



## **Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation**

Date: 17 April 2023

The CLA is the membership organisation for owners and managers of land, property and businesses in rural England and Wales. Our 27,000 members own or manage around half the rural land in England and Wales and operate more than 250 different types of businesses. We help safeguard the interests of owners of land, and all those with an economic, social, and environmental interest in rural land.

### **CAMPING PERMITTED DEVELOPMENT RIGHT**

**Question 1: Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities?**

1. Yes. According to PitchUp.com, extending the number of days for temporary uses of land during the pandemic injected £25 million into the rural economy between 2020 and 2021. It is important that rural businesses are supported to expand into seasonal tourism and hospitality, such as through the provision of campsites, without the barrier of a full planning application. A CLA member survey in 2023 showed that 92.87% of respondents felt that the planning system was preventing economic growth in the countryside. Expanding the use of permitted development rights lifts one of the barriers to growth in the rural economy.

**Question 2: Do you agree that the permitted development right should only apply to the placing of tents?**

2. No. We support the permitted development right for all temporary uses of land being extended to 60 days, and not limiting the extension to the placing of tents.
3. The rural economy is 18% less productive than the national average and closing this productivity gap could add an estimated £43 billion to the economy. It is important that rural businesses are encouraged to diversify, and this will be evermore important following the removal of Basic Payments (BPS) post-Brexit. Farming businesses in England will lose a total of £1.87bn income a year from 2028. It is predicted that, on average, around 50% of this loss will be recouped from environmental schemes. The other 50%, ~£935m, needs to be made up through diversification opportunities, such as tourism. In Wales, assuming Welsh government moves away from direct payments altogether, by 2028 the loss in BPS will be £238 million a year. Therefore, it will be evermore necessary for agricultural businesses to trial diversification opportunities to understand what the most viable option will be to replace the loss in subsidies.
4. This year, the CLA ran a member survey on planning. It revealed that of the 619 respondents, 45.5% of those who had abandoned a business diversification opportunity

due to planning had spent more than £10,000 before doing so. 18.5% had spent more than £50,000 before abandoning their plans. Extending the number of days under the permitted development right for all temporary uses of land would allow businesses to prove the concept of their diversification before wasting expenditure on a planning application.

5. CLA members are aware that some temporary uses of land would be a nuisance to local communities and would support keeping existing restrictions (for markets, motor car racing, motorcycle racing) at 14 days. CLA members would also support a restriction on the temporary use of land for clay pigeon shooting to the existing 28 days.

**Question 3: Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land?**

6. No. 30 tents seems to be an arbitrary number with no clear justification. While we understand the attempt to limit the impact on local communities, there is no limit on the number of tents allowed within the current permitted development right and we do not support introducing one.

**Question 4: Do you agree that the permitted development right should be limited to up to 60 days per calendar year?**

7. Yes, 60 days allows for two months of the year, and will most likely be used during the summer.

**Question 5: Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets?**

8. Yes, facilities are an important part of a campsite. It would be sensible to also allow under the permitted development right to have permanent infrastructure for the provision of waste disposal, showers, and toilets. For example, the buildings for services could be temporary but water connection and provision for electricity could be permanent. Permanent services need not be an eyesore but will make the logistics of setting up a temporary campsite much simpler and cost effective for businesses.

**Question 6: Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building?**

9. No. Scheduled monuments and listed buildings are already fully protected from harmful physical change by the need for Scheduled Monument Consent (SMC) or Listed Building Consent (LBC) respectively, by enforcement or prosecution if SMC or LBC were not obtained, and/or enforcement if permitted development conditions are broken.
10. Income from camping through temporary uses of land can make a significant contribution to the maintenance costs of a monument or listed building. The public benefit of protecting monuments and listed buildings, added to the public benefit from increased tourism, public access, and employment, would clearly greatly outweigh any

potential “harm to the setting of the monument/building” from the exercise of the permitted development right. Scheduled monuments and land within the curtilage of listed buildings should therefore not be excluded.

