



Call for Views: Can Permitted Development Rights help address the housing emergency?

14th February 2025

Conservation Officers Group (COG) is a forum for Local and Planning Authorities, conservation officers and other local authority officers involved in planning decisions, addressing conservation/heritage planning, practice, skills, and related matters. All 32 local authority areas across Scotland are represented. The aim of the forum is to share knowledge, experience, learning and to assist practice - whilst not replacing formal professional/legal advice. This statement is on behalf of the Conservation Officers Group and has been informed by round table discussions, and views gathered at meetings and in writing.

Built Environment Forum Scotland (BEFS) is the umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS acts as Secretariat for the [Conservation Officers Group \(COG\)](#).

COG statement in response to the call for views:

COG membership comprises specialist advisors tasked with assessing the development of, the protection, and preservation of more than 600 Conservation Areas, over than 47,000 listed buildings, their curtilage, and World Heritage Sites.

COG welcomes the opportunity to comment on the call for views on Permitted Development Rights (PDR) in relation to the Housing Emergency. The group would wish to highlight [previous comments made in relation to Permitted Development Rights](#) which remain relevant and can be found on BEFS website.

This response will focus primarily on the potential role that PDR could play in helping to support town centre living and rural communities, and promoting the reuse of vacant or underused buildings, including conversion of different types to dwellings.

Any move to assist in bringing empty town centre space and vacant rural properties such as steadings, former agricultural buildings and farms back in to use is welcomed in principle. However, as PDR are considered then other elements of development control may need to be reviewed in tandem to prevent unintended negative consequences, not least to the economy of a place.

COG recognises the intentions of the proposed changes, towards easing pressure on planning teams to deliver ambitious net zero targets, address the housing shortages facing Scotland, and to enable easier implementation of climate and socially beneficial solutions within planning. The role that our existing building stock must play, through continued use, re-use, and a maintenance and fabric first approach - towards cross cutting solutions for people and places - cannot be understated. Appropriate adaptations of empty and vacant buildings are an important part of this.

This response urges caution however, as unintended consequences of some of the proposed exemptions should be considered; PDR may not be the best mechanism to deliver new housing and, at worst, could be the means for creating homes with sub-standard living conditions.

Further we would urge alignment and cognisance of other existing and nascent policy and legislation, such as the National Planning Framework 4 (NPF4), Building Standards, and the Heat in Buildings Bill, to ensure a coherent approach across the wider policy landscape and to avoid creating a complex hierarchy within decision making; a consistent framework is essential, and clear and transparent measures must be supported by joined up legislation.

Climate change impacts *and* health impacts:



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- Use of inappropriate materials within traditional (and any!) buildings affects health and wellbeing; through potential use of inappropriate materials, combinations can occur which can lead to damp and unhealthy conditions for the occupant, and poor indoor air quality.
- Appropriate guidance and information must be provided for upgrades and conversions which have the potential to impact on how the building fabric continues to function.
- Building Standards and appropriate interventions – COG notes the need to follow the best guidance for ensuring habitable, low carbon and affordable homes. Any conversion of existing or vacant properties should employ appropriate solutions to interior interventions or retrofit, including that the skills and knowledge exists to deliver against the future pipeline of these projects. In terms of the buildings themselves, even if planning permission is not required, a building warrant would be. This could present a mechanism to ensure that the quality of homes is not diminished through this process.
- Permitted Development is intended to be climate positive, but some of these solutions can read as a quick fix for perceived EPC gain and not reflective of wider carbon considerations.

