

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT TOWN AND COUNTRY PLANNING (FEES  
FOR APPLICATIONS, DEEMED APPLICATIONS,  
REQUESTS AND SITE VISITS) (ENGLAND)  
(AMENDMENT) REGULATIONS 2021

*Monday 28 June 2021*

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Friday 2 July 2021**

© Parliamentary Copyright House of Commons 2021

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chair:* CLIVE EFFORD

Brennan, Kevin ( <i>Cardiff West</i> ) (Lab)	Mann, Scott ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Burton, Richard ( <i>Leeds East</i> ) (Lab)	Morris, James ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Butler, Dawn ( <i>Brent Central</i> ) (Lab)	† Pincher, Christopher ( <i>Minister for Housing</i> )
† Cadbury, Ruth ( <i>Brentford and Isleworth</i> ) (Lab)	Pursglove, Tom ( <i>Corby</i> ) (Con)
† Caulfield, Maria ( <i>Lewes</i> ) (Con)	† Rimmer, Ms Marie ( <i>St Helens South and Whiston</i> ) (Lab)
Cryer, John ( <i>Leyton and Wanstead</i> ) (Lab)	Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Davies, David T. C. ( <i>Parliamentary Under-Secretary of State for Wales</i> )	† Young, Jacob ( <i>Redcar</i> ) (Con)
† Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	Yohanna Sallberg, <i>Committee Clerk</i>
Hendrick, Sir Mark ( <i>Preston</i> ) (Lab/Co-op)	† <b>attended the Committee</b>
Mak, Alan ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	

# Third Delegated Legislation Committee

Monday 28 June 2021

[CLIVE EFFORD *in the Chair*]

## Draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021

6 pm

**The Chair:** Before we begin, I remind Members to observe social distancing and to sit only in the places that are clearly marked. I also remind Members that Mr Speaker has stated that masks should be worn in Committee. *Hansard* colleagues will be grateful if Members could send their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

6.1 pm

**The Minister for Housing (Christopher Pincher):** I beg to move,

That the Committee has considered the draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021.

It is a great pleasure to serve under your chairmanship, Mr Efford. The draft regulations were laid before the House on 27 May. If they are approved and made, they will introduce fees for new permitted development rights that are, or will be, conditional on obtaining prior approval from the local planning authority. Those PDRs relate to, first, allowing existing houses to be extended to provide more living space by constructing additional storeys. That right came into effect on 31 August last year. Secondly, they allow a change of use of properties from commercial, business and service use, or class E, to residential use, or class C3, for which prior approval applications may be omitted from 1 August this year. Finally, they allow for the further development of university buildings under PDRs that came into force on 21 April this year.

As the Committee will be aware, creating more homes and improving the existing housing stock are fundamental in aiding recovery from the pandemic, as is providing our high streets with the flexibility to adapt quickly to changing market conditions. Supporting the creation and expansion of university buildings we believe also offers additional flexibility within the planning process. That aligns with the Government's objective of ensuring that public service infrastructure provision is world class.

The prior approval process means that, rather than going through a full planning application, a developer must secure the prior approval of the local planning authority for specific planning elements of a development before the work can proceed. That allows for a more efficient and more streamlined planning process, while maintaining local oversight of key planning matters. Where approval is required, certain specific planning considerations must be assessed by the local authority. The matters under consideration here are less than would

otherwise have been assessed under a full planning application, but there is still a resource effect for local authorities. That is why we think it is right to introduce a fee to be paid by an applicant when they submit a prior approval application.

The fee should be set at a rate that is less than that for a full planning application, however, because of course the processes that the local authority will have to go through are more streamlined. The fees for each prior approval application that will be introduced by the draft regulations are thus: a fee of £96 for prior approval for the enlargement of an existing dwelling house by the construction of additional storeys; a fee of £100 per proposed dwelling house for prior approval for the change of use from commercial, business and service class E to residential use class C3; and, finally, a fee of £96 for prior approval for the erection, extension or alteration of university buildings.

We believe that these fees strike the right balance between encouraging development and meeting the costs to local authorities of assessing these types of application. The development rights to which the fees relate have already been introduced, and if there were no application fees, the cost of processing related approval applications would have to continue being funded by taxpayers.

We are introducing these fees following consultation on the PDRs that have already been introduced. The responses to the consultation recognised the need for local authorities to effectively scrutinise the implications of the permitted development by way of prior approval. The assessment of prior approval applications requires local planning authority resources and therefore should be subject to the appropriate fee. That is consistent with the approach for other applications for prior approval.

