



Department for  
Communities and  
Local Government

## Consultation questions - response form

We are seeking your views to the following questions on the proposals to support sustainable development and growth through encouraging the reuse of empty and redundant existing buildings where the original use was no longer required or appropriate.

### How to respond:

**The closing date for responses is 15 October 2013**

A response form is available on the DCLG website, and can also be submitted via Survey Monkey at:

<https://www.surveymonkey.com/s/NHXVK66>

Responses should be sent preferably by email:

Email responses to: [Changeofuse.planning@communities.gsi.gov.uk](mailto:Changeofuse.planning@communities.gsi.gov.uk)

Written responses can also be sent to:

Saima Williams  
Consultation Team (Greater flexibilities to change use)  
Planning Development Management Division  
Department for Communities and Local Government  
1/J3, Eland House  
Bressenden Place  
London SW1E 5DU

## About you

### i) Your details:

Name:	Charles Wagner
Position:	Head of Planning and Urban Advice
Name of organisation (if applicable):	English Heritage
Address:	1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Email:	charles.wagner@english-heritage.org.uk
Telephone number:	020 7973 3826

### ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

### iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish /community council

Non-Departmental Public Body (NDPB)

Planner

Professional trade association

- Land owner
- Private developer/house builder
- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work  
(please tick one box)?**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes  No

## ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

**Question 1: Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?**

**How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?**

Yes  No

### Comments

- We agree that given the changing patterns of shopping and drop in demand for retail premises means there needs to be a managed reduction to the number of retail and financial/professional units in many town centres.
- It is important that this is a managed change and we welcome the strong encouragement given to local planning authorities to ensure their local plans set out the primary retail areas and a retail hierarchy, following the NPPF Paragraphs 23 & 24.
- We agree that these changes should not apply in Article 1(5) land.
- We are concerned that the proposed permitted development right will also allow the provision for the conversion of a shop to include new frontage and windows and doors. The prior approval in para 27 bullet 6 only covers compliance with 'local plan policies on design, material types and outlook' and in our experience local plans is of uneven policy coverage in these areas.
- We are very concerned that in relation to unlisted historic buildings outside conservation areas, which nevertheless may well be *heritage assets* in terms of the NPPF, may be subject to unsympathetic change. This would most likely be for the removal of the shopfront and its replacement by a domestic window and front door. Our experience in conservation areas is that such domestic conversion changes can be visually very damaging in affecting a building's proportions, the difficulty in matching historic walling materials etc.

- Paragraph 135 of the NPPF requires LPAs to take account of the significance of non-designated heritage assets. Therefore in addition to the prior approval requirement for design, it is essential that the heritage and design sections of the NPPF are also brought in to play. Without this additional consideration we believe that the NPPF may well not be complied with.
- **We recommend adding to para 27 bullet 6 ‘and NPPF policies on design and the historic environment’ so it would read ‘be subject to prior approval for design to ensure that physical development complies with local plan policies on design, materials and outlook, and NPPF policies on design and the historic environment.**
- Some retail centres are partially covered by conservation area designation, and we have concern over the impact of changes to retail premises in the streets immediately outside a conservation area. These streets are likely to form the setting of the heritage asset. **Though para 27 bullet 7 covers ‘potential impact of the changes of use on the local character’, it could usefully go on to add ‘and on the setting of heritage assets’.**
- The consultation is not clear on whether once residential use is established, the property owner then has all the residential permitted development rights such as constructing an extension, add a porch or roof extension. If so, mention should be made of this and that the local planning authorities can consider an Article 4 direction to control those rights for properties located in sensitive areas and/or in the setting of heritage assets.

