

Link response to Changes to Various Permitted Development Rights consultation

9 April 2024

This consultation response is on behalf of nature coalition Wildlife and Countryside Link ([Link](#)).

Covering letter

Permitted development rights (PDRs) risk harm to habitats and species, animal and human health, heritage and the historic environment, the climate, people's access to nature, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered. However, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts. Also by circumventing the need for a full planning application, PDRs remove or reduce the ability for local planning authorities to apply the relevant statutory duties, for example, the new duty on public bodies to seek to further the statutory purposes of National Parks and National Landscapes (previously AONBs), the enhanced biodiversity duty, the existing duty to record and maintain public rights of way, and to ensure duties relating to species protections are being implemented.

Some of the potential impacts of PDRs include:

- With increased residents in a local area resulting from the use of change of use PDRs, there may be increased footfall and increased recreational pressure on local green spaces and public rights of way, which, if not strategically and effectively managed, could have potential negative consequences for nature in those areas.
- PDRs are also exempt from biodiversity net gain, the requirement to leave habitat in a better state, and they are exempt from developer contributions, often used to secure green and other infrastructure needed to ensure communities are viable and beautiful.
- PDRs can also cause harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Depending on the kind of development, applications for new or existing structures that house livestock can directly impact wild animals and human health through the associated risk of infectious zoonotic disease. The highly pathogenic avian influenza (HPAI) outbreak across the UK is a key example of this, and something that has had devastating impact on livestock and wild bird populations alike.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

[Previous research](#) commissioned by DLUHC found that PDRs led to poor quality homes. It found that permitted development conversions create worse quality residential environments than planning permission conversions due to small internal space standards and lack of access to private amenity space or outdoor space, with potential impacts on the health, wellbeing and quality of life of future occupiers. Only 22.1% of dwelling units created through PD would meet nationally described space standards (NDSS), compared to 73.4% of units created through full planning permission. In addition, just 3.5% of the PD units analysed in this research had access to private amenity space, compared to 23.1% of planning permission units.

The Government could more effectively implement and speed up planning application processes for smaller applications through: ensuring LPAs have the right skills, expertise and resources to scrutinise planning applications and improving digital tools and data to support the planning process.

Responses to selected consultation questions

The enlargement, improvement or other alteration to homes

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs. Permitted development rights (PDRs) risk harm to habitats and species, animal and human health, heritage and the historic environment, the climate, people's access to nature, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables

local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered. However, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts. Also by circumventing the need for a full planning application, PDRs remove or reduce the ability for local planning authorities to apply the relevant statutory duties, for example, the new duty on public bodies to seek to further the statutory purposes of National Parks and National Landscapes (previously AONBs), the enhanced biodiversity duty, the existing duty to record and maintain public rights of way, and to ensure duties relating to species protections are being implemented.

Some of the potential impacts of this proposed PDR extension include:

- With increased residents in a local area resulting from the use of change of use PDRs, there may be increased footfall and increased recreational pressure on local green spaces and public rights of way, which, if not strategically and effectively managed, could have potential negative consequences for nature in those areas.
- PDRs are also exempt from biodiversity net gain, the requirement to leave habitat in a better state, and they are exempt from developer contributions, often used to secure green and other infrastructure needed to ensure communities are viable and beautiful.
- PDRs can also cause harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR process (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.

- Increasing the depth of potential extensions to the rear of houses would also increase the footprint of a house, bringing a likelihood of worse environmental damage as a result, for instance through the degradation of more garden space. Though often small, residential gardens play a substantial role in keeping green spaces connected and strengthening our natural networks.
- There are also potential implications for the public rights of way network, if development nearby impacts or obstructs upon the use of an adjacent right of way.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with this proposal for the same reasons set out in our response to Question 1.

Increasing the depth of potential extensions to the rear of houses would also increase the footprint of a house, bringing a likelihood of worse environmental damage as a result, for instance through the degradation of more garden space. Though often small, residential

gardens play a substantial role in keeping green spaces connected and strengthening our natural networks.

