

AM 657/23

NEW FOREST NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING – 21 SEPTEMBER 2023

NATIONAL PERMITTED DEVELOPMENT RIGHTS CONSULTATION – NPA RESPONSE

Report by: David Illsley, Policy & Conservation Manager

1. Introduction

- 1.1 In July 2023 the Department for Levelling Up, Housing & Communities published proposed changes to national permitted development rights (PDRs) to allow additional flexibilities to support housing delivery – see [Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification - GOV.UK \(www.gov.uk\)](#). The consultation runs to 25 September 2023.
- 1.2 The consultation states the proposals aim to support housing delivery, the agricultural sector, businesses and high street through extended national PDRs, which, '*...are an important tool to support growth by providing certainty and removing the time and money needed to submit a planning application.*' The proposals out for consultation represent significant amendments to national PDRs and include new and extended rights to allow for the conversion of a variety of non-residential uses to housing. Importantly for the National Park Authority, the Government consultation asks whether several of these PDRs should be extended to cover the 10 National Parks in England.
- 1.3 This report summarises the proposals that are most relevant to the New Forest National Park and the statutory planning work of the Authority. The report sets out a series of key points and principles to be included in the Authority's intended consultation response – the detail of which it is recommended is delegated to officers. If fully implemented, the proposals would very likely have widespread detrimental impacts on the landscape of the New Forest, the land-based and visitor economy and the socio-economic well-being of local communities. The proposals would fundamentally undermine the adopted New Forest National Park Local Plan (2019) and its ability to positively manage development for the benefit of the protected landscape and the communities of the New Forest.

2. Summary of the main consultation proposals

- 2.1 The proposed changes to national PDRs are wide ranging and include the following:

Proposed PDR	Summary	Government rationale
Commercial, business & service use (Class E) to dwellinghouses. This could be broadened to cover Article 2(3) land – including National Parks.	Provide for the change of use of Use Class E to residential. This use class includes shops, restaurants, offices, gyms and light industrial buildings. Proposal to increase size of floorspace permitted and remove the existing requirement for premises to have been vacant for at least 3 months.	Increasing the floorspace limit from 1,500 m ² to 3,000m ² or higher would enable larger sites to come forward. The existing 3-month vacancy requirement results in premises being left vacant for long periods. The change would increase footfall and support the viability of village centres in National Parks.

Hotels, boarding houses & guest houses (C1) to dwellinghouses	It is proposed the prior approval regime would allow for local consideration of the impact proposals would have on the local tourism economy and views on a floorspace limit are requested.	In areas of high housing need (including National Parks), these buildings may better serve their local communities if repurposed as housing.
Agricultural buildings to dwellinghouses (Class Q of Part 3)	The proposals include broadening the PDR to apply to Article 2(3) land, including National Parks. Proposal to introduce a single maximum floorspace limit of either 100 or 150 m ² per home; and increase the maximum number of homes that can be delivered on an agricultural unit from 5 to 10.	The right would provide new homes in rural areas by bringing underused or redundant agricultural buildings into effective use. The changes would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land.
Enabling the change of use of other rural buildings to residential	The current Class Q PDR allows only for the change of use of agricultural buildings to residential. The consultation seeks views on applying additional flexibilities for other rural uses (e.g. buildings in forestry or equestrian use) to change to housing.	This would further support rural communities through the delivery of more homes. The consultation suggests this more flexible use would apply to Article 2(3) land, including National Parks.
Agricultural buildings to a flexible commercial use (“agricultural diversification”) (Class R of Part 3)	Provide greater flexibilities around the change of use of existing buildings to commercial uses, to potentially include outdoor sports and recreation or fitness uses and general industrial (Class B2). Proposal to expand the type of buildings that can benefit from the right – e.g. buildings in forestry, equestrian or another predominantly rural use to diversify into a flexible commercial use.	This would further support the rural economy by creating more opportunities for rural diversification.
Agricultural development – amendments to the existing PDR	Increasing the amount of ground area covered by any buildings on units of 5 hectares or larger from 1,000m ² to 1,500m ² . On units of 5 hectares or less, increasing the amount of ground area covered by any extension from 1,000m ² to 1,250m ² .	This will provide farmers with greater flexibility in carrying out their core business. It would take some structures out of the planning application process, giving farmers greater flexibility to respond to the challenges facing the agricultural sector.

