, as there is no ability to control size in terms of number of bedrooms.

#### d. Affordable Housing Provision

- 5.23 There is no mechanism to secure much-needed affordable housing through PDRs. Affordable housing contributions are secured through a Section 106 agreement, which cannot be a requirement of the prior approval process.
- 5.24 The need for affordable housing in Rushmoor was assessed in the Strategic Housing Market Assessment (SHMA). An annual need of 160 affordable subsidised rented homes (social or affordable rent) and 220 intermediate homes (subsidised home ownership) was identified, although a proportion of this need was identified as being met through households living in the private rented sector. This compares to an overall housing requirement in the Borough of at least 436 net new homes per annum.
- 5.25 There is a high level of need for affordable housing in Rushmoor, with the Council's Housing Allocation Pool (December 2021) identifying that 1,529 households are waiting for affordable housing.

#### Wholly unacceptable adverse impacts

- 5.26 Provision of adequate affordable housing is a key issue in Rushmoor. The importance of providing sufficient affordable housing is one of the key objectives of the Local Plan, and Policy LN2 (Affordable Housing) seeks to ensure that new developments make an appropriate contribution.

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<sup>12</sup> Available to view at [www.rushmoor.gov.uk/article/11513/Evidence-on-housing-need](http://www.rushmoor.gov.uk/article/11513/Evidence-on-housing-need).

## e. Dwelling Standards

- 5.27 There are a significant number of concerns around the quality of dwellings that result from PDRs. The recent amendments to PDR requirements to ensure that natural light is provided to habitable rooms and that developments comply with the Nationally Described Space Standards are welcomed.<sup>13</sup>
- 5.28 However, there remain concerns around quality. Whilst some dwellings provided through PDRs may of course be high quality, examples from across England demonstrate that many PDR conversions have produced unacceptable and sub-standard living environments. Local planning authorities cannot address this quality without an Article 4 direction in place. Government-commissioned research on the quality of schemes delivered through permitted development concludes that such developments ‘seem to create worse quality environments than planning permission conversions in relation to a number of factors widely linked to health, well-being and quality of life of future occupiers’.<sup>14</sup>
- 5.29 For example, access to private or communal outdoor space can make a vital contribution to a high quality of life. In addition to providing opportunities for outdoor living and enjoyment, outdoor amenity space serves functional requirements, such as refuse storage and clothes-drying.
- 5.30 The Local Plan emphasises the importance of new dwellings being provided with private or communal outdoor amenity space. Policy DE3 (Residential Amenity Space Standards) sets out a minimum requirement for private outdoor space of a 5 sq. m balcony within flatted development which is accessible from the main habitable room or a garden space of a minimum of 30 sq. m for family housing (two-bedroom residential units and above).
- 5.31 However, there is no scope within the prior approval process to require PDR developments to provide outdoor amenity space for residents, and whether such space is provided is left entirely up to the developer.
- 5.32 Development provided through PDRs generally fails to provide outdoor space for children to play, and without a trigger for seeking infrastructure contributions, there is no mechanism for funding open space infrastructure off site that can compensate for this deficiency.

### Wholly unacceptable adverse impacts

- 5.33 It is considered that the lack of private and communal outdoor amenity space associated with PDR developments is clearly prejudicial to the proper planning of the area.

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<sup>13</sup> Available to view at [www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard](http://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard).

<sup>14</sup> Clifford et al (2020) ‘Research into the Quality Standard of Homes Delivered through Change of Use Permitted Development Rights’, p. 10; available at [www.gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights](http://www.gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights).

## 6 Conclusion

- 6.1 The aim of the Article 4 direction is not to prevent changes of use. The direction will enable the Council to regain control over the consideration of the relevant planning issues relating to change of use applications and to protect Class E floorspace at the specified employment sites which are of the greatest economic importance.
- 6.2 It will also allow other planning matters to be considered, for example, affordable housing and amenity space provision, which would otherwise not be possible with change of use applications considered under the Class MA PDR. These other planning matters are of paramount importance in a constrained urban environment like Rushmoor.