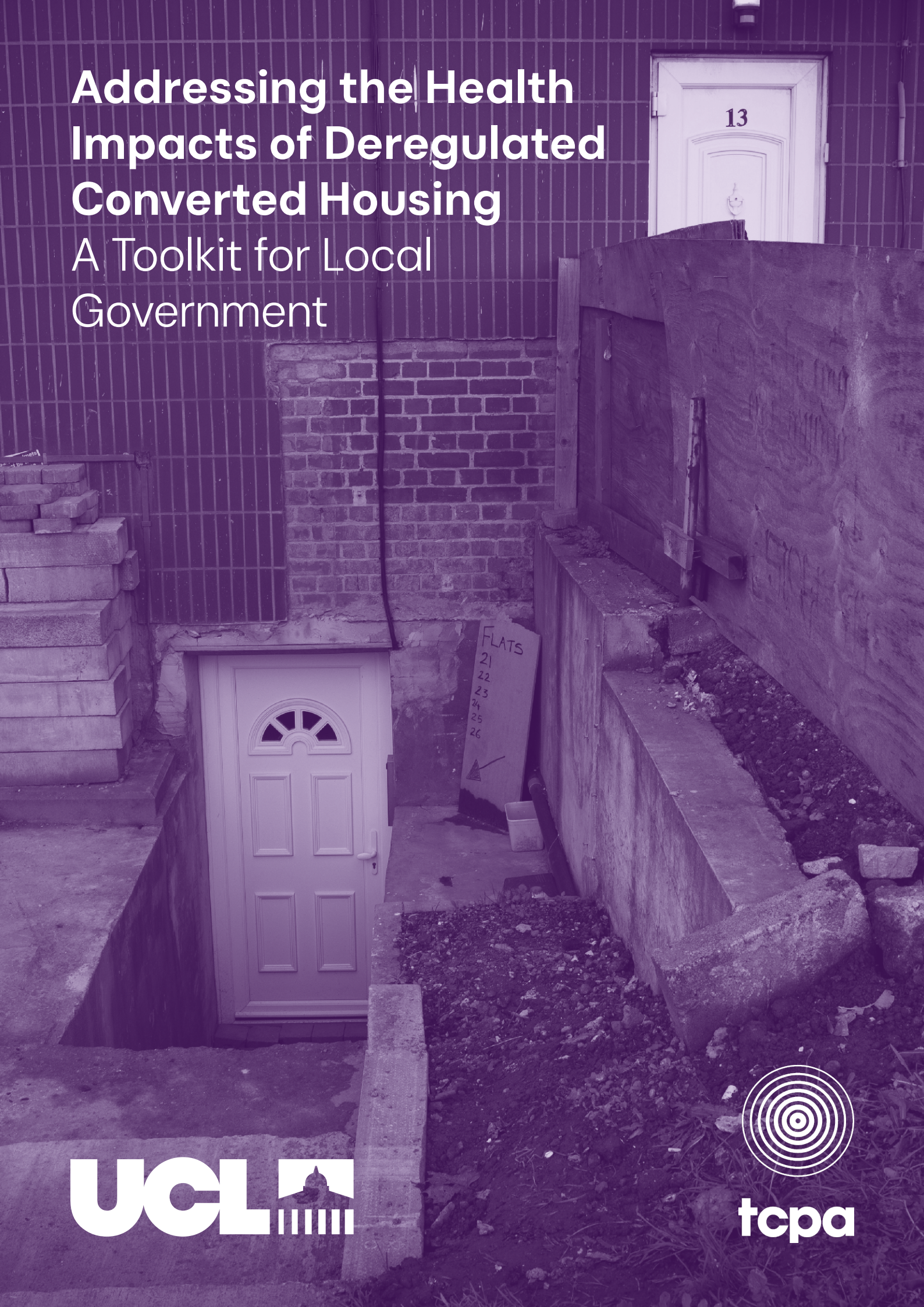
Addressing the Health Impacts of Deregulated Converted Housing

A Toolkit for Local Government



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Foreword

Where you live has enormous implications for your health, wellbeing and life chances. Good quality housing can support people to live longer, happier lives. Bad housing can cause real measurable harm. This has long been known and the evidence for the pathways linking housing and health continues to multiply. Yet increasingly the long-standing vital role of local authorities in being able to help ensure housing is fit for habitation is being challenged, through changes in regulations and growing resource constraints.

In the context of a dire need for housing and sustainability concerns, the adaptive reuse of existing buildings into residential use is in principle an excellent idea. In England, however, the deregulation of change of use conversion schemes through the expansion of 'permitted development rights' from 2013 onwards has led to many poor-quality housing schemes which fail to provide good housing for residents.

