

## Shelter Briefing: Permitted Development Rights

Shelter is the UK's largest housing and homelessness charity. Last year, we gave information, support and advice, to millions of people experiencing bad housing and homelessness.

There are over 280,000 homeless people in England today. At the root of this housing emergency is a dysfunctional land market and a lack of funding for social housing. This has led to a long-term failure to build enough of the homes that people need across the country. The planning system needs to ensure that high quality social housing is planned and delivered.

Despite this, the Government has started allowing new homes to be delivered outside of the planning system. This is called Permitted Development Rights (PDR). In recent years, PDR has been expanded dramatically from its original purpose, allowing developers to bypass almost all local planning processes to deliver new homes. The result has been: no contributions towards the social housing we need and many poor quality developments.

**Developments built using PDR have no requirement to deliver any social or affordable homes and do not allow the enforcement of minimum quality or space standards.** As a result, PDR developments place many families' homes with an increased fire risk, among other serious health and safety risks. The poor quality of the developments delivered under PDR, and the use of these developments by local authorities to house homeless families in insecure and often inappropriate flats, has risen up the public and political agenda - illustrated in a recent episode of BBC's Panorama.

Shelter are calling for PDR to be scrapped immediately and we are further calling on the Government to provide a renewed commitment to investment in social housebuilding to provide stable, high quality, housing for people who are homeless and for families and older people stuck renting privately.

In addition, we urge significant reform of the land market, addressing the 1961 Land Compensation Act in particular, which has been the true block on development for a number of years.

### How Permitted Development Rights Work

PDR is a blanket permission that is granted by the Government to cover certain types of development, which allows a bypass of the standard process of securing planning permission from the local authority involved. In other words, **developments using PDR do not submit a planning application or receive permission from local authorities as part of the development process.**

Traditionally, PDR has only covered a limited set of circumstances – e.g. small extensions to existing homes. However, since 2013, the remit of PDR has been expanded to include office-to-residential conversions. In practice, this means that developers can convert offices into accommodation without having to secure planning consent at any point during the process.

The ambition here is to provide more housing stock fast. But conversions are possible through the planning system, which ensures that they do meet minimum standards. Moreover, even if PDR developments provide housing stock quickly, the costs of this include a loss of control for communities and local authorities, low quality developments with multiple health and safety risks, and overcrowding. This is not a cost worth paying.

The Government has given the option for some local authorities to restrict PDR conversions, in the form of an article 4 direction, but these changes are hard to implement, involve costly compensation payments, and

can be modified or overturned by central government. This all serves to make the article 4 direction unfit for purpose and an ineffective tool to rebalance the role of local authorities in PDR developments.

## **The Problems with PDR**

There are multiple issues that occur when developers are not kept in check by the planning system:

1. Most standards on quality do not apply, including minimum size standards and health and safety standards;
2. PDR has no requirement to make a contribution towards social or affordable housing in the local area in the way traditional development does;
3. Shelter research has exposed the extensive use of PDR to convert former office blocks into flats that are then used as temporary accommodation. This means that, with no social housing available, former office blocks are used by local authorities to house homeless families in insecure, poor quality flats.

### ***Loss of Social Homes***

By allowing developers to bypass the planning system, we have lost out on more than 10,000 affordable and social homes that could have been delivered, if these conversions had gone through the planning system.

Research from organisations, including the Local Government Association, has shown that thousands of social and affordable homes have been potentially lost since 2015, due to the extension of PDR. These are homes that should have been delivered alongside market homes and must be delivered, if the Government intends to reach its housebuilding target of 300,000 homes per year.

### ***Size and Quality***

The expansion of PDR in 2013, to enable conversion of offices into residential accommodation, has directly led to the creation of poorly located, low quality and wholly unsuitable accommodation.

Examples like [Terminus House in Harlow](#), where hundreds of families are forced to live in appalling conditions, or the [proposed conversion of an office block in Watford](#) that includes flats without any natural light, demonstrates the extent of the quality issues we face through PDR.

The above examples were green-lit because permitted developments do not go through the full planning process, meaning there is no opportunity for local authorities to enforce space standards, housing quality standards, or design specifications. If developments are too small, have no natural light, or are of low quality, local authorities cannot stop them going ahead because permitted developments are not subject to scrutiny by local communities or councils.

Without the incentive to provide genuinely affordable and high-quality homes, developers often cut corners in the building process to maximise the amount of homes that can be fit into a single space. In this regard, PDR in its current form is directly facilitating the creation of homes that are of such poor quality that they pose health and safety risks for the families living in them.

### ***Temporary Accommodation***

Shelter's research has exposed the extensive use of former office blocks as temporary accommodation, as a result of their conversion through PDR.

Councils have a legal duty to accommodate homeless families and procure temporary accommodation, until suitable long-term accommodation is available. Due to the lack of social housing, suitable long-term accommodation is often unavailable, and this has led to an explosion in the temporary accommodation sector.

More developers are taking advantage of this situation, creating sub-standard homes using PDR, and charging councils to use these homes as temporary accommodation for homeless households – in other words, developers are beginning to [cash in on homelessness](#). At present, local authorities are spending £1.1 billion on temporary accommodation costs.

### How to Address the Problems

1. The Government must scrap PDR where it is used to deliver new homes, or at least fully review the implications of PDR on the housing sector

It is important that the Government closes this loophole, or at least fully reviews the impacts of PDR. They must evaluate the implications of PDR on affordable and social housing delivery. This evaluation should further consult with local authorities, to gauge the impact of PDR on communities and local authority resources. It should be a further priority of the review to evaluate the impacts of PDR on size and quality standards in developments and the overall impact on community infrastructure.

2. A new generation of social housebuilding

The priority of the Government should be to commit to investment in a new generation of social housebuilding, through capital investment in social rent housing as part of the Affordable Homes Programme.

Social housing is affordable in all parts of England and offers families the safety and stability they need to put down roots and save. PDR is leading to poor quality housing, a loss of social housing, and people living in insecure and inappropriate housing.

Due to our numerous concerns we **strongly oppose this form of planning deregulation. It will not enable the delivery of social housing, which we know is genuinely affordable (linked to local incomes), high quality and is upheld to planning standards.**

If you have any questions or would like any further information, please contact [Shaan Bhangal@shelter.org.uk](mailto:Shaan_Bhangal@shelter.org.uk) or 01302 221239