



Permitted Development Rights

What they are and how to use them

2022 update



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Section 1

Introducing Permitted Development Rights

Want to divide a room of property developers?



It seems there are as many views on permitted development rights as there are property developers.

To say these rights are controversial might be a bit of an understatement.

But what exactly are permitted development rights? How can you use them? And *why* are they so controversial?

Let's start at the very beginning...

The two types of permitted development rights



Permitted development rights are a set of common development requests which have been given “prior approval” status.

This means that rather than needing a full planning application, these requests can be rubber-stamped through planning departments because they meet a pre-approved standard. In theory that translates into more confidence that you’ll get approval, and less risk in the process.

Permitted development rights broadly fall into two types:

1 Homeowner permitted development rights

These were the first permitted development rights, introduced in 1995.

They made it easier for homeowners (and developers) to complete simple changes – things like updating the fencing, extending the property etc. – without needing a full planning application.

It started as a temporary measure, but was made permanent to all freeholders (or people with the permission of the freeholder).

Because these are relatively minor improvements, they're usually far less controversial than the other type...

2 Conversion permitted development rights

In 2013, permitted development rights were expanded to cover not just alterations within a residential property, but conversion to a residential property.

This new right allowed developers to convert offices to residential – and they could do so without full planning permission.

Since then even more have been added. And many of these rights have been made permanent too.

(We'll give you a full breakdown of what these rights are in the next section).

How the rights work



Permitted development rights aim to simplify the process of getting planning approval – but you do still need to formally submit an application and gain approval (so you can't just start the work).

This process takes roughly as long as a standard application (the guidelines for a standard planning decision is 8 weeks for a minor application (under 10 units), whereas permitted development is 6-8 weeks).

Importantly – permitted development isn't a guarantee.

The local authority can still take into account things like the impact on roads or nearby commercial premises.

Local authorities can also apply for something called Article 4 exemptions.

This allows them to designate areas where permitted development rules don't apply – sometimes specific areas like a protected employment centre, sometimes across the entire local authority.

And permitted development doesn't apply in protected areas such as Areas of Outstanding Natural Beauty, and Sites of Special Scientific Interest. Although new rules mean you can use them in designated conservation areas, where you couldn't before.

So permitted development applications are by no means a sure thing, but barring all these exceptions, they are fairly likely to get approval.

To some people, the results of these permitted development schemes speak for themselves. Our analysis shows that between 2015 and 2021, 83,611 new homes were added through

permitted development – helping the country move towards that 300,000 new homes per year target that is often discussed.

But the number of houses being delivered may increase in the future, because there have been significant changes in the rules since they were introduced.



How permitted development has evolved over time



Permitted development has matured since its introduction. Here are some of the significant changes over the years:

1 A flexible high street

In 2020, the Government announced new changes to the planning system, including a new use class. Use Class E rolled up a number of old high street use classes such as shops, offices, and restaurants into a single use class.

This allows for extremely flexible change of use on the high street – a café won't need planning permission to change into an office or vice versa. We'll get into this more in Section 2.

This was to ease development to different use conversions, provide the space that businesses need, while still protecting buildings important to the community.

From 1st August 2021, the old use classes were fully retired, meaning only Use Class E applies to these properties.

2 Use Class E to resi

Another big change from 2021 – Use Class E properties could be converted to residential under permitted development.

This was a huge shift that suddenly unlocked a lot of opportunities for fast-moving developers.

Instead of needing a full planning application to convert Use Class E to resi, developers can now convert under the simpler 'prior approval' process.

The reason? In the Government's words: "Allowing unused commercial buildings to be changed into homes will encourage more people to live near local high streets and come to the area for work and leisure, helping cement our high streets and town centres in their rightful place at the heart of communities."¹

There's an acceptance that the high street is changing, and this is an attempt to help create more flexible spaces that can deliver the homes we need.

