



PLANNING UPDATE:

Permitted developments and favouring brownfield sites

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Introduction

The Government have made two key announcements with a view to supporting housing development:

- (1) The further relaxation of permitted development for the conversion of commercial, business and service uses to dwelling houses, from 5 March 2024.
- (2) An instruction for councils to prioritise brownfield developments, alongside a [consultation](#) open until 26 March 2024.

Permitted development

It is not unusual for the Town and Country Planning (General Permitted Development) (England) Order 2015/596 to be used to facilitate swift development in accordance with Government aims.

Last year, the Government consulted on:

- Removing the vacancy requirement for Class MA of Part 3.

The 2015 Order previously required Class E (commercial, business and service) premises to be vacant for a continuous period of 3 months immediately prior to the date of the application for prior approval for Class C3 use (dwellinghouses). The vacancy requirement was a means of safeguarding businesses against being displaced. However, the Government believed it could be ineffective and result in property being left vacant for longer periods.

- Removing the limit on the cumulative floor space of the existing building changing use under Class MA.

The 2015 Order previously prohibited Class MA from being used for permitted development if the cumulative floor space of the existing building changing use exceeded 1,500 square metres. The Government has stated its intention to provide greater flexibility and thereby

support housing delivery. The consultation responses opposing this thought larger schemes would benefit from more thorough planning consideration by the local planning authority.

[Secondary legislation](#) has now been produced, implementing these changes from 5 March 2024.

Brownfield development

The Government [announced](#) on 13 February 2024 that every council in England was that day being told that they will need to prioritise brownfield developments and instructed to be less bureaucratic and more flexible in applying policies that halt housebuilding on brownfield land.

The associated consultation proposes amending the presumption in favour of sustainable development such that it would apply in more circumstances. It currently applies where a local authority scores below 75% in the housing delivery test (“HDT”). In 2020, the urban uplift was introduced as a change to the standard method for calculating housing need, applying a 35% uplift to the 20 most populous towns and cities in England. It is proposed to add an additional presumption triggered where authorities score below 95% on the HDT but applying only for applications on previously developed land and to the 19 local authorities and all London Boroughs subject to the urban uplift.

The consultation also proposes amending paragraph 129 c) to provide that local planning authorities should give significant weight to the benefits of delivering as many homes as possible and take a flexible approach to matters such as internal layouts of development.

Comment

These announcements reflect the well-established urgent need for housing and re-iterate the Government’s stated focus on brownfield rather than - often unpopular - green belt development.

The changes aim to streamline regulation in order to increase supply of houses.

This will likely be welcomed by developers, particularly at a time when delayed planning applications and increased construction costs serve to dissuade development.

However, there will be concerns – such as those [expressed](#) by the Chair of the Local Government Association and evident in the Government’s summary of consultation

responses in its [explanatory memorandum](#) – that the resulting risk is poorer quality homes with poorer quality infrastructure.

The Government have announced a further intention to alter the permitted development rights for short term lets, with an apparent aim of restricting holiday lets and retaining accommodation to protect the ability of local people to access local housing. Such developments will need to be kept under review.

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