We want to ensure that local authorities and their planning departments are well resourced and have the right skills to take forward our planning reform proposals. That is why, as well as introducing the fees introduced by these regulations, we are committed to reviewing the resources available to local planning authorities as we advance through our reform programme. We will also explore options to introduce a new planning fee structure, to ensure that local planning authorities are properly resourced. The fees introduced by these regulations will provide an important income stream for local authorities to support the delivery of their planning service, which both local people and applicants have a right to expect. I commend the regulations to the Committee.

6.7 pm

**Ruth Cadbury (Brentford and Isleworth) (Lab):** It is a pleasure to serve under your chairship, Mr Efford.

We will not oppose this statutory instrument to introduce new fees for prior approval for some additional permitted development rights that have not already been through this House—those that increase the height of residential homes, those concerning development extensions to universities and those concerning the change of use of commercial buildings to residential use.

Many Members from across this House, as well as many key stakeholders in the planning system, have consistently and articulately opposed the galloping extension of the powers of the permitted development rights system, which I believe started in 2013. However, the Government have persisted. Now that the various PDR

changes are law, we cannot argue that additional resources will be required by the local planning authority to assess and process them. Furthermore, this cost should naturally fall on the owner/ developer and not on the council tax payer. It is only right that charges are implemented to address the cost to the local planning authority of assessing changes to buildings that will have a significant impact on future occupants, on neighbours and on the wider community.

I want to take this opportunity to raise a number of wider issues, because many colleagues from all parties in the House share concerns about the extension of the PDR regulations since 2013. We all acknowledge that our planning system is not perfect, but as many Members said in last Monday's Opposition day debate, the many reforms already introduced or still being considered by the Government are little more than a developers' and—I would add—a property-owners' charter.

The process of determining planning applications, as opposed to PDRs, ensures a full and professional assessment of proposals for new buildings, ensures that any change of use or extensions of existing developments are appropriate and provide a healthy environment to live in—one of the primary purposes of the original planning system—and also ensures that public impacts arising from the change are appropriate. These include the use, scale, form and design of a building; access within and around the building; parking and transport; impact on neighbours; impact on the natural and heritage environments; and much more. For future occupants, vital community assets are also considered—shops, schools, open space, transport, and a whole host of other important and necessary services. They must be available nearby or provided through the development, if it is a large one.

Planning is about determining public good, but the PDR system removes the opportunity to make a proper assessment of most, if not all, of those factors. It removes the opportunity for a local authority transparently and accountably to refuse an application that is deemed not to be in the public good.

For the time being, planning applications are subject to public consultation, whereas PDR changes are not. The impact of the PDR changes is already being felt by neighbours of the buildings affected, and our precious town and village centres. The changes affect the viability of key employment activities and the quality of life of future residents of the buildings, especially those who may be stuck out in the middle of an industrial estate.

Another regrettable consequence is local authorities' loss of ability to negotiate minimum numbers of truly affordable and social rent units in conversions. Property owners are getting off far too lightly. The planning application process has been perfectly capable of responding to challenges in our built environment and delivering the number and affordability of homes we need. It should be improved, not undermined.

Let me move on to the specific issue of fees. Although, as I said, we will not oppose the regulations, the significant expansion of the scope of PDR raises significant challenges and, therefore, costs that LPAs can ill afford. The fee for an upward extension of a home has been set at £96, yet the fee for a planning application for the same extension would be £206. When the Local Government Association conducted a survey in 2018 on PDR changes and potential

fees, 85% of local authorities said that the cost of administering each prior approval process was considerably higher than the £96 set by the Government.

When the Government ran a consultation on such changes, the responses were broadly in support of a higher fee. Will the Minister let me know how many of the consultation responses were in favour of a fee larger than £96? I appreciate that he might not have the information to hand today, but he can always reach me by email.

What discussions has the Minister had with local authority leaders about the necessary level of fees? The fees proposed in the regulations are all at or just under £100. Local authorities have said that that is insufficient to reflect the added burden. Although £100 per dwelling would be multiplied by the number of dwellings created in a change of use for commercial buildings, am I correct that £96 would apply to an extension to a university, which could be large and complex, and might have a significant impact on the local area? What representations has the Minister had about that specific aspect of the regulations?

In response to a written question that I tabled, the Government said that an impact assessment of the changes would be done "as soon as possible". Does the Minister have a date for when that will be published, and will he ensure that I receive a copy when it is?

6.13 pm

**Christopher Pincher:** I am grateful to the hon. Lady for her broad support for the regulations, which deal with the fee proposals, not the PDR changes that we introduced in 2014. Before I answer her questions, let me say that I respectfully disagree with her regarding the role and importance of permitted development rights, and the homes that they can create. Since 2014, when PDR was introduced, some 72,000 new dwelling places—homes for people—have been built, and they very probably would not have been built without the introduction of PDR.