¹ UK Government, 'New freedoms to support high streets and fast track delivery of schools and hospitals across England introduced today', <https://www.gov.uk/government/news/new-freedoms-to-support-high-streets-and-fast-track-delivery-of-schools-and-hospitals-across-england-introduced-today>, Accessed 27th January 2022

3 Right to rise

Instead of 'building out', the Government wants to encourage the country to 'build up'.

Now developers can add two-storey extensions to a block of flats, residential properties, and even some commercial or mixed-use buildings.

4 Permission to demolish vacant and redundant buildings

Under the old rules, developers needed planning permission to demolish buildings, even if they were vacant or derelict. Since 1st September 2020, you can demolish a vacant or redundant building without the need for planning permission.

This will allow developers to start from scratch, instead of being constrained by the design of the old building, which could help with one of the key critiques of permitted development conversions.

The controversies



Since its introduction, permitted development has had a number of criticisms and controversies. We've rounded up the key concerns for you below:

Permitted development rights impact housing quality

The ability to convert without full planning permission means there is less local authorities can do to control the quality of new housing.

Square footage of properties, cheap building materials being used, a lack of natural light within them, and many more potential

problems aren't just possible – they're actually pretty common.

In fact, the majority (59%) of permitted-development homes built between 2015 and 2018 in London were smaller than the nationally described minimum space standard. One of the worst cases was a flat measuring just 12ft by 12ft.²

As many critics put it, permitted development properties risk becoming “modern slums”.

² Rupert Jones, 'As small as 13 sq metres: are these the worst new flats in Britain?', The Guardian, 2018 <https://www.theguardian.com/money/2018/aug/25/flats-block-converting-offices-living-space>
Accessed 3rd September 2020

2

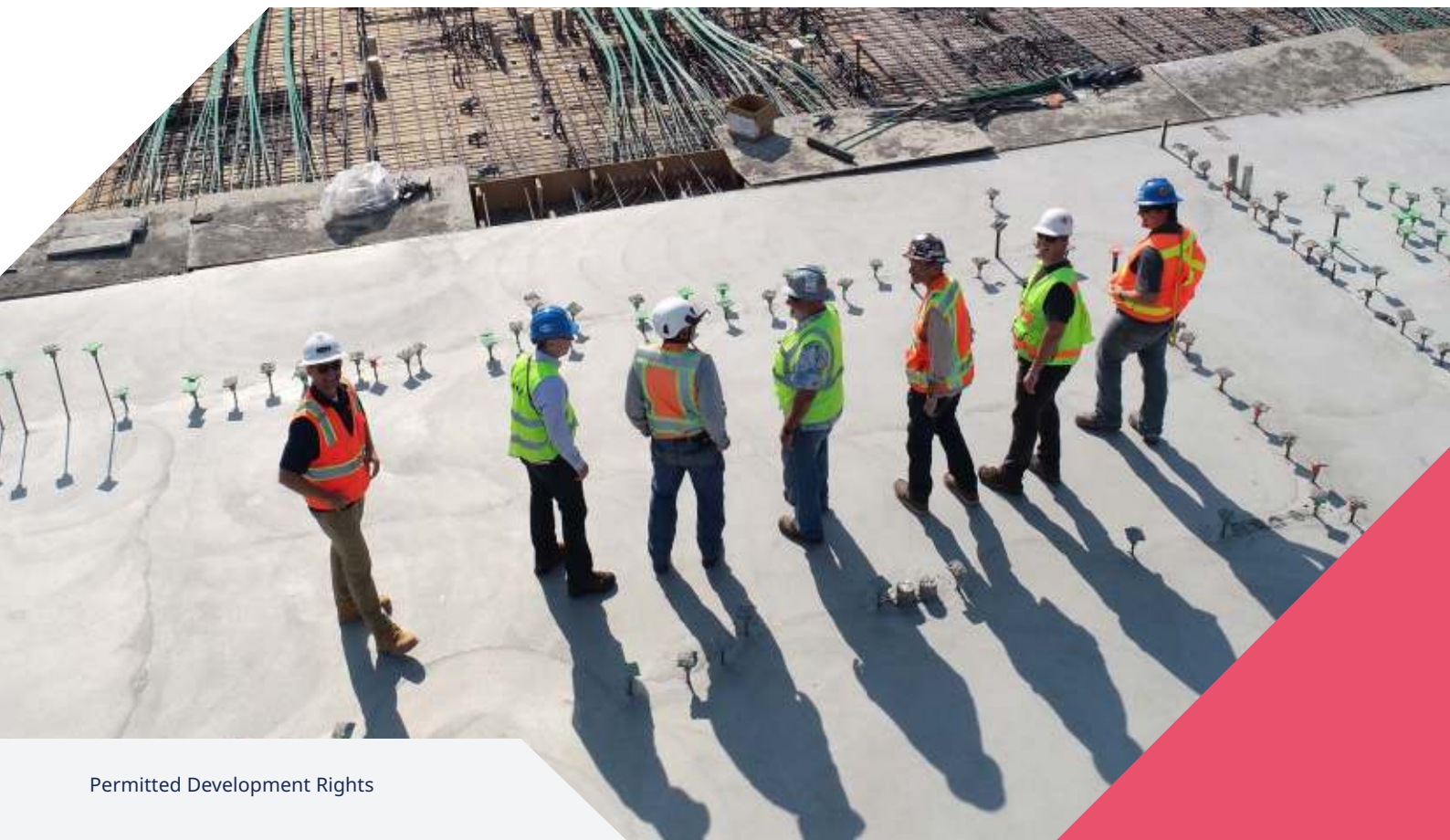
Permitted development rights cut out local authority control