2.2 The Government’s consultation document seeks to provide justification for the proposed PDR amendments. For example, the proposed extended right to allow agricultural buildings to change to residential use in National Parks (and AONBs) without the need for a planning application is supported by the statement ‘...*the agricultural buildings to dwellinghouses right does not [currently] apply in article 2(3) land. However, communities in areas such as National Parks and AONBs also need new homes for local people in order to thrive and to prosper. We want to encourage the most effective use of existing buildings in these areas, supporting local communities while minimising the need for greenfield development. Therefore, we are seeking views on amending the right to apply in article 2(3) land. This would allow more underused rural buildings to benefit from the right, delivering much needed rural homes in such locations.*

3. Proposed New Forest National Park Authority consultation response

- 3.1 The proposed changes to national PDRs are clearly important to the New Forest National Park and the work of the Authority. We are also liaising with the other English national park authorities on a joint response to the consultation and the family of national park authorities shares deep concerns regarding the impacts of the proposed amendments on National Parks and the people that visit, live and work within them.
- 3.2 This report recommends that the New Forest National Park Authority's consultation response is framed around the following key principles, with the detailed wording delegated to officers to submit by the consultation deadline of 25 September 2023.
- (i) *Undermining the Plan-led planning system*
- 3.3 Paragraph 15 of the Government's National Planning Policy Framework (2021) states, '*The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.*' Through recent proposed reforms to the planning system the Government has reaffirmed the primacy of the development plan in decision-making. The alternative that these PDR proposals would encourage and actively facilitate is unplanned development that does not contribute towards local infrastructure, does not provide the same opportunities for interested parties to comment at the application stage, and is not conditioned to address any impacts.
- 3.4 Under the 'Plan-led system, adopted local development plans are the product of extensive public consultation and independent examination of the evidence base, the conformity with national policy and the consideration of representations made by the local community and other relevant stakeholders. The adopted New Forest National Park Local Plan (2019) for example includes locally-specific policies on new residential development in the National Park (SP19); the size of new dwellings (SP21); exceptions for rural affordable housing (SP28) and commoners' dwellings (SP29); the safeguarding of retail sites (DP40 and DP41); the retention of existing visitor accommodation (SP46); the land-based economy (SP48); the re-use of buildings (DP49); and agricultural & forestry buildings (DP50). The adopted Local Plan also supports the delivery of estate workers' dwellings (DP30), providing a hook for proposals from New Forest Estates and other large landowners to bring forward new housing for their workers to support the land-based economy. These policies were supported at examination by the Government's Planning Inspectorate in 2019 and help to deliver the statutory National Park purposes and associated socio-economic duty.
- 3.5 The planning service is delivered in an accessible and efficient manner within the New Forest National Park and gives full coverage to the need to support the rural economy. For example, over 90% of planning applications within the New Forest National Park are permitted and the Authority meets the relevant Government targets on the speed on decision-making. The adopted New Forest National Park Design Guide SPD (2022) includes design guidance on the conversion of rural outbuildings and barns.
- (ii) *Conflicts with national planning policy and guidance on National Parks*
- 3.6 National planning policy for National Parks is set out in the National Planning Policy Framework (NPPF, 2021), the accompanying National Planning Practice Guidance (NPPG) resource, and the National Parks Circular (2010). The extension of national PDRs into National Parks runs contrary to the following sections of national policy:

- National Park status is identified in footnote 7 to paragraph 11 of the NPPF as a designation that protects an area or asset of particular importance; and that therefore the planning balance should be applied differently.
 - Paragraph 79 of the NPPF states, ‘...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’ The Plan-led system in National Parks (and elsewhere) seeks to focus development on locations with access to local services. In contrast, the proposed PDRs being consulted on would not promote sustainable development and would instead result in dispersed development across rural areas with limited access to services, increasing travel distances and therefore emissions.
 - Paragraph 176 of the NPPF confirms, ‘...great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks...the scale and extent of development within all these designated areas should be limited.’ Allowing significant numbers of new homes to be developed across nationally protected landscapes without appropriate planning controls will detrimentally impact their landscape, scenic beauty, wildlife and cultural heritage and fundamentally conflicts with the National Park purposes.
 - NPPG guidance on ‘Landscape’ states, ‘...all development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality...’ (our emphasis). The extension of national PDRs into National Parks would not ensure ‘all development’ will be located and designed to reflect its location within a nationally protected landscape, as the full planning application process will not be undertaken and the requirements of the development plan will not be triggered.
 - The National Parks Circular (2010) recognises the demand for housing in National Parks has consistently driven up prices and that much of the housing stock is beyond the reach of local people. Paragraph 78 states, ‘The Government recognises that the Parks are not suitable locations for unrestricted housing... The expectation is that new housing will be focused on meeting affordable housing requirements...’ (our emphasis). The extension of PDRs into National Parks to deliver unrestricted housing that would not be affordable or tied to local people in housing need runs directly contrary to this extant statement of Government policy.
- 3.7 It should also be highlighted that in 2013/14 the Government first consulted on proposed changes to national PDRs to allow the conversion of agricultural buildings into housing without planning permission. Widespread concerns were raised by many consultees including [Members of Parliament](#) for National Park areas and national park authorities themselves regarding the detrimental impacts of the proposals. New PDRs were ultimately introduced in April 2014 to allow for the conversion of buildings to create up to 3 dwellings without the need for planning permission. This national PDR excluded National Parks, Areas of Outstanding Natural Beauty, listed buildings and SSSIs, as it was recognised by the Government at the time that National Parks and AONBs have special status and therefore warranted a different approach. A decade later it is unclear what has changed to justify re-opening this debate, as the primary legislation for National Parks and national planning policy protecting them remains largely the same.