There are local controls that local authorities can use to ensure that permitted development right changes take place with appropriate prior approvals, such as the aspect of a building, if it is to be upwardly built, the effect on traffic, the issue of flooding or even whether there is, in the case of building upwards, an aerodrome within 2 km of the site of the application. There are therefore measures that we have put in place to ensure that local authorities are able to control permitted development rights properly. We want PDRs to be overwhelmingly focused on brownfield redevelopment. We want brownfield sites in our towns and cities to become vibrant again, and permitted development rights are a means of ensuring that.

I am sure we all want to see shops open on, and people using, high streets up and down the country. One of the ways of saving those high streets is to ensure that people are living on or close to them. People living locally can use the services that are available. A point I have made, which I think was accepted by the Select Committee on Housing, Communities and Local Government when I addressed it some days ago—

**Ruth Cadbury:** We all accept that our towns and cities must be vibrant, and of course people living in town and village centres are a major part of that—and always have been. There have been major pushes over the years

[*Ruth Cadbury*]

to achieve that. However, does the Minister think that the various initiatives to encourage living above shops represent a way to do that and, secondly, agree that the big risk of PDRs to town and village centres is the pockmarking of properties at the heart of the town or village centre, which is a real risk to the spirit and purpose of that centre? It would be far more sensible—this has been done over the years—to use the planning process so that there is both a local plan and a planning application process. That would enable, when appropriate, and if it fits the local criteria, the local authority to allow a change of use to residential for those properties out of the end—in the less viable part of the village centre—and keep the commercial core vibrant.

**The Chair:** Order. I am sure that, in the Minister's answer, he will bring us back to the topic of fees.

**Christopher Pincher:** I certainly will, Mr Efford. To answer the hon. Lady briefly, I am afraid that I disagree with her. Far too many high streets in our country are closed up, or places where there is vape shop after charity shop after tattoo shop—whatever it might be—but they are not vibrant. We need to have people living in those places to make the environment. If the present system worked, we would not be suffering as we are. The changes that we envision—with proper safeguards such as vacancy tests, the ability in conservation areas to control what happens on ground floors, and space footprint controls—will ensure that the right sorts of properties are able to become residential, thereby supporting high streets.

The hon. Lady suggests that people will be somehow stranded in industrial estates, but I suspect that she has not read the PDRs clearly enough, because there are prior approval controls in our PDR proposals affecting the switch from CBS class into residential. They allow local authorities to take account of heavy or industrial areas, noise and other such matters that relate to commercial areas being translated into residential homes.

To answer the hon. Lady's specific questions about fees, we consulted and spoke to the 674—I think—various bodies that responded to the consultation. We believe that the fees that we have set strike the right balance between ensuring that local authorities receive an appropriate

income to pay for the services that they have to execute while undertaking PDRs, and an encouragement to ensure that places are properly developed. The fees are different because of those reasons.

If the hon. Lady looks at the up building PDR on existing free standing buildings that we passed last year, with a fee increase, she will see that we set the fee at £334, not £96. We did that because we thought it was the appropriate level for that type of PDR.

The hon. Lady asks what consultations with local authorities have taken place. There have been very significant and constant consultations with local authorities about not only permitted development rights and fees, but a whole range of matters. I spoke to Nick Forbes, the leader of Newcastle City Council, only today to demonstrate that the Government are committed to identifying issues that local authorities face as we bring forward our planning reforms. He told me that it was the first time in 10 years as a leader that any Minister had spoken to him, and he was very grateful for the call, because we were asking for his advice.

The hon. Lady asked me specifically about university responses to the consultation. With respect, I will respond to her in writing, because I do not have that data in front of me. I think she asked another question about impact assessments, which I will again respond to in writing because I do not have that data in front of me. However, I can confirm that we are absolutely determined to make sure that local authorities have the right level of resources to do the jobs that they have to do. As part of our wider planning reforms, we have committed to undertake a wholesale review of the resourcing available to local planning authorities to make sure they have the wherewithal to do the jobs that we ask them to do. We have also promised that we will look at fee structures as a component of that review, and we believe that through the wider changes that we are undertaking, we will reduce the demand on local authorities and the amount of effort that they are expected to undertake in the execution of their planning duties. That, in itself, will give them more headroom—more resource—to do more of the things that we would like them to do. I commend the regulations to the Committee.

*Question put and agreed to.*

6.21 pm

*Committee rose.*