There are also potential implications for the public rights of way network, if development nearby impacts or obstructs upon the use of an adjacent right of way.

Q.3 Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with this proposal for the same reasons set out in our response to Question 1.

Increasing the depth of potential extensions to the rear of houses would also increase the footprint of a house, bringing a likelihood of worse environmental damage as a result, for instance through the degradation of more garden space. Though often small, residential gardens play a substantial role in keeping green spaces connected and strengthening our natural networks.

There are also potential implications for the public rights of way network, if development nearby impacts or obstructs upon the use of an adjacent right of way.

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

- Yes
- **No**
- Don't know

Please provide your reasons.

No, the existing limitation should continue to apply in all cases.

Where residential areas abut sensitive habitats, such as ancient woodland, ensuring distance between an extension and the rear boundary can provide a small buffer to reduce some of the impacts of development on these sensitive habitats.

There are also potential implications for the public rights of way network, if development nearby impacts or obstructs upon the use of an adjacent right of way.

Q.5 Are there are any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

- Yes
- No
- Don't know

Please provide your reasons.

Where residential areas abut sensitive habitats, such as ancient woodland, ensuring distance between an extension and the rear boundary can provide a small buffer to reduce some of the impacts of development on these sensitive habitats.

Q.9 Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

- Yes
- No
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with this proposal for the same reasons set out in our response to Question 1.

Some bat and bird species roost or nest around domestic buildings so it is important that spaces are left for them to continue to do so, to protect their local populations. Allowing for L-shaped extensions increases the surface area of the exterior of a house which would be

covered and this opens such developments up to cutting corners and not as effectively applying species protections as through the full planning process.

Q.10 Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

- Yes
- No
- Don't know

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with this proposal for the same reasons set out in our response to Question 1.

However, if the government is to pursue this PDR, there should be limitations on the size to limit the potential environmental impacts.

There should also be explicit statements that species protection legislation must be followed when making use of the right, as failure to do so would miss an opportunity to correct this gap.

Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

- Yes
- No
- Don't know

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 1.

The existing limitations should continue to apply in order to better support the identification and consideration of any potential environmental impacts.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

Additions to the roof (including roof extensions)

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

These permitted development rights (PDRs) proposals risk harm to habitats and species, heritage and the historic environment, the climate and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered. However, these

are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts.

Also by circumventing the need for a full planning application, PDRs remove or reduce the ability for local planning authorities to apply the relevant statutory duties, for example, the new duty on public bodies to seek to further the statutory purposes of National Parks and National Landscapes (previously AONBs) and the enhanced biodiversity duty, and to ensure duties relating to species protections are being implemented.

Some of the potential impacts of these proposed PDRs include:

- Harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR process (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

In particular, expanding roof sizes risks disturbance of protected species like many bat species and swifts that roost or nest in or around roofs. Therefore, we disagree with the proposal on this basis but ask that if this PDR is pursued, that the duties set out in species protection legislation are made clear throughout all guidance and regulation relating to this proposal.

Failure to do so could result in increased offences of disturbance and destruction of resting places due to a lack of clear guidance.

Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- Yes
- **No**
- Don't know

Please provide your reasons.

We disagree with this proposal. This is because some species, including some bat species and some bird species, use the eaves of buildings as roosting and nesting places. Even where an animal is not currently living in an eave, it is important for the conservation of their populations that existing eaves are not unduly covered over but are instead left uncovered so that they can be used in future. Whether eaves are visible from the street does not impact their conservation value.

If any changes to PDRs that pertain to alterations that will affect the availability of and access to eaves (such as removal, blocking flight approach paths, and covering) are pursued, should include statutory provisions for biodiversity features such as swift, sparrow and bat bricks/boxes on the new development (as per page 40 of the [Green Infrastructure design guide](#)).

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

- Yes
- **No**
- Don't know

Please provide your reasons.

Expanding roofs risks disturbance of protected species like many bat species and swifts that roost or nest in or around roofs. Therefore, we disagree with the proposal on this basis but ask that if this PDR is pursued, that the duties set out in species protection legislation are made clear throughout all guidance and regulation relating to this proposal. Failure to do so could result in increased offences of disturbance and destruction of resting places due to a lack of clear guidance.