11. Similarly, land which forms part of a site of special scientific interest (SSSI) should not be excluded by default. A land designation can be devastating for the viability of farming businesses; for each activity that Natural England do not consent to, farm businesses need to find an alternate income stream. Diversification is therefore as important, if not more important, in areas designated as a SSSI. Planning applications require a significant capital investment upfront, if farming businesses in SSSIs have already lost income, this could be harder to raise. Therefore, businesses in SSSIs should not be further disadvantaged by not having access to permitted development rights for temporary use of land for camping. It is unclear whether temporary campsites within designated areas would be classed as an ‘Operation requiring Natural England’s consent’, if they were this would significantly disadvantage businesses in these areas and would limit the impact of the new right.

**Question 7: Are there any other planning matters that should be considered?**

12. No.

**Question 8: Do you agree that the permitted development right should require annual prior notification to the local authority of the matters set out above?**

13. It may be sensible, for enforcement, for local authorities to require annual prior notification. However, it is important that the ability of local authorities to “monitor the number and location of sites across their authority area” does not lead to sites being refused use of the permitted development right. It should not be the local authorities’ gift to interfere with the economy, it should be to enforce any breaches of the law. The local authorities’ power must only be to monitor, and not to prevent businesses exercising this permitted development right, otherwise the benefits of the rights would be reduced.

**Question 9: Do you think that, in areas of flood risk, the right should allow for prior approval with regard to flooding on the site?**

14. The existing permitted development right for temporary uses of land does not require prior approval on sites with a flood risk, and we do not think that it should be introduced.
15. Planning authorities are significantly under resourced, and it has been reported that some authorities refuse applications to remove them from their backlog. If prior approval is required for sites within a higher flood risk zone, there is a risk that these sites will not get approval simply because the local planning authority is too busy to consider them in full.

**Question 10: Do you think that any of the proposed changes in relation to a new permitted development right for temporary recreational campsites could impact on: a) businesses b) local planning authorities c) communities?**

16. No. We believe the proposed new permitted development right will be beneficial for businesses who will be better equipped to diversify. A permitted development right will also free resources in local planning authorities. The increased time for this permitted development right will have a hugely positive impact on communities by boosting GVA and employment opportunities. Defra statistics show that in settlements in sparse settings, employment from tourism related registered businesses is 23% of total employment<sup>1</sup>. If tourism businesses in rural areas are encouraged to grow, this will create even more employment opportunities.

**Question 11: Do you think that proposed changes in relation to a new permitted development right for temporary recreational campsites could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).**

17. We do not have evidence to answer this question.

## **SOLAR PERMITTED DEVELOPMENT RIGHTS**

**Question 12: Should the permitted development right for solar on domestic rooftops be amended so that they can be installed on flat roofs where the highest part of the equipment would be no higher than 0.6 metres above the highest part of the roof (excluding any chimney)?**

18. Yes. This change would bring more buildings and property owners within scope to decarbonise and lower the energy costs of their properties. The need to seek consent(s) for decarbonisation works currently acts as a powerful disincentive which deters owners from acting in many or most cases. For example, a 2022 CLA-Historic Houses survey of heritage owners showed that 86% of 400 respondents wanted to decarbonise their heritage buildings, but that 87% of those saw consents as a real obstacle to that.

**Question 13: Are there any circumstances where it would not be appropriate to permit solar on flat roofs of domestic premises?**

19. No. Solar installations on flat roofs will not generally be significantly visible and will cause no harm in most cases. If there is a possibility of harm, the proposed permitted development right retains the current conditions (eg Part 14, A.2 (a) to (c)) which require any negative impact of the installation on appearance or amenity to be minimised as far as practicable. Current restrictions encourage manufacturers, installers and building owners to minimise any impact, and allow enforcement action if the condition were ignored and harm resulted. It is unlikely therefore that there would be harm which outweighs the decarbonisation and energy efficiency benefits of the permitted development right.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/110018/2/06\\_Statistical\\_Digest\\_of\\_Rural\\_England\\_2022\\_July\\_edition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/110018/2/06_Statistical_Digest_of_Rural_England_2022_July_edition.pdf)

**Question 14: Do you agree that solar on a wall which fronts a highway should be permitted in conservation areas?**

20. Yes. Solar on a wall which fronts a highway should be permitted in conservation areas and in World Heritage Sites. Allowing more solar panels in these places will create more scope for buildings and property owners to decarbonise and lower the energy costs of their properties through permitted development. Again, the existing permitted development conditions noted in our response to question 13 which require any negative impact of the solar installation on appearance or amenity to be minimised will continue to protect conservation areas and World Heritage Sites against harm.

