



**Correspondence address:**

South East England Councils  
Room 215 County Hall  
Penrhyn Road  
Kingston  
KT1 2DN

**t:** 020 8541 8740

**e:** [nickwoolfenden@secouncils.gov.uk](mailto:nickwoolfenden@secouncils.gov.uk)

**w:** [www.secouncils.gov.uk](http://www.secouncils.gov.uk)

Kit Malthouse MP  
Minister of State for Housing  
Ministry of Housing, Communities and Local Government  
2 Marsham Street  
London SW1P 4DF  
*Sent via email to [planningconsultation2018@communities.gov.uk](mailto:planningconsultation2018@communities.gov.uk)*

10 January 2019

Dear Minister

**South East England Councils response to  
MHCLG consultation on Planning Reform: Supporting the high street and increasing the  
delivery of new homes**

1. We respond on behalf of South East England Councils (SEEC). SEEC is the cross-tier voice of local authorities in the South East, representing 9.1 million residents. We are a voluntary cross-party membership body, bringing together county, unitary and district councils to promote the views and interests of all tiers of local government across the South East, an area comprising 74 local authorities.
2. We welcome the opportunity to comment on your consultation. Our response below focuses specifically on Permitted Development Rights (PDR) and disposal of local authority land as two of the key issues for SEEC members.
3. SEEC members want to see successful high streets and are keen to maximise their ability to encourage delivery of local housing and sustainable growth plans in their areas. South East councils recognise the need for housing and have demonstrated their commitment, enabling over 110,600 homes in the 3 years to March 2018 – England's highest delivery rate. However our members have serious and widespread concerns that the PDR proposals set out in MHCLG's consultation could have unintended negative consequences on their local economies and environment. If the proposals go ahead as currently suggested, they risk:
  - Undermining councils' ability to ensure a suitable mix of uses that will help ensure vibrant town centres. Lack of council input could lead to use of unsustainable locations for housing development.
  - Inappropriate home extensions that encroach on neighbours' quality of life and lead to increased complaints.
  - Worsening the South East's existing infrastructure deficit through lack of financial contributions from PDR sites.These factors all undermine councils' place-shaping ability to support and enhance sustainable communities which people want to live and work in.
4. Our responses to Part 1 and Part 2 of the consultation are set out below. We would be pleased to put the consultation team in touch with SEEC member authorities for more detailed discussions if this would be helpful. Please note, in Part 1, we focus on the permanent changes proposed to PDR. Individual councils will be better placed to address other matters in their responses ie. temporary uses (Q1.4-1.6), Use Classes (Q1.7-1.8), prior approvals (Q1.18-20), public call boxes etc and electric vehicle charging points (Q1.21-23).

## **Consultation Part 1: Permitted Development Rights**

5. SEEC calls on Government to rethink its proposals to further extend the existing Permitted Development Rights (PDR) regime. SEEC is concerned the proposals could have unintended negative consequences if not addressed.

### **Questions 1.1-1.3: Re extending change of use through PDR**

6. SEEC does not support proposals to extend PDR to allow greater change of use in high streets, as these could undermine the aim of supporting high streets to become vibrant centres for local employment, commercial and community activity.
7. It is vital that local councils retain powers to manage any proposed change of use, whether from business to residential or retail to office, to ensure it will not result in loss of important economic functions in town centres. PDR could otherwise undermine local plans to create vibrant mixed-use town centres and high streets. Greater use of PDR could hasten further decline of high streets as retail centres. It is important that councils are allowed to define town centre areas to protect and enhance for vibrant retail, whilst managing any sections that may be locally-appropriate for residential/mixed uses through the normal planning process.

### **Questions 1.9-1.17: Re delivering new homes by extending upwards**

8. SEEC members do not support the proposed role for PDR to allow larger/taller extensions to homes or other buildings. Existing PDR rules can already create conflict between neighbours and complaints to the council, if extensions impact negatively on surrounding properties because they have bypassed the checks of the normal planning process.
9. SEEC members therefore ask that existing PDR should not be expanded to allow these domestic extensions. Continuing to manage extensions through the local authority planning applications process will minimise inappropriate extensions that harm neighbours' quality of life. Issues of height/light/'overlooking' are sensitive matters for neighbours in built-up areas. It is therefore important to allow the right to challenge through the existing planning process, and democratically accountable council committee decision-making.

### **Questions 1.24-1.26: Re making permanent current time-limited PDR**

10. SEEC does not support proposals to make permanent the current time-limited PDR that allows storage/distribution to be converted to residential use. Members are concerned these locations can be unsuitable or unsustainable for homes, for example they can have poor access to public transport.
11. SEEC members want to see changes of use in high streets and for storage/ distribution being subject to the standard council-led planning application process rather than PDR. This is important to ensure that councils retain the ability to ensure development is focused in sustainable locations.
12. For the same reasons as our response to Q1.9-1.17 above, SEEC also does not support making permanent time-limited PDR for larger single storey extensions to houses. These should be managed through the local authority planning applications process to minimise inappropriate extensions that harm neighbours' quality of life.

### **Questions 1.27-1.28: Re PDR for demolition of commercial sites for homes; and Developer Contributions for infrastructure**

13. SEEC does not support proposals to create a new PDR for the demolition and redevelopment of commercial sites to create new homes. As set out above, these should be managed through the local authority planning applications process to ensure development is appropriately and sustainably located and designed.

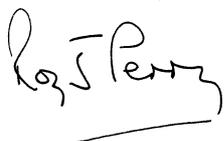
14. However the consultation questions raise an important point re Developer Contributions, which we ask the Government to reconsider in relation to PDR as a whole. Across the whole PDR regime, changes are needed to help tackle PDR's negative impact on the South East infrastructure deficit. SEEC members have previously raised concerns that PDR and new housing on small sites do not contribute funding to address the infrastructure needs they generate. This leads to further pressure on the South East's already over-stretched transport and other infrastructure. A particular concern in the high-cost South East is the lack of contributions for much-needed affordable homes.
15. SEEC therefore asks Government to update the rules to ensure changes of use through PDR are required to make infrastructure contributions to avoid increasing the South East's existing infrastructure deficit - already estimated at £15.4bn by 2030.

### **Consultation Part 2: Disposal of local authority land**

#### **Questions 2.1-2.6: Re disposal of local authority land**

16. SEEC welcomes the principle of extending councils' freedoms to use, where locally appropriate, discretionary powers to dispose of surplus land at less than best consideration value without seeking consent from the Secretary of State. Reducing bureaucracy for councils will be welcome and provides greater local flexibility, where appropriate, to dispose of surplus land in support of local development objectives – for example for affordable housing or economic development. Greatest flexibility would be achieved by completely removing the undervalue threshold so councils do not need consent.

Yours sincerely



**Cllr Roy Perry**  
Chairman, South East England Councils



**Cllr Ralph Bagge**  
Deputy Chairman, South East England Councils