Q.15 Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12.

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

- Yes
- **No**
- Don't know

Please provide your reasons. If you have answered yes, please provide your alternative suggestion and any supporting evidence.

Alterations to roofs risks disturbance of protected species like many bat species and swifts that roost or nest in or around them. Therefore, we disagree with the proposal on the basis that the permitted development process is insufficient to manage the risks to these species.

We ask that if this PDR is nevertheless pursued that the duties set out in species protection legislation are made clear throughout all guidance and regulation relating to this proposal.

Failure to do so could result in increased offences of disturbance and destruction of resting places due to a lack of clear guidance.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

- Yes
- **No**
- Don't know

Please provide your reasons.

Alterations to roofs risks disturbance of protected species like many bat species and swifts that roost or nest in or around them. Therefore, we disagree with the proposal on the basis that the permitted development process is insufficient to manage the risks to these species.

We ask that if this PDR is nevertheless pursued that the duties set out in species protection legislation are made clear throughout all guidance and regulation relating to this proposal. Failure to do so could result in increased offences of disturbance and destruction of resting places due to a lack of clear guidance.

Buildings etc incidental to the enjoyment of a dwellinghouse

Q.18 Do you agree that bin and bike stores should be permitted in front gardens?

- Yes
- No
- **Don't know**

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

In addition, there are opportunities to embed biodiversity into bin and cycle stores, as highlighted in the Green Infrastructure Standards (page 44 of the [Green Infrastructure design guide](#)).

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites)?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12 and object to the existence of PDRs in these sites specifically.

Any changes of use in article 2(3) land which are crucial for nature's recovery, for tackling the climate and biodiversity crises, and important for their historic environment and landscape value, should be subject to a full planning application so that their impacts can be fully assessed, taken into consideration and consulted upon. Within National Parks, National Landscapes, and the Broads in particular, any land use planning decisions must seek to further their statutory purposes and carefully manage development impacts - the only way to do this effectively is through a full planning application.

Q.21 Are there any other planning matters that should be considered if bin and bike stores were permitted in front gardens?

- Yes
- No
- Don't know

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12 and object to the existence of PDRs in these sites specifically.

Any changes of use in article 2(3) land which are crucial for nature's recovery, for tackling the climate and biodiversity crises, and important for their historic environment and landscape value, should be subject to a full planning application so that their impacts can be fully assessed, taken into consideration and consulted upon. Within National Parks, National Landscapes, and the Broads in particular, any land use planning decisions must seek to further their statutory purposes and carefully manage development impacts - the only way to do this effectively is through a full planning application.

The routine PDR process and prior approval process should be better implemented, supported by sufficiently well-resourced and expert local planning authorities. For example, a [recent ALGE/ADEPT survey](#) found that 26% of local planning authorities do not have access to any ecological resource and a Bat Conservation Trust study from 2014 which fed into a [CIEEM and ALGE Advice Note on PDRs and European Protected Species \(EPS\)](#) found that approximately half of local planning authorities did not know that European Protected Species (EPS) legislation had to be taken into account as part of the PDR process. To counter this, explicit reference should be made in permitted development guidance and regulations to the legislation protecting species and stating that these protections still apply.

The list of considerations for the prior approval process should be expanded to also include: the general sustainability and ecological impact of the location of housing, including impacts on irreplaceable habitats, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, and developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.

Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12 and object to the existence of PDRs in these sites specifically.

Any changes of use in article 2(3) land which are crucial for nature's recovery, for tackling the climate and biodiversity crises, and important for their historic environment and landscape value, should be subject to a full planning application so that their impacts can be fully assessed, taken into consideration and consulted upon. Within National Parks, National Landscapes, and the Broads in particular, any land use planning decisions must seek to further their statutory purposes and carefully manage development impacts - the only way to do this effectively is through a full planning application.

Q.23 Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

- **Yes**
- No
- Don't know

Please provide your reasons.

Yes. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 12.