Central government introduced this deregulation and, in our view, should act to reverse this: new homes should go through full planning permission where relevant development plan policies, design codes and so on can be applied. But assuming they won't do this, local government still has some ability to try and act to prevent PDR housing and manage it to prevent harm. Of course, this takes resources and given the complexity of the built environment involves planning, building control, environmental health and housing teams all playing a vital role.

Given the importance of housing for communities, there is a moral imperative for local councils to do all they can to try and mitigate the worst that this imposed policy allows. Aware of this role and potential, our colleagues Drs Oliver Botea Carr from UCL and Rosalie Callway from the TCPA have worked hard to pull together an overview of relevant policy, regulation along with case studies and tips for best practice to try and support local government colleagues in their work in relation to PDR housing. We commend this toolkit to you.

Professor Ben Clifford, UCL and Dr Hugh Ellis, TCPA November 2026

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Health Impacts of Converted Housing

tcpa

RTPI Royal Town Planning Institute

Impact on Urban Health

POS Planning Officers Society

Disclaimer

The suggested approach to PDR housing conversion presented in this toolkit is based on the authors' own interpretation of the GPDO 2015 (as amended), other relevant legislation and policy, and other data. This toolkit does not constitute legal or reliance advice.

Citation

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GLOSSARY

§	Refers to a specific paragraph in legislation or policy
BCA	Building Control Authority
BSR	Building Safety Regulator
CAZ	Central Activities Zone (in London)
CIEH	Chartered Institute for Environmental Health
CIL	Community Infrastructure Levy
CoU	Change of Use
CQC	Care Quality Commission
DC	District Council
DCLG	Department for Communities and Local Government, renamed the Ministry of Housing, Communities and Local Government in 2018
DHS	Decent Homes Standard
DLUHC	Department for Levelling Up, Housing and Communities, renamed the Ministry of Housing, Communities and Local Government in 2024
EPA	Environmental Protection Act 1990
EHO	Environmental Health Officer
GIA	Gross Internal Area
GLA	Greater London Authority
GPDO	General Permitted Development Order
GDPO 2015	Town and Country Planning (General Permitted Development) (England) Order 2015
IHIPHE	Health Impacts of Converted Housing – UCL research project reviewing the quality of housing produced through Permitted Development conversion
HMO	House in Multiple Occupation
HHSRS	Housing Health and Safety Rating System
LA BCA	Local Authority Building Control Authority
LB	London Borough
LGA	Local Government Association
LHA	Local Housing Authority
LPA	Local Planning Authority
LSA	Local Shopping Area
MCU	Material Change of Use
MHCLG	Ministry of Housing, Communities and Local Government (2018 – 2021; 2024 – Present)
NIHR	National Institute for Health and Care Research
PA	Prior approval
PDR	Permitted Development Rights
POS	Planning Officers' Society

PRS	Private Rented Sector
PSED	Public Sector Equality Duty
RIBA	Royal Institute of British Architects
RICS	Royal Institute of Chartered Surveyors
RTPI	Royal Town Planning Institute
RSH	Regulator for Social Housing
RBCA	Registered building control approver
S106	Section 106 Agreements (Town and Country Planning Act 1990)
SoS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TCPA	The Town and Country Planning Association
UCL	University College London



Executive summary

The main purpose of this toolkit is to assist local authority officers in supporting the health and wellbeing of residents living in buildings converted to residential use (also called a 'Material Change of Use') through Permitted Development Rights (PDR). It seeks to: reinforce resisting PDR conversions where necessary; to secure planning gain to manage the quality of PDR conversions to residential use; and to mitigate the harms that PDR conversions can cause once buildings are in-use.

This toolkit provides an introduction to housing produced through Permitted Development Rights (PDR) building conversion in England. It presents some of the reported health impacts; and in particular, it aims to clarify current policy and regulatory levers (at the time of writing) that are available to local authorities to shape the production and quality of such conversions. It includes case law and case study illustrations to indicate how these levers have been applied.

While the toolkit seeks to clarify the current PDR housing 'system' – the policy and legislative context is fragmented, dynamic, overlapping and messy. The toolkit should be understood as our best representation of the current situation and not as legal advice.

It is written for a range of local government actors involved in the planning and regulation of housing produced through PDR conversion, including: housing and development management, planning, building control, environmental health and public health teams, as well as interested councillors who sit on relevant committees, e.g. housing, health, equality and safeguarding, planning, and building control. Not all sections will be relevant to (or within the scope of responsibility of) all departments – but it aims to provide an overview for a broad audience.