**Question 15: Do you have any views on the other existing limitations which apply to this permitted development right which could be amended to further support the deployment of solar on domestic rooftops?**

21. Yes, these permitted development rights should also apply to listed buildings. The current exception of listed buildings strongly discourages occupiers of listed buildings from decarbonising their buildings and reducing their energy bills by installing solar panels because that requires planning permission as well as listed building consent (LBC), a high hurdle. Removing the exception for listed buildings would encourage the local authority to grant LBC where appropriate. As LBC would still be required over and above permitted development conditions, the building would be well protected from harmful change.
22. In addition, whilst the special interest of some listed buildings could be harmed by some solar installations, solar can often be deployed with minimal or no impact, for example in roof valleys and other appropriate places. Government should therefore also consult on a listed building consent order under the 1990 Planning (Listed Buildings etc) Act Clause 26C, which would grant LBC automatically where appropriate, subject to conditions. Combined with the permitted development right, solar installations on listed buildings would be allowed in cases where it would not cause harm, ending the current double disincentive of requiring both planning permission and LBC.

**Question 16: Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the dwellinghouse in conservation areas, should be removed?**

23. Yes. This limitation should be removed in conservation areas, and in World Heritage Sites, creating more scope for more buildings and property owners in such areas to decarbonise and lower the energy costs of their properties through permitted development. The current limitation is too restrictive. Again, the existing permitted development conditions noted in our response to question 13 will continue to protect conservation areas and World Heritage Sites against harm.

**Question 17: Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone domestic solar?**

24. Yes. Firstly, this permitted development right for the installation of stand-alone solar equipment should apply within the curtilage of a listed building, for the reasons set out in our response to question 15.
25. Secondly, a further limitation restricts the size of permitted stand-alone solar arrays to nine square metres. This is far too small for modern arrays which are useful for full decarbonisation of energy. The consultation document acknowledges a typical domestic 3.5kw system requires 10 panels of approximately 20 square metres in area (although larger properties with a larger power demand will require larger installations).
26. Under permitted development, roof-based systems serving a dwellinghouse are required to be under the 'microgeneration' limit of 50kw (for electrical generation) or 45 kw thermal (for heat generation) but in practice it will be limited by the roof area. The area of solar panels required to serve a domestic property will be determined by the power demand within the property. Given the choice, most property owners would likely prefer to put solar panels on the roof, but if this is not possible or there is insufficient roof space, siting on ground within the curtilage is the only other option. The nine square metre size limit for stand-alone systems within the curtilage of and serving a domestic property should therefore be replaced with the 'microgeneration' limit to bring it into line with roof-mounted systems and to allow the optimum sized system for the property to be decided by the property owner. In addition, the three-metre restriction on any dimension of a stand-alone array serves no useful purpose and should be removed.

**Question 18: Do you agree that the current threshold permitting the generation of up to 1MW of electricity on non-domestic buildings should be removed?**

27. Yes.

**Question 19: Is the current prior approval for solar equipment on non-domestic rooftops (where equipment is over 50kW but no more than 1MW) effective?**

28. CLA members have not reported problems with the current prior approval for solar equipment on non-domestic rooftops.

**Question 20: Are there any circumstances where it would not be appropriate to allow for the installation of non-domestic rooftop solar where there is no limit on the capacity of electricity generated?**

29. No.

**Question 21: Do you agree that the existing limitations relating to the installation of solar on non-domestic buildings in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?**

30. Yes. The existing permitted development conditions we have noted at question 13 which require any negative impact of the solar installation on appearance or amenity to be minimised, will protect Article 2(3) land from harm.