**Question 2: Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?**

Yes  No

Comments

- Comments:
- We support the change of use from A1 retail to A2 Financial and Professional Services but restricted to Banks and Building Societies.
- **We believe that there should be prior approval for the design of**

**external works, as we have recommended for the change of use from retail to residential.**

- Our concern is for traditional shop buildings and the desire of banks and building societies to impose their corporate branding onto the buildings and change the shop front in such a way that it no longer looks like a shop, for example by obscuring or filling in part of the shop windows. If the building is locally listed as a heritage asset by the local planning authority, that authority would need to judge the impact on the heritage asset of the changes as set out in NPPF paragraph 135.
- Although much of the branding is controlled by advertisement consent and the consultation mentions on-going work with the industry to see how these premises can be distinguished from existing banks, we think that the prior approval needs to cover any physical changes to the appearance.

**Question 3: Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?**

Yes  No

Comments

**FARM BUILDINGS IN ARTICLE 1(5) LAND**

- **Our overriding concern in relation to this consultation is the proposal to bring in this permitted development right in Article 1(5) land.**
- There is a very real and serious concern as to the impact of this proposal on World Heritage Sites, conservation areas, and the cultural heritage in National Parks and AONBs. World Heritage Sites and conservation areas are designated heritage assets in NPPF terms. Great weight is to be given to their conservation. Agricultural buildings can make important contributions to their heritage significance. Their loss, or substantial alteration, and the impact of the design of the replacement building are both key considerations under the heritage and design policies of the NPPF. Furthermore, any planning application that affects the character and appearance of a conservation area has to take account of the desirability of preserving or enhancing that character pursuant to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- If approval of demolition and the replacement building is subject to the limited prior approval matters only, then none of the vital considerations in the NPPF will apply. There is also a possibly irreconcilable conflict between the application of s72 and the expressly limited discretion of the prior approval mechanism.
- It is not at all satisfactory to rely only on local plan policies on design, materials and outlook. Even if these were compliant with the NPPF (which they may not be), they are not the same as the policies within the NPPF on heritage conservation. First, they do not take any account of the loss of heritage significance from demolition. Secondly, no local plan provides such detail in its design policies that the application of them would lead to the same result as would apply with the additional consideration of the NPPF policies and the statutory consideration.
- The net effect of this change would be to take out of any heritage protection any existing agricultural buildings in conservation areas and world heritage sites that are or may become redundant regardless of their heritage significance and their contribution to the conservation and World Heritage Site as a whole. It would also sidestep the proper consideration of the impact of any of the new building(s) upon the character and heritage significance of these designated heritage assets. It would amount to a significant reduction in heritage protection in England.

#### ADDITIONAL POINTS ON NATIONAL PARKS AND AONBS

- We also consider that to introduce this permitted development may conflict with the statutory duties of National Park authorities and local planning authorities with AONBs in their area to protect the cultural heritage, as set out in the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000. The National Park and AONBs planning authorities carefully and sustainably manage survival of farm buildings and the provision of new residential units in their protected landscapes. Many of the farm buildings in the landscape will be undesignated heritage assets covered by NPPF paragraph 135.
- **The prior approval considerations in paragraph 35 and paragraph 36 3<sup>rd</sup> 4<sup>th</sup> and 5<sup>th</sup> bullets need to be broadened to include consideration of the NPPF sections on design and the historic environment**

#### OUTSIDE ARTICLE 1(5) LAND

- Outside Article 1(5) land we believe that the issue of impact on the significance of those farm buildings that are undesignated heritage assets needs to be considered in accordance with NPPF paragraph 135, particularly where the proposal is for demolition. Additionally if the farm contains designated heritage assets the impact of demolition and new build on the setting of heritage assets such as may be around the farmstead needs to be taken into account in accordance with NPPF paragraph 128.
- **Para 36 bullet 3, in our view should continue 'but taking into account**

policies in the NPPF if the farm building is a heritage asset or sits with in the setting of a designated heritage asset’.