Deregulation undermines local government powers to protect people

Evidence compiled from a recent major UCL-led study suggests that PDR converted housing is often producing poor housing conditions in locations that are likely to harm the health of residents.

PDR rules undermine the place-based functions of local planning policy and regulation. This means that local authorities are less able to proactively promote healthy placemaking or prevent the potential negative health impacts arising from PDR housing prior approval applications. As such, the TCPA, the UCL research team, and supporting organisations will continue to press for national reform regarding PDR conversion to residential uses. This reform is vital, most especially to protect the most vulnerable in society, prevent worsening local health inequalities, and ensure safe, habitable homes to live in, in suitable locations.

Unless the government changes its position on PDR rules, local authorities will have to act as best they can to manage the consequences of deregulation and to protect their residents. These levers can be applied at various stages: before prior approval applications, during application, during conversion and once properties are in-use.

This summary outlines the main take aways and recommendations for key local government audiences:

- Planners – in policy and development management
- Building control officers
- Public health, environmental health and housing officers

This part of the executive summary outlines key recommendations by which local authorities can seek to effectively manage PDR housing conversions in their area. It also links to the 'top tips' for each recommendation and lever.

1. Planning

This is the first stage of any proposal for a PDR conversion. It is worth emphasising at the outset that, with the exception of Class L (HMO) conversions, all of the PDR classes dealt with in this toolkit require prior approval from the local authority before they can go ahead. Prior approval requires that the local authority consider matters specified within the relevant PDR class. The planning stage is the most effective stage to resist unsuitable PDR conversions coming forwards. Consequently, local authorities should consider using Article 4 Directions to restrict PDR in their areas, check the prior application with the same rigour they would apply to a full planning application, and consider imposing appropriate conditions on the prior approval.

Key recommendations include:

Pre-application

- Article 4 Directions (A4D) can be used to restrict certain PDRs to protect amenity or wellbeing in specific and small geographic areas.
- LPAs should carefully check that (a) the use from which conversion is proposed is what the applicant for prior approval says it is, (b) the building is currently in this use, and (c) this use has a corresponding PDR.
- Conditions on full planning applications can be used to restrict future PDR conversions.
  Read more here

During application

- Use of Prior Approval Conditions, at a minimum relating to compliance with plans/documents and completion of development within 3 years.
- Managing CIL and Section 106 agreements to secure developer contributions where possible.
  Read more here

2. Development management, Building control and Fire safety

This stage of PDR conversion is critical to ensure converted buildings are compliant with prior approval conditions, such as on space and noise, as well as meet requirements under the Building Safety Act 2022. Concerns have been raised about the capacity of Building Control Agencies (BCA) to scrutinise and enforce these regulations by the Building Control Independent Panel. This raises significant concerns for the quality of control applied to PDR conversions which reportedly risk reduced scrutiny and checks. Authorities must therefore exercise care to ensure that duty holders of a PDR conversion project meet Building Regulations and statutory duties, irrespective of whether a conversion to residential use happens through the full planning process or through the PDR prior approval process. Key recommendations include:

Development Management: Tracking and enforcing prior approval conditions

- Clear conditions: Ensure prior approval conditions are clear, measurable, and enforceable (e.g., specifying minimum room sizes or window-to-floor ratios for daylight provisions, insulation requirements to address noise impacts).
- Audits: Conduct post-completion audits / inspection to verify compliance, especially for large-scale conversions.
- Coordinate with Building Control: Work with building control authorities to ensure compliance with Building Regulations, which may overlap with prior approval conditions such as on space and noise.
  Read more here

Building control compliance

- Building work carried out under PDR conversions must still comply with the Building Regulations 2010 (as amended), and comply with the Regulatory Reform (Fire Safety) Order 2005 (as amended) (the FSO).
- Independent third-party impartial review should always be required of a PDR conversion application by a Registered Building Control Authority (RBCA) to ensure compliance with residential building regulations at key stages of a PDR housing conversion.
- Coordinate with Environmental Health (EH) / housing teams: Work with EH and/or housing officers who have applied expertise in Housing Health and Safety Rating System (HHSRS) and fire safety as they enforce issues post occupation.
- Require PDR building owners or managers to alter or remove any works that contravene Building Act 1984, the Building Safety Act 2022 and relevant regulations.
- Failure to meet building regulations should be enforced in the magistrate court.
  Read more here

Fire safety

- PDR housing developers must engage the Building Safety Regulator in scrutinising 'higher risk' schemes (buildings over seven stories / 18 meters height) at the Fire Safety Regulation Gateways Two and Three.
- PDR housing developers must apply Building Regulations Part B in all conversions, and also apply Regulation 6(3) when converting buildings over 11m
- LPAs should inform and engage their Building Control departments and local fire authorities before approving a PDR housing conversion to review and inspect fire safety requirements, including emergency evacuation plans, emergency vehicle access and water supply, exterior cladding and flat compartmentation

