

# HISTORIC BUILDINGS COUNCIL

An advisory Council to the Department of the Environment

11th January 2010

Via Email

Policy and Legislation Branch  
3rd Floor  
Millennium House  
Great Victoria Street  
Belfast  
BT2 7BN

Dear Sirs

**Consultation Papers:**

- 1 Householder Permitted Development Rights**
- 2 Review of Non-Householder Permitted Development Rights**
- 3 Permitted Development Rights for Microgeneration Development**

Thank you for the opportunity to comment on these proposals. You may be aware that we have already commented at some length on the proposals for planning reform and you should be aware that we were critical of some aspects of the proposed reforms and of the philosophy behind them. We note the reference to these earlier proposals in the "anticipated outcomes" introduction to the non-householder Permitted Development (PD) paper.

In responding to these three consultations we shall confine our comments to those aspects which more directly impinge on Listed Buildings and Conservation Areas.

On the cross cutting themes we agree there are dangers in Prior Approval provisions and we think these should not be included in the reforms. Similarly we do not consider it appropriate to include a provision for Local Development Order relaxations.

On Article 4 Directions we consider it essential to retain the power to use these to restrict PD rights in Conservation Areas. We do not feel legislation should be enacted to enable Article 4 directions to be used to extend PD rights.

Turning to the proposals which affect Listed Buildings in all three review proposal documents, namely that Listed Building Consent (LBC) be the key to unlocking permitted development rights. These proposals seem sound, but it must be made clear in the revised Order that the PD rights restored refer solely to those works included in the LBC.

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On the proposals for householder PD rights, we favour restriction in the "areas of greater sensitivity" (Q4) and we would wish to have sight of "degree of flexibility" intended. There seems to have been a reluctance to use Art 4 Directions in the past to restrict PD rights and there is little by way of clarification of intent in the proposals.

As to the protection of sensitive areas, we have been disappointed at some recent planning permissions granted in Conservation Areas and these are of more concern to us than the proposals for particular PD limits in these areas. We do not however see why 500 sq m is considered an acceptable upper limit in the non-householder case. We should have preferred to see a justification for this limit.

Finally, on the proposed changes in respect of Retail and Town Centre uses for non-householders we think there is a need to restrict PD rights where, as is often the case, the intended developments lie in Conservation Areas or Areas of Townscape Character. We feel the failure to deal fully with this category is a significant omission in the review.

As a general comment on the non-householder proposals we would wish to see measures that encourage the use of good redundant buildings wherever they be found.

Yours faithfully

  
CHAIRMAN