The prior approval for permitted development rights comes from Westminster, not from the local authorities. That means it's a national rule that applies even in the face of local problems.

If an authority wants to set their own standards – such as minimum sizes – converted properties will normally be

exempt. After all, they have the right to do the work...

It also cuts the local authorities ability to adopt more long-term thinking. For instance, if planning departments want to do more to encourage sustainability in properties, or focus on affordable housing, then permitted development will always be an exception.



3 Permitted development rights reduce the amount of affordable housing

New housing developments come with a requirement for affordable housing. Because permitted development rights allow for a property to be converted, rather than a new development to be started, there's no such requirement.

If we look at London, between 2013 and 2019 there were 15,929 new homes built through permitted development. The number that were 'affordable'? Just 71, or 0.4%.³

In fact, when you consider the wider implications for local authorities, the problem is actually far worse.

The Royal Institute of Chartered Surveyors crunched the numbers.⁴ First they calculated the loss of affordable housing from permitted development rights being extended. Then they worked out the cost of lost planning fees (minus the cost saved by not needing to process these applications).

Their estimate? There was a net loss of around £50m from local authority pockets up to 2018 alone.

³ Tom Copley AM, 'Slums of the Future: Permitted Development conversions in London', London Assembly Labour, 2019, <https://www.london.gov.uk/sites/default/files/slums-of-the-future-permitted-development-conversions-in-london-by-tom-copley-am.pdf> Accessed 3rd September 2020

⁴ RICS, 'The exercise of permitted development rights in England since 2010', 2018, <https://www.rics.org/globalassets/rics-website/media/knowledge/research/research-reports/the-exercise-of-permitted-development-rights-in-england-rics.pdf> Accessed 3rd September 2020

4

Protecting the high street might *destroy* the high street

The 2020 rules aim to bring flexibility to the high street. But by doing that, they'll also bring that same flexibility to out-of-town sites, making retail and business parks just as easy to convert.

Since 1990, planners have had a "town centre first" test when assessing large retail and supermarket planning applications. With these new rules they'll no longer have that focus.

Instead of bringing business back to the high street, we might actually see out-of-town office buildings converted to retail, pulling foot traffic away.

On top of that, these 2020 rules could harm the diversity of the high street. As use class changes become easier, high streets could be filled with the same kinds of buildings.

For example, restaurants might fare better than other use classes on a particular high street, leading to a sudden influx of them at the expense of shops.

The free market should help things to settle into a 'new normal', but what that normal looks like is impossible to predict.