- Personal Emergency Evacuation Plans (PEEPs) must be adopted in buildings 18 meters or 7 stories and above, if they have two or more domestic premises, in line the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025. Read more here

3. Housing rights and duties: equality, environmental health and social care

Once a building is converted to residential use it is much harder and more costly to improve the conditions people are living in retrospectively – the 'horse has already bolted' as one environmental health officer put it. This is especially the case in relation to the location, building fabric, insulation, as well as internal layout factors. However, there is various legislation, which aims to protect residents from the worst conditions and risk of harm which apply to housing generally, to specific tenures, including for residents in PDR housing. Key recommendations include:

Protecting PDR residents with 'protected characteristics'

- Adopt appropriate housing procurement contracts when placing people in PDR housing being used for temporary accommodation – in line with the Equality Act 2010 and Social Value Act 2012

Ensure Housing Health and Safety

- If a PDR housing resident raises concerns about housing hazards as defined in the Homes (Fitness for Human Habitation) Act 2018, local authorities should carry out an HHSRS inspection to identify risk of exposure to the 21 key hazards, indicate how they can be remedied and undertake enforcement action if necessary.
- Apply HMO and selective licencing, where appropriate to give additional powers to raise housing standards – in line with the Housing Act 2004.
- Ensure conformity in line with the Social Housing (Regulation) Act 2023 and the Renters' Rights Act 2025 as applicable.

Protect PDR residents from statutory nuisances

- Where complaints of nuisance are raised by residents, local authorities have a duty to inspect PDR housing and take reasonable steps to investigate complaints, in line with the Environmental Protection Act 1990, Care Act 2014, and case law.

Ensure suitability of accommodation for temporary occupants in PDR housing

- Check the location and conditions of PDR housing are suitable for the needs of those seeking emergency accommodation, in line with Homelessness (Suitability of Accommodation) (England) Order 2012. Read more here



Section 1: Introduction and Health Evidence

1. Introduction

This toolkit is an output from the 'Investigating the Health Impacts of Permitted Development Housing in England' (IHIPHE)[1] project led by the UCL Bartlett School of Planning, with the Town and Country Planning Association (TCPA) as a research partner – a three-year project funded by the National Institute for Health and Care Research (NIHR). The research specifically focused on dwellings in England produced through the conversion of non-residential buildings using 'Permitted Development Rights' (PDR). Non-residential buildings, such as offices and light industrial buildings, can be converted within the planning system, while PDR allows developers to avoid a full planning application process. PDR does not negate other legislative requirements.

Earlier research by UCL researchers identified a gap in evidence regarding the potential health implications of allowing the conversion of buildings through PDR. The IHIPHE project sought to address that gap.

1.1 Toolkit aim and audience

The aim of the toolkit is to provide an introduction to housing produced through Permitted Development Rights (PDR) in England; the reported health impacts of this type of housing; and in particular, to clarify the current policy and regulatory levers that are available to local authorities to shape the production and quality of such conversions.

While the toolkit seeks to clarify the PDR housing 'system' – the policy and legislative context is fragmented, dynamic, overlapping and messy. Despite the stated intention of changing the PDR rules being to speed up housing development, instead it appears to have made the situation more complex. As such the toolkit does not cover all relevant levers in detail or repeat legislation verbatim, it does however provide an outline and links to key legislative levers, as well as offer case study illustrations to indicate how they have been applied. The toolkit should be read as our best representation of the current situation and not as legal advice.

It is written for a range of local government actors who are involved in the planning and regulation of housing produced through PD, including: housing and development teams, planning teams, housing enforcement and building control teams, environmental health teams, public health teams, as well as interested councillors who sit on relevant committees regarding housing, health, equality and safeguarding, planning, and building control.

1. Investigating the Health Impacts of Permitted Development Housing in England' (IHIPHE) project website: **https://www.uclpdhousing.co.uk**

To make this toolkit as applied and useful as possible, it has been developed in consultation with various professional bodies, including RICS, RIBA, POS, and RTPI, as well as in dialogue with local authority officers who we would like to thank for their time, expertise and invaluable contribution.