(iii) *Conflicts with the recommendations of the National Landscapes Review (2019)*

- 3.8 The final report of the Government-commissioned [National Landscapes Review](#) was published in 2019. The review covered a wide range of matters, including biodiversity, natural beauty, planning & housing and the future of farming. The review recognised that the planning system has long played a critical role in protecting National Parks; and that the ability to control and/or influence development that would have an adverse impact on our national landscapes is crucial. Regarding the planning powers of national park authorities, the review concluded, *'We think their planning powers are important, the protections they give are essential and we don't think they hold progress back.'*
- 3.9 With regard to national permitted development rights, the National Landscapes Review concluded, *'The current Permitted Development Rights (PDR) system should also be reviewed and, if necessary, further PDRs should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval.'* The proposals currently out for consultation run completely contrary to this conclusion of the Government-commissioned review.
- 3.10 The [Government's response to the National Landscape Review](#) was published in January 2022. In this, the Government confirmed that a strong and effective planning system must sustainably balance protections with supporting local communities and economies. *'This balancing exercise must be carried out differently in protected landscapes, to ensure their statutory purposes and special qualities are meaningfully protected. This involves giving greater weight to their special qualities in planning policies, procedures, and decisions...we recognise the special role that protected landscapes hold within the planning system.'* This is correct, but the proposed PDRs that would allow hotels, guest houses, agricultural buildings and shops to be converted to unrestricted housing in National Parks appear diametrically opposed to this position.

(iv) *Detrimental Impacts on local communities, the land-based and visitor economy*

- 3.11 In taking forward the two purposes, national park authorities have a statutory duty to foster the socio-economic well-being of local communities within their National Parks. Our adopted Local Plan (2019) includes a range of local planning policies that help to deliver this duty and support our 35,000 local residents and 2,000+ local businesses.
- 3.12 The Local Plan makes positive provision for new housing to meet the local needs in the National Park. Suitable housing sites have been allocated - close to services and transport links - and appropriate affordable housing targets are set out. Local planning policies also guide the size of new dwellings to ensure the planned provision matches the identified local housing needs for smaller dwellings. New housing, retail and employment development is spatially focused on the areas of the National Park with the widest range of services and where landscape impacts can be minimised.
- 3.13 Local shops and other retail provision is safeguarded by local planning policies to ensure some of the retail needs of local communities are met within the National Park. This helps protect the vitality of our village centres and the sustainability of local communities. The loss of these services in our villages to housing through national PDRs would fundamentally change the villages into dormitory settlements where residents have to travel greater distances to access day-to-day services. Widespread residential conversion in the New Forest's village centres through national PDRs would also undermine the role of these villages for the visitor economy. Instead of supporting the features which make them attractive, the PDR would actively support their decline.