5

Demolishing buildings isn't great for the environment

While demolishing buildings gives developers a chance to build new energy-efficient homes, some are raising the alarm that the new update could have a significant impact on climate change.

The Royal Institute of Chartered Surveyors estimates that 51% of the lifecycle carbon of a residential building is released before it's finished ⁵. This is because much of the CO₂ is emitted

when creating the steel, cement and bricks for construction.

This means that, regardless of how energy efficient new builds are, they're likely to have a net negative impact simply from the need to tear down an existing building and start from scratch.

With the UK's pledge to hit net zero carbon emissions by 2050, a campaign has even been started by Architect's Journal to change VAT rules to incentivise developers to refurbish instead of to demolish (and it's backed by 14 Stirling Prize winners).⁶

'Right to rise' could worsen housing quality even further

Permitted development already has received criticism for providing housing without adequate natural light, and there's a chance that the 'right to rise' rules could make this worse.

There are worries that the new rules will not just change the skyline that planners try to protect, but the 'potential skyline'.

This will be especially relevant in conservation or heritage areas (like London's protected view corridors of St. Paul's).

This could provide another new challenge to an already overworked planning system.

⁵ Roger Harrabin, 'Don't demolish old buildings, urge architects', 2020, <https://www.bbc.co.uk/news/business-53642581> Accessed 3rd September 2020

⁶ Naomi Gordon, 'Architects urge property owners not to demolish old buildings due to excessive carbon emission', 2020, <https://www.housebeautiful.com/uk/renovate/build/a33521367/architects-properly-demolish-old-buildings-carbon-emissions/> Accessed 4th September 2020

No more commercial use of the high street

There is a real fear that the Use Class E to resi change will destroy the high street forever.

After all, properties are generally going to be more valuable as residential than they are as commercial, so why wouldn't existing owners cash in?

This change essentially cuts local planning teams and local communities out of the decision-making process, so they get no say in what happens to their high street.

In a joint letter, the Royal Town Planning Institute (RTPI), the Royal Institute of British Architects (RIBA), the Chartered Institute of Builders (CIOB) and the Royal

Institute of Chartered Surveyors (RICS) all requested that the prime minister 'urgently reconsider the measures'.

"Yesterday's announcement aimed at allowing commercial premises to be converted into homes presents a risk for our nation's town centres and small businesses. Without the usual checks and balances through the normal planning process and without the facility for local communities to comment on proposals, this risks creating poor-quality housing."

It's likely these changes will be fought by a lot of big organisations, to say nothing of a nationwide network of NIMBY activists.



Why permitted development *doesn't* have to be bad



There's nothing inherently wrong with permitted development rights. But, as with any rules, they can be misused.

A few bad apples have tried to bend them as far as possible for a quick profit.

But they can also be a force for good. If you build quality properties in areas that need them, great! And if you're doing so in a way that removes some of the strain from already-overworked planning departments (while making life easier for yourself too)? Even better.

It all comes down to using the rules as they were intended. And to do that, we need to know what those rules are.

So let's take a look at them in detail.

Section 2

Using Permitted Development Rights

The different use classes



Before we dive into permitted development rights, here's a cheat sheet on the different use classes, along with their retired use class for reference (old habits die hard, after all).