We agree with this proposal to remove the PDR from scheduled monument land, so that heritage and environmental considerations can be given proper consideration through a full planning application.

Q.24 Do you think that any of the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.

Yes, these proposed extensions of permitted development rights will impact businesses, communities, and local planning authorities.

These proposals could put nature at risk and peoples' access to nature at risk because legally protected species are often not properly taken into account in permitted development, the general sustainability and ecological impact of housing is not considered, and PDR developments are currently exempt from biodiversity net gain and developer contributions. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDRs to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.

Local planning authorities are also undermined by a centralisation of certain aspects of planning policy, a loss of control of development in their areas, a lack of developer contributions to improve green and societal infrastructures mentioned above (CIL notwithstanding in certain cases), all the while their usual ability to reach legal agreements on key issues is also severely limited.

The upward extension of buildings

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

- Yes – removed entirely
- Yes – amended to an alternative date
- **No**
- Don't know

Please provide your reasons. If you have chosen an alternative date, please specify.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

These proposed permitted development rights (PDRs) risk harm to habitats and species, heritage and the historic environment, the climate, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

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Some of the potential impacts of these proposed PDRs include:

- Harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR process (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

Q.26 Do you think that the prior approvals for the building upwards permitted development rights could be streamlined or simplified?

- Yes
- **No**
- Don't know

Please provide your reasons. If you have responded yes, please provide your suggestion and justification, and specify which right(s) you are referring to.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

Permitted development rights (PDRs) risk harm to habitats and species, animal and human health, heritage and the historic environment, the climate, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered.

We acknowledge that the requirement for prior approvals is preferable to permitted development rights that do not require prior approval in terms of the ability to assess environmental and social impacts. However, while some matters currently must be considered through the Prior Approval process, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts.

The routine PDR process and prior approval process should be better implemented, supported by sufficiently well-resourced and expert local planning authorities. For example, a [recent ALGE/ADEPT survey](#) found that 26% of local planning authorities do not have access to any ecological resource and a Bat Conservation Trust study from 2014 which fed into a [CIEEM and ALGE Advice Note on PDRs and European Protected Species \(EPS\)](#) found that approximately half of local planning authorities did not know that European Protected Species (EPS) legislation had to be taken into account as part of the PDR process. To counter this, explicit reference should be made in permitted development guidance and regulations to the legislation protecting species and stating that these protections still apply.

The list of considerations for the prior approval process should be expanded to also include: the general sustainability and ecological impact of the location of housing, including impacts on irreplaceable habitats, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, and developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.

Construction of new dwellinghouses on a freestanding block of flats

Q.27 Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

- Yes
- No
- Don't know

Please provide your reasons.

Yes, we do have views on this PDR. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

Permitted development rights (PDRs) risk harm to habitats and species, animal and human health, heritage and the historic environment, the climate, people's access to nature, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not

breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered. However, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts. Also by circumventing the need for a full planning application, PDRs remove or reduce the ability for local planning authorities to apply the relevant statutory duties, for example, the new duty on public bodies to seek to further the statutory purposes of National Parks and National Landscapes (previously AONBs) and the enhanced biodiversity duty, and to ensure duties relating to species protections are being implemented.

Some of the potential impacts of PDRs include:

- With increased residents in a local area resulting from the use of change of use PDRs, there may be increased footfall and increased recreational pressure on local green spaces and public rights of way, which, if not strategically and effectively managed, could have potential negative consequences for nature in those areas.
- PDRs are also exempt from biodiversity net gain, the requirement to leave habitat in a better state, and they are exempt from developer contributions, often used to secure green and other infrastructure needed to ensure communities are viable and beautiful.
- PDRs can also cause harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR process (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate

Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.

Yes, these proposed extensions of permitted development rights will impact businesses, communities, and local planning authorities.

These proposals could put nature at risk and peoples' access to nature at risk because statutory protected species are often not properly taken into account in permitted development, the general sustainability and ecological impact of housing is not considered, and PDR developments are currently exempt from biodiversity net gain and developer contributions. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDRs to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.