- **Para 36 bullet 4, in our view should read ‘include prior approval for siting, design, demolition and ancillary works to ensure physical development complies...’.**
- **Paragraph 36 bullet 5 should be amended to read ‘include prior approval for transport and highways impact, noise impact, contamination and flood risks, and impact on heritage assets to ensure change of use only takes place in sustainable locations’**
- We believe sustainable development, as defined in the NPPF, could be achieved by the reuse of existing buildings, allowing modification of heritage assets, and where opportunities occur replacing a modern farm buildings of no interest by a building that fits the context.
- We are further concerned that the permitted development right for change from agricultural use to residential as set out in paragraph 36 does not mention ancillary development as requiring prior approval. Our experience of successful sustainable farm building conversions shows that schemes are more successful in visual and amenity terms where the details of the additional works such as boundary treatment, parking, surface treatment and planting have been reserved matters requiring approval.

#### WIDER ISSUES OF FARM BUILDING CONVERSION

- We believe that to ensure the survival of the majority of traditional farm buildings, many of which are no longer serviceable for agricultural uses, there has to be a greater flexibility in allowing new uses for them. We strongly believe, however, that it is in the interests of the owner to understand the whole site and its buildings in the farmstead before making decisions on change of use.
- **We recommend that a farmstead assessment is required to be included in a prior approval application for farm building conversion to residential units.**
- **We believe strongly that there is a need for a simple assessment of the farmstead before the ‘in principle decision’ is taken to convert the buildings to certain uses including residential.**
- We have been working on a simple farmstead assessment framework and have the support of the National Farmers Union NFU and the Country Land and Business Association CLA in this approach.
- The purpose of the assessment is to understand the buildings, in historic environment and landscape terms, plus any other environmental issues on the site, and to inform an understanding of historic character, significance and potential for change. This will help save time and cost before preparing



an application for physical development by helping to show what uses are feasible and whether certain uses are compatible adjacent to each other.

- This approach is very much in accordance with NPPF paragraph 17 Core Planning Principles bullets 4, 5, 6 & 10 and paragraph 55 bullets 2 & 3. It also addresses the caution expressed in this consultation's paragraph 34 on unacceptable change of use and over-development.

**Question 4: Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare, and to carry out building work connected with the change of use?**

Yes  No

Comments

- We support the principle of the proposals as set out in para 42, though **we suggest that prior approval includes the design of the external changes.**
- There is helpful guidance for groups and bodies considering taking over a historic building for a new use produced by English Heritage working with other bodies in the heritage sector.
- Operators of nurseries could be made aware of existing guidance on voluntary and community groups taking on historic buildings such as *Pillars of the Community* see: <http://www.helm.org.uk/guidance-library/pillars-of-the-community-the-transfer-of-local-authority-heritage-assets/>

**Question 5: Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools and nurseries providing childcare and to carry out building work connected with the change of use?**

Yes  No

## Comments

**We suggest that a simple farmstead assessment is carried out first to identify the appropriateness of the buildings for conversion to a school or nursery use. We also feel that the prior approval should cover design of external changes.**

**Question 6: Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?**

Yes  No

## Comments

We have carried out research over the last ten years on traditional farm buildings and their future and reuse. This research can be found at <http://www.helm.org.uk/regeneration-and-design/living-and-working-countryside/historic-farm-buildings/>

- Our research has demonstrated the difficulty of securing commercial uses for farm buildings, and the great variation of success of residential conversion in maintaining the historic significance of the farm buildings, including poor examples of the conversion of Grade II listed buildings which have almost totally obliterated their special interest. Our more recent research has focused on new ways of understanding the historic character, significance and present-day uses of farmsteads, and how this knowledge can be used to influence thinking on future options.
- This research also highlighted the significant contribution that traditional farm buildings and farmsteads make to landscapes and local distinctiveness. Through the many new uses found in farm buildings including home-based SMEs, the research also showed the contribution this made to the vitality of rural communities and economies.
- Our research has shown that National Parks in particular have a relatively low proportion of farm buildings that have been converted to non-agricultural uses, due in part to the fact that they retain very high numbers of traditional farmsteads still in agricultural uses.

**Thank you for your comments.**



# Consultation criteria

## About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries regarding the consultation process, please contact:  
DCLG Consultation Co-ordinator  
Zone 6/H10 Eland House  
London SW1E 5DU  
email: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)

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