TABLE: THE DIFFERENT USE CLASSES




























Retired use class	Use class since 01/09/2020	Description	Notes	Examples
A1	F.2	Shops (essential to the community) 	Shops not more than 280sqm mostly selling essential goods including food and at least 1km from another shop.	Grocery shop
A1	E	Shops 	Retail sale of goods other than hot food	Shops, post office, hairdressers, retail warehouses, dry cleaners, funeral directors
A2	E	Professional and Financial Services 	Excludes betting offices, payday loans, health and medical services	Banks, building societies, estate agencies
A3	E	Restaurants and Cafés 	Sale of food and drink for consumption on premises	Restaurants, snack bars, cafés
A4	Sui generis	Drinking Establishments 	Not night clubs	Pubs, wine bars
A5	Sui generis	Hot Food Takeaways 	Sale of hot food for consumption off the premises	Kebab takeaway, pizza takeaway
B1(a)	E	Offices 	Office other than the ones that fall under A2	Design agency, serviced offices
B1(b)	E	Research and Development 	R&D of products and processes	Laboratories, studios
B1(c)	E	Light Industry 	Light industry that's appropriate in a residential area	Photo studio, recording studio
B2	B2	General Industrial 	Working on an industrial process that doesn't fall under B1	Car repair, catering
B8	B8	Storage and Distribution 	Storage and distribution centres. Includes open-air storage	Storage warehouses
C1	C1	Hotels 	Guest houses where no significant element of care is provided	Hotels, boarding, and guest houses
C2	C2	Residential Institutions (Accommodation for people in need of care) 	Accommodation for people in need of care	Nursing homes, residential schools
C2(a)	C2(a)	Secure Residential Institutions 	Provision of secure residential accommodation	Prison, secure hospital, military barracks
C3(a)	C3(a)	Dwellinghouse 	Dwellinghouse used by a single person or people in a single household	Apartment for a single person or couple
C3(b)	C3(b)	Dwellinghouse 	Dwellinghouse used by not more than 6 people where care is provided	Housing schemes for people with learning disabilities or mental health problems
C3(c)	C3(c)	Dwellinghouse 	Dwellinghouse used by not more than 6 people where care isn't provided	Small religious community, homeowner living with a lodger
C4	C4	Small Houses in Multiple Occupation 	Small shared house used by fewer than 6 unrelated individuals	Multiple-occupancy houses
D1	E	Non-Residential Institutions - commercial, business and service uses 	Properties used for local services or local health use	Clinics, health centres, creches, day nurseries, day centre

TABLE: THE DIFFERENT USE CLASSES

Retired use class	Use class since 01/09/2020	Description	Notes	Examples
D1	F1	Non-Residential Institutions - commercial, business and service uses 	Properties used for education, religious or other use	Schools, non-residential education and training centres, museums, public libraries, public halls, places of worship, law courts
D2	Sui generis	Assembly & Leisure (noisy) 	Recreational venues which still need full planning to change (mostly because of noise)	Cinema, concert halls, bingo halls and dance halls
D2	E	Assembly & Leisure - local community uses 	Recreational venues that are principally for the local community	Hall or meeting place for the local community, indoor or outdoor swimming pools, skating rinks and outdoor sports or recreations (that don't involve motors or firearms)
Sui generis	Sui generis	Betting offices 	-	-
Sui generis	Sui generis	Payday loans 	-	-
Sui generis	Sui generis	Agricultural buildings 	-	-
Sui generis	Sui generis	Amusement arcade or centre 	-	-
Sui generis	Sui generis	Launderette 	-	-



PERMITTED CONVERSIONS FROM 1ST AUGUST 2021

Legacy Usage Class (for reference)	Use Class	Description	To E	To F.1	To B8	To C1	To C3	To C4	To F.2	To Misc
From A1	From F.1	Shops essential to the community								
From A1	From E	Shops	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From A2	From E	Professional and financial services	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From A3	From E	Restaurants and cafes	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From A4	Sui generis	Drinking establishments								To drinking establishment with expanded food provision, and vice versa (Class AA)
From A5	Sui generis	Hot food takeaways	To E (PD Class A)				PD Class M			
From B1(a)	From E	Offices excluding A2	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From B1(b)	From E	Research and development	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From B1(c)	From E	Light industry	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From B2	From B2	General industrial			PD Class I					
From B8	From B8	Storage and distribution					PD Class P			
From C1	From C1	Hotels		PD Class T*						*To a state-funded school
From C2	From C2	Residential Inst (accommodation for people in need of care)								
From C2(a)	From C2(a)	Secure residential inst		PD Class T*						*To a state-funded school
From C3	From C3	Dwellinghouses - composed of C3(a), C3(b), C3(c)						PD Class L		
From C4	From C4	Small houses in multiple occupation					PD Class L			