- 3.14 To support the socio-economic well-being of communities, local planning policies also seek to retain visitor accommodation where it contributes to the sustainability of communities. The Local Plan (2019) recognises visitor accommodation is under pressure from higher value forms of development, such as housing. Retaining the existing stock is therefore important and should national PDRs remove this planning control the market will dictate viable visitor accommodation would be lost to unrestricted housing. In terms of the land-based economy, agricultural, forestry and equestrian buildings are typically permitted because they are needed to support activities that play a key role in conserving and enhancing the New Forest, consistent with the statutory National Park purposes. Without this functional justification, their use for residential purposes would be more intensive and would impact on the landscape character and land-based economy of the New Forest.
- 3.15 The unique and ancient system of common grazing is a critical component of ensuring the Forest survives as an extensive, intact cultural landscape. Our Local Plan actively supports the re-use of redundant agricultural buildings by commoners before considering their re-use independently of a farming enterprise. Allowing agricultural buildings to change to residential use in the National Park would seriously undermine the future of commoning in the New Forest.
- 3.16 Overall it is clear that the potential introduction of new national PDRs to allow a range of uses to be converted unconditionally to housing in National Parks would have a detrimental impact on the landscape of the New Forest and the sustainability of communities living and working within it. [Research from Nationwide](#) (2022) indicates that a dwelling located within a National Park attracts a 25% premium over an otherwise identical property. The New Forest is by far the most expensive UK National Park, with an average house price of £650,000. Fundamentally changing the planning framework in National Parks as proposed would inevitably lead to housing pushing out other uses. The provision of unrestricted open market housing would attract a significant premium and would do nothing to support the housing needs of our local communities.

4. Conclusions

- 4.1 If fully implemented, the proposed PDRs set out in the current Government consultation to enable agricultural buildings, hotels, guest house and shops to be converted to housing in National Parks without the need for planning permission are likely to have far reaching damaging impacts on the landscape of the New Forest, the rural and visitor economy and the sustainability of its communities.
- 4.2 The introduction of these new PD rights within protected landscapes would support an immediate shift towards unrestricted residential use of agricultural buildings, shops and visitor accommodation. The proposed changes have been described by the North York Moors National Park Authority as having greater potential to damage the special qualities of National Parks and the well-being of the communities within them than any other change to the planning system since its inception in 1947. The Yorkshire Dales National Park Authority have warned that the proposals would ‘decimate’ the National Park; and Dartmoor National Park Authority have stated the proposals would ‘destroy’ nationally protected landscapes and cause untold harm to local communities and the local economy. One of the local MPs in the Lake District has warned that the proposals would lead to National Parks becoming a ‘developer free-for-all’.
- 4.3 This report recommends the New Forest National Park Authority similarly raises strong objections to the proposals. With by far the highest average house price of all of the

English National Parks, the impact of the proposals would be felt particularly acutely in the New Forest. The proposals would support new housing in unsustainable locations, increasing travel times and impacting on climate change objectives. The main points to be highlighted in the Authority's consultation are summarised in the following box and we will also be contributing to a joint response on behalf of National Parks England.

Summary of the main points to be raised in the NPA's consultation response

- Under Section 62(2) of the Environment Act 1995 the Government has a statutory duty of regard towards the two National Park purposes in its decision making. The proposed PDRs would not conserve and enhance the natural beauty, wildlife and cultural heritage of National Parks – the first purpose; and they would undermine the public's understanding and enjoyment – the second purpose. There is no published assessment of the impact of these proposals on National Parks.
- In 2014 the Government excluded nationally protected landscapes when they introduced new national PDRs to allow agricultural buildings to be converted to housing without the need for planning permission. This was in recognition of the fact that nationally protected landscapes warranted a different approach. It is unclear what has changed in the last decade to justify such a reversal of policy.
- The proposed changes would fundamentally undermine the 'Plan-led system' in National Parks, despite the Government elsewhere supporting the primacy of the development plan in decision-making. National Park local plans all include provision for appropriate development to meet the needs of local communities.
- The proposed changes would result in the delivery of unrestricted open market dwellings in National Parks, directly contrary to extant national policy in the NPPF and the National Parks Circular. The housing delivered under the proposed PDRs would do nothing to address identified local housing needs in National Parks.
- The proposed introduction of more national PDRs in National Parks runs contrary to the conclusions of the Government-commissioned National Landscapes Review (2019). In responding to the review in 2022 the Government confirmed the planning balance must be carried out differently in protected landscapes, yet these proposals treat protected landscapes the same as non-designated landscapes.
- The proposals to allow the change of use of hotel, guest house, shops and a range of other agricultural buildings to unrestricted housing would seriously undermine and weaken the land-based economy in the National Park, the viability of visitor accommodation and the services offered in our village centres.

Recommendations:

- a) **Members note the scope of the Government's proposed amendments to national Permitted Development Rights that are currently out for consultation; and**
- b) **Members delegate authority to the Executive Director (Strategy & Planning) to submit the formal consultation response on behalf of the National Park Authority, framed around the key principles outlined in the box and paragraph 4.3 of this report.**

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- Papers:** **AM 657/23** – cover paper
- Equality Impact Assessment:** The proposed changes to national PD rights would not support the socio-economic well-being of communities within the National Park. New dwellings created through this route would be unrestricted and other proposals would result in the loss of local services and employment.