

## **Permitted Development Rights**

### **Permitted development rights (PDR) – what are they?**

Permitted Development Rights are granted by the Government and allow individuals and developers to perform building and conversion work without asking the local planning authority (in most cases the borough) for planning permission. Permitted Development Rights can be gained by applying directly to the Government. The local planning authority can remove Permitted Development Rights using an Article 4 direction, which is designed to reduce development in protected areas, such as conservation areas. Other than this, local planning authorities have little power to challenge Permitted Development Rights.

New housing can be created using Permitted Development Rights, but it must comply with national space standards. For example: a one-bedroom flat must have at least 37 metres squared floorspace, with a shower room. This requirement was announced by the Secretary of State for Housing, Robert Jenrick MP, on 30<sup>th</sup> July 2021.

### **Government expansion of Permitted Development Rights**

In 2019, the Government set a housebuilding target to create 300,000 homes per year by the mid-2020s. However, the Government is set to miss this target. The Government is now looking for new ways to try and meet the target, including through the use of Permitted Development Rights.

On 1<sup>st</sup> August 2021, the Government changed planning rules, enabling Permitted Development Rights to be used to convert Class E premises – including primary offices, restaurants, shops, professional services and light industrial facilities – into homes (Class C3 dwellings).

While the Government had allowed Permitted Development Rights for the conversion of office space into housing since 2013, the expanded range of premises included in Class E means that more types of spaces can now be converted into housing.

### **Impact of the expansion of Permitted Development Rights**

These types of conversions could lead to sub-standard housing and the loss of businesses and social spaces in town centres, with local councils and communities having little power to prevent such changes.

A well-known case of Permitted Development Rights leading to sub-standard housing is Terminus House in Harlow, Essex. The building was formerly an office block but was converted into housing in April 2018 using Permitted Development Rights. It has been popularly dubbed a ‘human warehouse’ due to the cramped conditions that its residents live in. One resident described how tenants “have to eat, drink and sleep in their beds. There's no room to move about. It is not good for them. It is ridiculous really.” Greenway House and Templefields House are other housing developments in Harlow that have been converted from offices. Unlike Terminus House, these developments are located in business parks on the outskirts of town. Residents at Greenway have to walk 40 minutes to the nearest shop and do not have any play facilities for their children, who are growing up in housing surrounded by industrial facilities.

Another aspect of Permitted Development Rights is the risk they pose to town centres. A recent study conducted by the Town and Country Planning Association (TCPA) and University College London found that “80% of shops and other commercial premises on highstreets across England could be lost because of further changes to planning rules.” The study was based on an examination of Barnet, Leicester, Crawley and Huntingdon town centres.

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Permitted Development Rights pose a risk to residents as they allow housing to be created from facilities that are unfit for habitation, and for the loss of vital businesses and community spaces. The nature of Permitted Development Rights means that unlike the conventional planning process, residents are not provided with a clear outlet to influence development.

### **Permitted Development Rights in Southwark**

Using Article 4 Directions, Southwark Council has removed Permitted Development Rights for converting Class E (business, commercial and leisure facilities) into housing (Class C3) in certain parts of the borough. This includes the parts of Southwark that lie in London's Central Activities Zone – this includes the whole of Bankside, London Bridge, Elephant and Castle, Borough, and parts of Bermondsey and Walworth. Other areas of Southwark covered by the Article 4 Directions include town centres, shopping frontages, New Southwark Plan (NSP) Site Allocations and NSP proposed Strategic Protected Industrial Land, and railway arches. In other areas of the borough, Permitted Development Rights can still be used for the conversion of business, commercial and leisure facilities into housing. Further details, including a map of the affected areas, can be found on the Southwark Council website: [https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/article-4-directions?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/article-4-directions?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

### **Housing in Southwark**

Southwark has more local authority housing than any other London borough. Yet between 1997 and 2020, Southwark lost 28% of its local authority housing, while the borough's waiting list for local authority housing increased by 116% within the same period. This growth in the council housing waiting list reflects how in Southwark, by the Council's own estimation, the average cost of private renting or homeownership is over double what the median household in Southwark can reasonably afford. Based on figures from the Greater London Authority, the population of Southwark is expected to grow by between 22% and 5% between 2021 and 2043, meaning unless house prices and rents decrease, or a significant amount of affordable housing is constructed, waiting lists for local authority housing in Southwark are likely to grow further.

There is a clear need for the creation of more high-quality social housing in Southwark. Yet expecting Permitted Development Rights to meet this need would be unrealistic. This is due to the lack of resident or council participation in influencing Permitted Development Rights and the developments arising from them, and the potential for these Rights to lead to both the creation of sub-standard housing and the loss of community and business space in town centres.

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