Key

- Not applicable/same usage class
- Allowed
- Not allowed

PERMITTED CONVERSIONS FROM 1ST AUGUST 2021

Legacy Usage Class (for reference)	Use Class	Description	To E	To F.1	To B8	To C1	To C3	To C4	To F.2	To Misc
From D1	From E	Non-residential institutions – commercial, business and service uses	PD Class G, PD Class H	PD Class T*			PD Class MA			*To a state-funded school
From D1	From F.1	Non-residential institutions – learning and other non-residential institutions								
From D2	From Sui generis	Assembly & leisure (noisy)								
From D2	From F.2	Assembly & leisure – local community uses								
	From Sui generis	Agricultural buildings	PD Class R	PD Class S*	PD Class R	PD Class R	PD Class Q			*To a state-funded school
	From Sui generis	Amusement centre, or casino					PD Class N			
	From Sui generis	Launderette, betting office, pay-day loan shop, hot food takeaway, or one of these uses in a mixed use with a dwelling house					PD Class M			
	From Sui generis	Casino, betting office, pay-day loan shop or hot food takeaway	To E (PD Class A)							
	From Sui generis	Betting office, pay-day loan shop	To E* (PD Class G)							*To mixed use in Class E and up to 2 flats or to mixed use betting office or pay-day loan shop and up to 2 flats PD Class G)
	From Sui generis	Mixed use betting office, or pay-day loan shop and as up to 2 flats	To E (PD Class H)							To betting office or pay-day loan shop (PD Class H)

Key

-  Not applicable/same usage class
-  Allowed
-  Not allowed

When can I use permitted development?

For those highlighted light green – the caveats – the usual restrictions are being beneath a maximum square footage and being subject to prior approval. To find out more look up the class order in the table.

Remember, you can't use conversion permitted development rights on flats or maisonettes. This is to avoid alterations having an adverse impact on your neighbours.

You can't use permitted development in areas with an Article 4 directive. This is an order a local authority can put in place to stop permitted development. For instance, if you live in an Area of Outstanding Beauty, there's probably an Article 4 exemption. Islington uses this exemption to stop office to resi conversions (B1(a) to C3), in order to preserve "nationally significant office accommodation".



For instance, if you live in an Area of Outstanding Beauty, there's probably an Article 4 exemption. Islington uses this exemption to stop office to resi conversions (B1(a) to C3), in order to preserve "nationally significant office accommodation".

Some areas are also just exempt from permitted development. Kensington and Chelsea in London for instance.

Also, London local authorities that are part of the Central Activities Zone used to be exempt it. However, since May 2019, they have relied on Article 4 to exempt themselves.

We only included permanent change of uses in the table (as that's what most developers will focus on), but there are two temporary changes worth mentioning:

- Betting office, pay day loan shop, hot food takeaway or Class E to Class E or some Class F.1 uses for up to three years.
- Restaurants and cafes, drinking establishments (with or without expanded food provision) to temporarily provide takeaway.



