



RTPI Cymru

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15th February 2022

e-mail response sent to: planconsultations-e@gov.wales

Dear Sir/Madam,

Response to: Amendments to Permitted Development Rights

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 27,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,300 members. The Institute seeks to advance the science and art of planning, working for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to respond to the above consultation. Our response to the consultation questions along with some general points are set out below.

Some of the relaxations of permitted development rights set out in this consultation were brought into force and operated during periods when Covid-19 restrictions were in place. This was at a time when movement and activity levels were restricted. Consequently, we question whether too much reliance should be placed on whether these measures were successful or acceptable in those circumstances, when considering the longer term. They were also widely recognised as temporary provisions in response to an emergency, as a consequence there is possibly a degree of tolerance of their impacts in the short term, but again we would question whether these relaxations have been properly considered for the longer term, post covid-19.

Regardless of this, we believe that changes to permitted development rights should not be used to address what, in some cases are highly complex planning and place-based issues –

such as town centres. Rather we should address these important issues, holistically and collaboratively, with context specific actions based on strong evidence and data.

The impact of extending permitted development rights as proposed would also have an unacceptable impact on already stretched planning services across Wales, in particular enforcement teams.

We believe that the GPDO would benefit from an evidence-based review, more thorough than proposed by this consultation to ensure that it supports recent updates in policy and guidance, for example TAN15 in relation to flooding issues etc. and in responding to the climate emergency more widely.

If you require further assistance, please contact RTPI Cymru on [REDACTED] or e-mail [REDACTED] at walespolicy@rtpi.org.uk

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

RTPI Cymru

Q.1 Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?

Yes ☐ No ☒ Other ☐

Comments: While we understand the need to balance social, economic and environmental considerations and acknowledge that all places across Wales will be facing different pressures, a key concern in relation to the increase in days is the impact on already stretched enforcement teams.

Also note our comments above in relation to these additional days being put into place in response to an emergency and at a time when there was restricted movement and activity. We do not believe that situation would provide appropriate evidence on which to base a permanent extension of the timeframe.

For these reasons we would not support the increased timeframe on a permanent basis.

Q.2 Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.

Yes ☐ No ☐ Other ☐

Comments: Local planning authorities (LPAs) alongside other departments (including Environmental Health, Highways, Economic Development etc.) would be well placed to comment on the issues that have arisen – both positive and negative. We would expect the issues to differ regionally and even locally. However, as raised above, the additional days were put into place in response to an emergency and at a time when there was restricted movement and activity. We do not believe that situation would provide appropriate evidence on which to base a permanent extension of the timeframe.

Q.3 Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.

Yes ☐ No ☐ Other ☐

Comments: LPAs and their colleagues from other departments are well placed to comment. We do not support the permanent extension of the timeframe.

Q.4 Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?

Yes ☐ No ☐ Other ☐

Comments: No comment

Q.5 Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?

Yes ☐ No ☐ Other ☐

Comments: No comment

Q.6 Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.

Yes ☐ **No** ☒ Other ☐

Comments: No. We do not support this proposal which will have a significant impact on the future and vitality of our town centres, at a time when there remains much uncertainty around the recovery, post pandemic.

Independent research published last year sets out the complex issues and importance of small towns in Wales. [Small Towns, Big Issues: independent research report \(gov.wales\)](https://gov.wales/smalltownsbigissues) The study found, in relation to the case study towns, that “despite their differences, all face the same problem that the business models of the main actors shaping our towns threaten to undermine delivery of Welsh Government’s new vision and the good intentions of local authorities” (pp.13-14). Based on this evidence we would therefore suggest that blanket changes to permitted development rights are not the best way to address these important issues. Experience from other nations has shown that attempts to address complex place-based issues by relaxing permitted development rights has resulted in sub-standard development taking place. We would stress caution in attempting to address important issues in this way. Instead, we would support a holistic, collaborative, evidence-based

approach to our town centres that is properly resourced and supported by the relevant stakeholders, including the “main actors” referred to in the above report.

Q.7 Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☐ **No X** Other ☐

Comments: See our comments regarding LPA resources and the appropriateness of extending emergency Covid-19 measures/timeframes in the longer term.

Q.8 If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

Comments: See our comments regarding the appropriateness of extending emergency Covid-19 measures/timeframes in the longer term.

Q.9 Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☐ **No X** Other ☐

Comments: See our comments regarding LPA resources and the appropriateness of extending emergency Covid-19 measures/timeframes in the longer term.

Q.10 Do you have any comments regarding Part 3A?

Yes ☐ No ☐ Other ☐

Comments: No comment

Q.11 Do you have any comments regarding Part 12A?

Yes ☐ No ☐ Other ☐

Comments: No comment

Q.12 Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.

Yes X No ☐ Other ☐

Comments: HMOs are an intense form of residential use, as such development associated with them can be more complex and have significant impacts. For this reason, we do not believe that HMOs should benefit from permitted development rights, instead each proposal should be fully considered via the planning application process.

Q.13 Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.

Yes ☒ No ☐ Other ☐

Comments: We support this proposal. Surface water and flooding is an issue that needs to be urgently addressed. We support the spirit of this proposal in addressing the wider issues of climate change and the consequences at a local level.

Q.14 Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.

Yes ☐ No ☒ Other ☐

Comments: While we understand and support the need to increase charging points, this should not be at the cost of townscape or setting. The need for electric charging points in the street may have implications for trees with the scale of new cabling works required. Work will be needed to improve integration with street lighting etc. Rather than focusing on changes to permitted development rights, we would instead question whether all stakeholders, including owners of the street lighting infrastructure, town and community councils, highway authorities etc. are all engaged with the issue sufficiently and have the resources to deliver?

Q.15 Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

Yes ☐ No ☐ Other ☐

Comments: No comments

Q.16 Do you agree with the proposals for amending Article 4 Directions?

Yes ☐ No ☐ Other ☐

Comments: No comment

Q.17 We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Comments: No comment

Q.18 We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.

See above introductory paragraphs.