Local planning authorities are also undermined by a centralisation of certain aspects of planning policy, a loss of control of development in their areas, a lack of developer contributions to improve green and societal infrastructures mentioned above (CIL notwithstanding in certain cases), all the while their usual ability to reach legal agreements on key issues is also severely limited.

Changes to the permitted development right for demolition and rebuild

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

- Yes
- **No**
- Don't know

Please provide your reasons.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

These proposed permitted development rights (PDRs) risk harm to habitats and species, heritage and the historic environment, the climate, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. PDRs remove the ability for local planning authorities to ensure the general sustainability of the location and design of development and to ensure local environmental limits are not breached, with potential impacts on nature, climate and communities. Some PDRs are subject to a Prior Approval process through which some matters must be considered. However, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts. Also by circumventing the need for a full planning application, PDRs remove or reduce the ability for local planning authorities to apply the relevant statutory duties, for example, the new duty on public bodies to seek to further the statutory purposes of National Parks and National Landscapes (previously AONBs) and the enhanced biodiversity duty, and to ensure duties relating to species protections are being implemented.

Some of the potential impacts of these proposed PDRs include:

- PDRs can also cause harm to species and habitats. Even seemingly small developments can cause acute harm to species or habitats, for example if a species is present but insufficient assessments were taken and/or the species was not identified or species protection legislation is not properly applied in the Prior Approval process or routine PDR process (as is often the case).
- Many individual impacts on species and habitats through individual PDRs or their implications (e.g., increased residents in a local area) can have cumulative impacts on species and habitats, which go unassessed and unaddressed due to the use of PDRs, where they might stand a better chance of being addressed in a full planning application.
- PDRs can also remove the opportunity to evaluate potential future issues, for example the expansion of properties near urban trees could create future conflict between nature and property through subsidence claims.
- Finally, robust local plan policy measures to ensure climate resilience and mitigation can and will continue to be bypassed by the routine PDR process and prior approval process. By proposing to further side-step much needed climate policy measures at the local level, these national proposals are at odds with the Committee for Climate Change's own advice, which recommends all planning decisions are net zero compliant.

If the Government is to pursue these proposals to further expand PDRs, they should first conduct a review of existing PDRs, their benefits, and their impacts, including for nature.

Because of the impact that demolition and rebuild can have in particular, we would actually encourage further limits on the right, rather than extensions/removal of limitations. The embodied carbon within buildings that already exist is very significant and therefore should be carefully considered in a way which the full planning permission process is better equipped to handle. The maximisation of currently existing buildings rather than increased use of new building materials is important for meeting our climate and net zero goals.

Beyond this, demolition has a higher potential for negative impacts on the environment than a minor householder extension might, because of the destruction of the building and impacts on that e.g. dust and air pollution. It is vital that appropriate ecological surveys are carried out when a building is to be demolished as there are protected species, such as certain bat species and bird species, that specialise in using derelict buildings. The full planning permission process, and the underpinning environmental assessment processes, is better

equipped to deal with demolitions and rebuilds than the permitted development rights system.

Q.31 If the permitted development right is amended to allow newer buildings to be demolished, are there any other matters that should be considered?

- Yes
- No
- Don't know

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 30.

However, if the Government is to pursue these proposals to further expand PDRs, the prior approval process should be better implemented, supported by sufficiently well-resourced and expert local planning authorities. For example, a [recent ALGE/ADEPT survey](#) found that 26% of local planning authorities do not have access to any ecological resource and a Bat Conservation Trust study from 2014 which fed into a [CIEEM and ALGE Advice Note on PDRs and European Protected Species \(EPS\)](#) found that approximately half of local planning authorities did not know that European Protected Species (EPS) legislation had to be taken into account as part of the PDR process. To counter this, explicit reference should be made in permitted development guidance and regulations to the legislation protecting species and stating that these protections still apply.

The list of considerations for the prior approval process should be expanded to also include: the general sustainability and ecological impact of the location of housing, including impacts on irreplaceable habitats, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, and developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.

In the case of this proposed PDR, the prior approval process should also include an assessment of embodied carbon and an assessment of the environmental impacts of demolition, including dust and air pollution.