PERMITTED WORK

House Work	Details / Restrictions
Internal remodelling	<ul style="list-style-type: none"> As long as you don't extend overall footprint Would need building regulations approval on structural elements and electrical works
Move / Add windows or doors	<ul style="list-style-type: none"> As long as conditions not attached to original permission
Converting a garage	<ul style="list-style-type: none"> As long as not increasing overall footprint Doesn't apply to standalone garage
Single-storey	<ul style="list-style-type: none"> Single-storey – no greater than half the width of the original dwelling Up to 4m depth (detached), 3m depth (semi or terrace) Single-storey rear – no greater than half the width of the original dwelling Up to 4m depth (detached), 3m depth (semi or terrace) Larger rear extensions of up to 8m (detached) or 6m (semi or terrace) require prior notification Excluding conservatories, must have similar-appearing materials See right to rise section on next page
Two-storey extensions	<ul style="list-style-type: none"> At the rear (including if adding on an existing single-storey part of your house) Can't be larger than 3m in depth, or within 7m of the rear boundary See right to rise section on next page
Rooflights	<ul style="list-style-type: none"> Flush rooflights that don't project further than 150mm above the roof slope Also if extending past the roof slope and facing the highway
Loft conversion	<ul style="list-style-type: none"> As long as under 50m cubed Can construct dormer windows with limits
Shed, outbuilding, swimming pool	<ul style="list-style-type: none"> As long as it doesn't exceed 50% of the curtilage of your house Height restrictions apply and can only be single storey Can't be used for residential accommodation, but as a home office
Porch	<ul style="list-style-type: none"> Not taller than 3m Doesn't exceed 3m squared
Gates, Walls, Fences	<ul style="list-style-type: none"> Height doesn't exceed 2m, or 1m if adjacent to a highway
Garden decking	<ul style="list-style-type: none"> Beneath 300mm height elevation Together with other extensions, and other outbuildings, no more than 50% of the curtilage is covered
New access	<ul style="list-style-type: none"> Can be done to unclassified roads
Solar panels	<ul style="list-style-type: none"> As long as not more than 200mm beyond plane of wall or roof, and highest part not higher than roof
Basement	<ul style="list-style-type: none"> Yes, but not for engineering works
Parking spaces	<ul style="list-style-type: none"> As long as it's made of porous materials if it exceeds 5m squared, has reasonable drainage and water won't run off into the highway

Right to rise – the specifics



Right to rise means you can add a two-storey extension on top of your building under permitted development.

This right applies to:

- Purpose built blocks of flats (e.g. can't be a converted office to residential block of flats)
- Detached and terraced houses
- Some commercial and mixed-use buildings

The building must also have been built between 1st July 1948 and 5th March 2018.

The extension can be no larger than 7 metres (3.5 metres if the existing

building is a single storey). For a block of flats, and detached or commercial mixed use, the new building can't be taller than 30 metres. For residential buildings, the restriction is 18 metres.

While this can be done under permitted development, you will still need to get prior approval, which will include showing that the building has "the provision of adequate natural light in all habitable rooms of the new dwellinghouses", addressing the criticism that some permitted development houses have inadequate lighting.

Use Class E - the caveats



Use Class E is by no means a development free-for-all. In response to concerns raised during the consultation period, a few restrictions were introduced on 1st August 2021 in regards to use Class E:

- **Must be under 1500m²** – to ensure the focus is on medium-sized sites, which are best for conversion.
- **Must have been in commercial use for two years prior** – ‘to prevent gaming’ the system, in the Government’s words.
- **Must have been vacant for three months** – to protect successful businesses.

Then, even if all these apply, local authorities can still turn down the conversion for a number of reasons – such as lack of natural light to habitable rooms, the impact on the loss of health centres, or the impact of noise from nearby commercial premises etc.