**Question 22: Do you have any views on how the other existing limitations which apply to the permitted development right could be amended to further support the deployment of solar on non-domestic rooftops?**

31. Yes. These permitted development rights should also apply to listed buildings and within the curtilage of listed buildings, for the reasons set out in our response to question 15.

**Question 23: Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the building in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?**

32. Yes. The existing permitted development conditions as set out in our response to question 13 which require any negative impact of the solar installation on appearance or amenity to be minimised will protect Article 2(3) land from harm.

**Question 24: Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone non-domestic solar?**

33. The permitted area of a stand-alone solar system should be significantly increased to allow all microgeneration up to 50kw capacity or 1,000 square metres (0.1ha) in area - whichever is the smaller. A significant increase will allow ground based solar to serve farms and rural estates where roofs are unsuitable or insufficient in area. An increase would also allow rural landowners to supply power to adjacent rural communities.

**Question 25: Do you agree that permitted development rights should enable the installation of solar canopies in ground-level off-street car parks in non-domestic settings?**

34. Yes. There is no justifiable reason, for design, setting or otherwise, that solar canopies should not be allowed where there is already an off-street car park. In fact, it would seem sensible to use these previously developed sites to deliver renewable energy.

**Question 26: Do you agree that a permitted development right for solar canopies should not apply on land which is within 10 metres of the curtilage of a dwellinghouse?**

35. No. If there is a concern with glare from solar panels into a dwellinghouse there could be a requirement for prior approval, but the permitted development right should not be removed entirely.

**Question 27: Do you agree that a permitted development right for solar canopies should not apply on land which is in or forms part of a site designated as a scheduled monument or which is within the curtilage of a listed building?**

36. No, for the reasons we have listed in our response to question 15. In addition to the need for scheduled monument consent or listed building consent, harm would be prevented within the prior approval process if there is one, and/or by permitted development conditions.

**Question 28: Do you agree that the permitted development right would not apply to article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites?**

37. No, the permitted development right should not be withdrawn in these areas. Harm would be prevented within the prior approval process if there is one, and/or by permitted development conditions.

**Question 29: Do you agree that solar canopies should be permitted up to 4 metres in height?**

38. Yes.

**Question 30: Do you think that the right should allow for prior approval with regard to design, siting, external appearance and impact of glare?**

39. Yes, when using the permitted development right for solar canopies on car parks it would be prudent to require prior approval from the local planning authority.

**Question 31: Are there any other limitations that should apply to a permitted development right for solar canopies to limit potential impacts?**

40. No.

**Question 32: Do you think that any of the proposed changes in relation to the permitted development rights for solar could impact on: a) businesses b) local planning authorities c) communities?**

41. No.

**Question 33: Do you think that proposed changes in relation to the permitted development rights for solar could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).**

42. We do not have evidence to answer this question.

**Question 34: Do you agree that the permitted development right allowing for development by local authorities should be amended so that the development permitted can also be undertaken by a body acting on behalf of the local authority?**

43. Yes.

**Question 35: Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

44. No.



**Question 36: Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?**

45. We do not have evidence to answer this question.

## **FILMING PERMITTED DEVELOPMENT RIGHTS**

**Question 37: Do you agree that the maximum period of time land or a building can be used for the purpose of commercial film making should be increased to 12 months in any 27 month period?**

46. Yes. Increasing the number of months land or buildings can be used in a 27 month period would modernise the right for the way filming now takes place. For example, series created by Netflix and other streaming services often will film for a six-month period and will do two series within two years.

47. While the consultation does not propose changes to the prior notification process, it is CLA members' experience that filming companies will not commit to contracts on land much in advance of a week of filming commencing. We would therefore encourage government to review the process of prior notification to take account of practicalities of the industry.

**Question 38: Do you agree that the maximum area of land or land on which the building is situated being used for the purposes of film making should be increased to 3 hectares?**

48. Yes.

**Question 39: Do you agree that the maximum height of any temporary structure, works, plant or machinery allowed for under the right should be increased to 20 metres?**

49. Yes.

**Question 40: Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

50. No.

**Question 41: Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?**

51. We do not have evidence to answer this question.

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CLA reference (for internal use only): PDR/APR23/Consultation

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