



## CONSULTATION ON PERMITTED DEVELOPMENT: RELAXING THE RULES

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### Introduction

On Monday 24 July 2023, the Secretary of State for Levelling Up, Housing and Communities, Michael Gove, [announced](#) new proposals from the Government to support housing development.

The focus is on brownfield rather than green belt development. Whilst Mr Gove deals with a number of matters, one of key importance is the proposed expansion of permitted development rights allowing changes to residential use, on which this note concentrates.

A [consultation](#) has opened and will close on 25 September 2023.

### Proposals

There are a significant number of proposals, including the following:

- **Extending permitted development rights in areas of outstanding natural beauty, national parks and other article 2(3) land:** It is proposed to expand Class MA of Part 3 (commercial to residential), Class M (hot food takeaways etc to residential), Class N (arcades etc to residential) and Part 3 Class Q (agricultural to residential) to all article 2(3) land – other than world heritage sites designated by UNESCO.
- **Design codes:** Prior approval for permitted development rights being replaced by consideration of whether the external appearance of the building would meet new local authority design codes. The purpose would be to increase certainty.
- **Larger covered premises:** Increasing the maximum size of the commercial, business and service use space (Class E) that may be changed to residential use, from 1,500 square metres to 3,000 square metres or unlimited. Similarly for betting offices, hot food takeaways, pay day loan shops and launderettes to dwellinghouses, increasing the maximum size from 150 to 300 square metres or unlimited.

- **Removing the vacancy requirement:** No longer requiring Class E premises to be vacant for a continuous period of 3 months immediately prior to the date of the application for prior approval (Class MA of Part 3).
- **Hotels etc:** It is proposed to extend Class MA of Part 3 permitted development rights to allow the change of use of hotels, boarding houses or guest houses (Class C1) to dwelling houses.
- **Removing the smaller and larger home limits for agricultural to residential changes of use:** The existing limits are considered overly complex and so it is proposed to replace them with one limit of 100 or 150 square metres per home, a maximum of 10 homes and an overall maximum floorspace of 1,000 square metres.
- **Temporary outdoor markets:** Increasing the maximum number of days for markets (under Class B of Part 4 – but not including motor car and motorcycle racing) from 14 to 28 days (or other number of days).

### Comment

The urgent need for housing is clearly established and the proposals aim to streamline changes of use, in order to increase supply of houses. This is likely to 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 – already [expressed](#) by the Chair of the Local Government Association – that such premises are not always suitable for housing and risk resulting in poorer quality homes with poorer quality infrastructure.

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