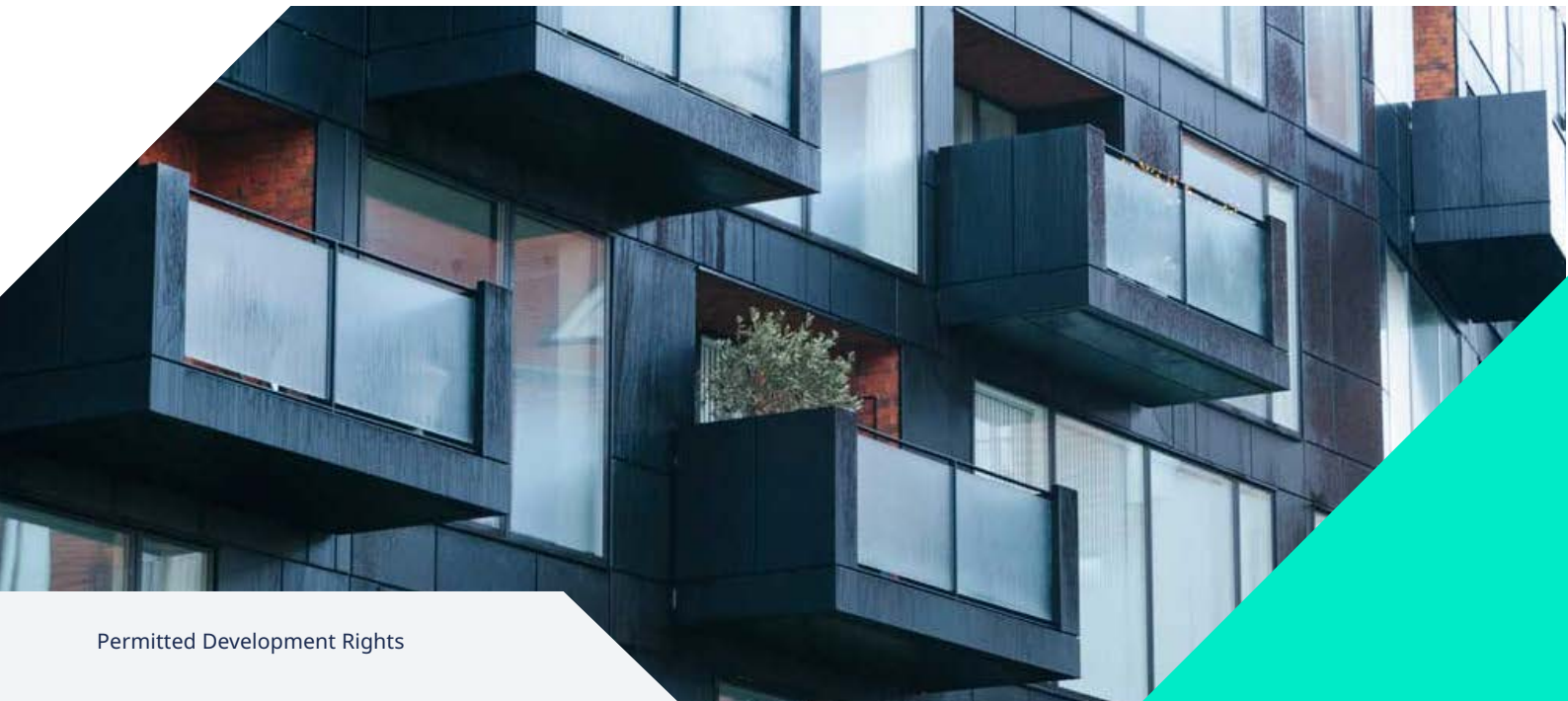
Interestingly (and controversially) the right even applies in Conservation areas (but not in other protected land, like AONB) – although an impact assessment might still be required.

The future of permitted development rights



There are plenty more changes being talked about too, like the idea of moving to a more zoning-based system like the US. It could give more clarity for developers, but it could also hamstring them.

How will this all affect permitted development? It's impossible to say without more concrete information, but it could be worth checking out the [white paper here](#).



The potential



The biggest opportunity for most developers will be converting to residential. We're in the middle of a housing crisis, and that's a large part of what permitted development rights are designed to fix.

So how many buildings would permitted development apply to?

A quick look at just Use Class E shows us the following (rounded to the nearest 500):

E (commercial, business, and service)

Total: 1,464,000

Unoccupied/vacant/derelict: 37,500

Nationwide, that's thousands of unoccupied, vacant or derelict properties just waiting for an enterprising developer to snap them up and convert them into some top-notch housing.

The real question is: who will get there first?

Traditionally, there were only really two reliable ways to find suitable properties ripe for conversion.

The first was to hire an agent, tell them what you're after and let them do their thing (and pay a pretty penny for the privilege).

Making the most of the opportunity



Traditionally, there were only really two reliable ways to find suitable properties ripe for conversion.

The first was to hire an agent, tell them what you're after and let them do their thing (and pay a pretty penny for the privilege).

The second? Well... physically driving around looking for the kind of use class you're after. Find a site that works?

Then you've got the long, manual process of trying to track down the right person to speak to.

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