Conservation Areas/Previous and future investment:

- When considering impacts on the existing and historic built environment and when impact on designated buildings or areas is identified, changes to PDR exemptions should ensure quality place-making and must align with and refer to the Historic Environment Policy for Scotland (HEPS) and the National Planning Framework 4 (NPF4).
- Unintended consequences of PDR for conversions could negatively impact the character of Conservation Areas; these changes may compound existing issues and may be significantly more visible depending on their form and location within the streets that they sit, contrary to good placemaking.
- There are concerns that after adoption any initial and immediate impact may go unnoticed, however the impending incremental change will result in significant loss of character of place and distinctiveness, impacting on Scotland's tourism and creative industries.
- There may be external aesthetic impacts resulting from internal structural changes undertaken through PDR, which could negatively impact on the wider character of a designated building or area.
- COG would note the potential for loss of positive gains achieved through previous investment of public funds via grants/government fundings/LA investment etc, leading to a waste of previous public spend, including decades of work conserving the character and appearance of Conservation Areas. Permitted Development in relation to Conservation Areas has huge potential to undermine this investment and previous conservation practice.
- This spend includes but is not limited to investment via Historic Environment Scotland, National Heritage Lottery Fund, Scottish Government, local planning authorities and the Common Good Fund. The sum invested since 2007 stands at over £234M.

Overarching considerations

- Local Authority capacity and resource: a more complex process for the customer and higher workload for planning teams. Additional workload in terms of potential need to amend, extend or initiate new Article 4 Directions in potentially sensitive areas, and in dealing with enquiries for determining pre-application discussions and issuing of certificates of lawful development.
- The impact on existing uses in town centres should be considered, mostly around issues such as access and insurance for businesses, but also the noise impacts on residential use from existing business uses.



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- Rurally there are additional issues that must be taken into account, such as neighbouring agricultural uses and increasingly proximity to wind turbines which would normally be addressed through planning.
- A relaxation in PDR around certain Use Classes could assist in bringing buildings back in to use, whilst still requiring Planning Permission for physical changes. This would remove the risk of refusal (for example) from commercial to residential but still control the design element.
- One suggestion explored by the group is that the provision of more housing is explored through the aim of reducing the high number of vacant properties and buildings at risk in Scotland. Arguably some of the most challenging buildings to reuse are former hospitals and churches, however once no longer in active or worshipful use, there are good examples of these buildings being successfully converted. Deemed consent for housing use could enable former places of worship, often in residential areas, to become homes. Where churches are designated then PDR would encourage the reuse of these buildings at risk, with Listed Building Consent in place to ensure appropriate protection of fabric and interiors.

Questions arising:

- What is the role of Archaeology when something is considered PD?
- Prior Approval/ Prior Notification – this could be a mechanism to ensure some control over external alterations? Recognising that this has implications in terms of resources within the planning system.
- Master Plan Consent Areas/ Design Guides – could these be used more effectively in town centres (for example) to allow for change without the requirement for a full planning application, providing parameters to achieve the required design and amenity?

Lessons learned?

It is the view of this group that unless properly considered, PDR changes may result in a significant decline in the quality of the urban environment across Scotland. Such a decline may significantly reduce the appeal of these spaces and places as places to live, conduct business and visit as tourists. Poorly conceived PDR changes have the potential to severely negatively impact the amenity quality of the built environment in Scotland and negatively impact business and tourism. Such negative impacts can be seen in the visual examples shown in the referenced assessments following similar changes to PDR in England.

There is a substantial body of evidence that this measure taken in England has led to housing not suitable for habitation; COG considers that this should be a key concern of the proposal.

Further information:

- [Emerging problematics of deregulating the urban: The case of permitted development in England](#)
- [Permitted developments in danger of becoming 'the new slum housing' | LocalGov](#)
- [Architects accuse government of arrogance and breathtaking lack of understanding over permitted development | News | Building Design](#)
- [Planning 2020 'One Year On' 21st Century Slums: Raynsford Review of Planning in England](#)
- [Research into the quality standard of homes delivered through change of use permitted development rights](#)



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RESPONDENT INFORMATION

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Responding on behalf of an Organisation – **CONSERVATION OFFICERS GROUP** (BEFS is secretariat)

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. I **CONSENT**