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

- Yes – it should not apply to buildings built before 1930
- Yes – it should not apply to buildings built before an alternative date
- No
- **Don't know**

Please provide your reasons. If you have chosen an alternative date, please specify.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 30.

If this PDR is to exist, we welcome amending it to limit the right because old buildings can be important for heritage, wildlife, and embodied carbon.

Q.33 Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

- Yes
- **No**
- Don't know

Please provide your reasons.

Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs for the same reasons set out in our response to Question 30.

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

- Yes
- **No**
- Don't know

Please provide your reasons and examples where possible.

No. Wildlife and Countryside Link objects to the use of permitted development as an alternative to a normal planning application and we disagree with the further extension of PDRs.

Permitted development rights (PDRs) risk harm to habitats and species, animal and human health, heritage and the historic environment, the climate, people's access to nature, and the strategic creation of green and beautiful places.

At present, planning applications are assessed against the policies set out in the Local Plan, prepared by the local planning authority with broad and extensive stakeholder and local community consultation. A properly-resourced Local Plan-led approach to planning enables local democratic oversight, strategic planning in the local area, and the assessment of any potential acute or cumulative environmental impacts.

PDRs allow for certain types of development without the need for a full planning application. Some PDRs are subject to a Prior Approval process. While some matters currently must be considered through this Prior Approval process, these are already very limited and we think that these cases should not be further reduced, especially with regard to the assessment of environmental impacts.

The routine PDR process and prior approval process should be better implemented, supported by sufficiently well-resourced and expert local planning authorities. For example, a [recent ALGE/ADEPT survey](#) found that 26% of local planning authorities do not have access to any ecological resource and a Bat Conservation Trust study from 2014 which fed into a [CIEEM and ALGE Advice Note on PDRs and European Protected Species \(EPS\)](#) found that approximately half of local planning authorities did not know that European Protected Species (EPS) legislation had to be taken into account as part of the PDR process. To counter this, explicit reference should be made in permitted development guidance and regulations to the legislation protecting species and stating that these protections still apply.

The list of considerations for the prior approval process should be expanded to also include: the general sustainability and ecological impact of the location of housing, including impacts on irreplaceable habitats, statutory protected species (or the excluded types of developments should include buildings that hosted protected species), heritage assets and the historic environment, the potential impact of increased pressure on green infrastructure and green space, the delivery of Biodiversity Net Gain, the implementation of National and locally-established Design Codes, and developer contributions ensure these places have the required infrastructure and green infrastructure to be viable places to live.

Q.35 Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes, these proposed extensions of permitted development rights will impact businesses, communities, and local planning authorities.

These proposals could put nature at risk and peoples' access to nature at risk because statutory protected species are often not properly taken into account in permitted development, the general sustainability and ecological impact of housing is not considered, and PDR developments are currently exempt from biodiversity net gain and developer contributions. The impact on communities is also high: there will be increased pressure on green infrastructure and green space, developer contributions are not required under PDRs to secure the required infrastructure and green infrastructure to make these places viable and beautiful places.

Local planning authorities are also undermined by a centralisation of certain aspects of planning policy, a loss of control of development in their areas, a lack of developer contributions to improve green and societal infrastructures mentioned above (CIL notwithstanding in certain cases), all the while their usual ability to reach legal agreements on key issues is also severely limited.

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

Q.51 Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

- Yes
- No
- Don't know

Please provide your reasons.

In addition to mitigating for any potential impacts on wildlife, such as loss of roosting or nesting places, from insulating and sealing properties to make them suitable for heat pumps, robust assessment of the potential acute and cumulative noise impacts from air source heat pumps on people and wildlife should inform any extension of this PDR and limitations.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 83 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

For questions or further information please contact:

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The following organisations support this Link consultation response:

Association of Local Environmental Records Centres (ALERC)

Bat Conservation Trust

Campaign for National Parks

Froglife

Open Spaces Society

People's Trust for Endangered Species

Ramblers



Wildlife and
Countryside

LINK 

Royal Society for the Protection of Birds (RSPB)
Woodland Trust