

PLANNING REFORM: THE PRIME MINISTER'S PROPOSALS

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The Prime Minister has [announced](#) reforms under the heading “*Build, build, build*”. This follows our [article](#) last week, in which we discussed the Government’s intention to re-think the planning system “*from first principles*” and our other recent [articles](#) on this topic.

The stated aims of the reforms are to make it easier to build better homes where people want to live and “*kick start*” the construction industry. In essence, it is proposed to do this by making it easier to change the use of land.

Although these proposals are not yet finalised, they were announced from official Government sources and are therefore clearly capable of being material considerations in relation to planning decisions currently being made. As such, it is important to be aware of them and how they may be relevant to a current or emerging project. This is perhaps of most significance to housing proposals on residential or quasi-residential land.

Timescale

The changes are planned to come into effect by **September 2020**.

Proposed Changes

It is envisaged that there will no longer be any need for a planning application:

1. **To convert a wider range of commercial properties to residential use.**
2. **To repurpose commercial premises.** E.g. to convert a building used for retail for use as a café or office. However, it is said that pubs, libraries, village shops and other uses essential to the lifeblood of communities will not have this flexibility.
3. **To demolish vacant and redundant residential and commercial buildings and rebuild homes.**

Property owners are also to be given greater freedom to build additional space above their properties via a fast track approval process, subject to consultation with neighbours.

How will the changes be made?

The announcement refers to new regulations and so it appears the changes will be made by the Government using delegated legislation.

Although it is not yet clear exactly how these changes will be made, it seems likely the Government is considering the following:

- **Reforming the Use Classes Order 1987.** Under the order, the Secretary of State has excluded certain material changes of use from the definition of development. A change of use within the same use class does not constitute development and therefore does not require planning permission. The Government therefore may seek to implement fewer, broader classes of use in order to promote greater flexibility.
- **Extending the classes of permitted development.** The Town and Country Planning (General Permitted Development) (England) Order 2015/596 is a type of development order granting planning permission under Part III of the Town and Country Planning Act 1990. The Government may therefore seek to add to the classes of use in the Order. This method was used earlier this year, to permit the conversion of eating and drinking establishments to takeaways during the coronavirus pandemic (class DA).

Discussion

The announcement does not go as far as the Government's housing advisor, Jack Airey, has previously [advocated](#). However, bigger changes may still lie ahead.

Developers are likely to welcome the reduction of restrictions as a timely economic incentive given factors such as the effect of coronavirus, the shift towards online shopping and home working, and the high demand for housing.

On the other hand, local planning authorities and residents may have concerns about changes of use avoiding the scrutiny of an application for planning permission. For example, the quality of office to residential conversions under the 2015 Order has been the subject of criticism.

A Planning Policy Paper is expected later in July. We anticipate further detail about the Government's proposals with interest.

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