1.2 Toolkit structure

Section 1 provides a brief background about PDR housing, the legislative timeline, reported health impacts, and experiences of local authorities in seeking to manage PDR applications. The proceeding sections then examine three key stages of the conversion process:

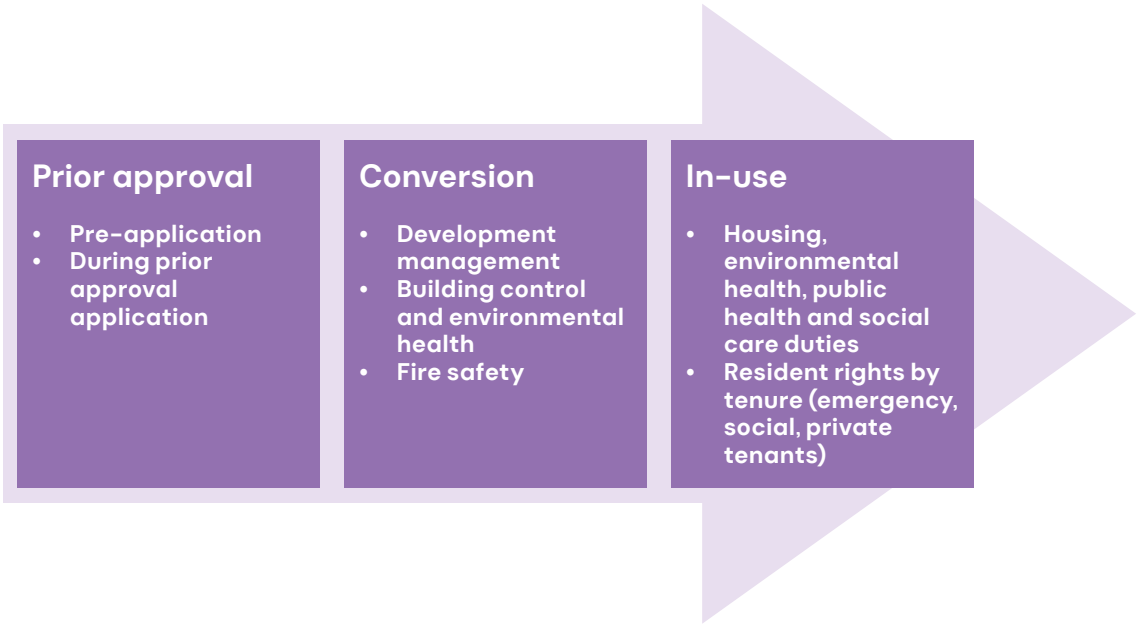

Figure 1.1 Three key stages to intervene regarding Permitted Development conversion to residential use

Section 2 of the toolkit focuses on the Prior Approval (PA) stage. It examines managing PDR housing applications, before and during those prior PA applications. Section 3 looks at the conversion stage and considers how development management functions, how building control regulations apply during Change of Use to residential use, with a more specific focus on fire regulations. And finally, Section 4 looks at when PDR housing is in-use and people have moved in. It considers resident rights regarding housing, public health and environmental health law. Each section provides:

- Summary 'top tip' recommendations;
- A brief explanation of the rules;
- Case studies of how they apply to PDR housing; and
- Case law examples where relevant.

1.3 An introduction to PDR converted housing

This section provides a brief background about what is PDR housing conversions and their reported health impacts and impacts on local government in England. It covers three areas:



1.3.1 PDR housing overview

The conversion of non-residential buildings, such as office blocks, agricultural buildings and warehouses, to residential use through Permitted Development Rights (PDR) was first trialled in 2013 and formally introduced through secondary legislation by the Coalition government in 2015.[2]

Previously PDR rules were applied for minor small-scale conversions and extensions, such as to lofts or kitchen extensions, to reduce the planning requirements for applicants and local planning departments. The Coalition government extended the application of these rights through a piece of secondary legislation; The Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).[3, 4] This change was applied as part of a wider political drive to cut perceived regulatory 'red tape'. The development of PDR conversion rights since 2013 is shown in Figure 1.3 and in more detail in the Appendix 1.

It is important to distinguish between a prior approval and a full planning permission. Both are planning consents, but they are granted under different secondary and primary legislation.

2. House of Commons Hansard Ministerial Statements for 24 Jan 2013 (pt 0001)
3. https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/hcws488
4. The Town and Country Planning (General Permitted Development) (England) Order 2015

A prior approval is granted under the terms of the GPDO whereas a full planning permission can be granted under various Acts but most usually under s.57 TCPA 1990. A prior approval is therefore a distinct form of regulatory consent, albeit still granted within the overall planning system. The implications of this are that the planning matters that a decision maker can consider are entirely contained within the GPDO. Additionally, the GPDO is explicit that matters such as the principle of development are already established. Furthermore, a strict 56-day deadline applies to applications for prior approval, after which consent is deemed to be given in the absence of a decision or an agreed extension of time.

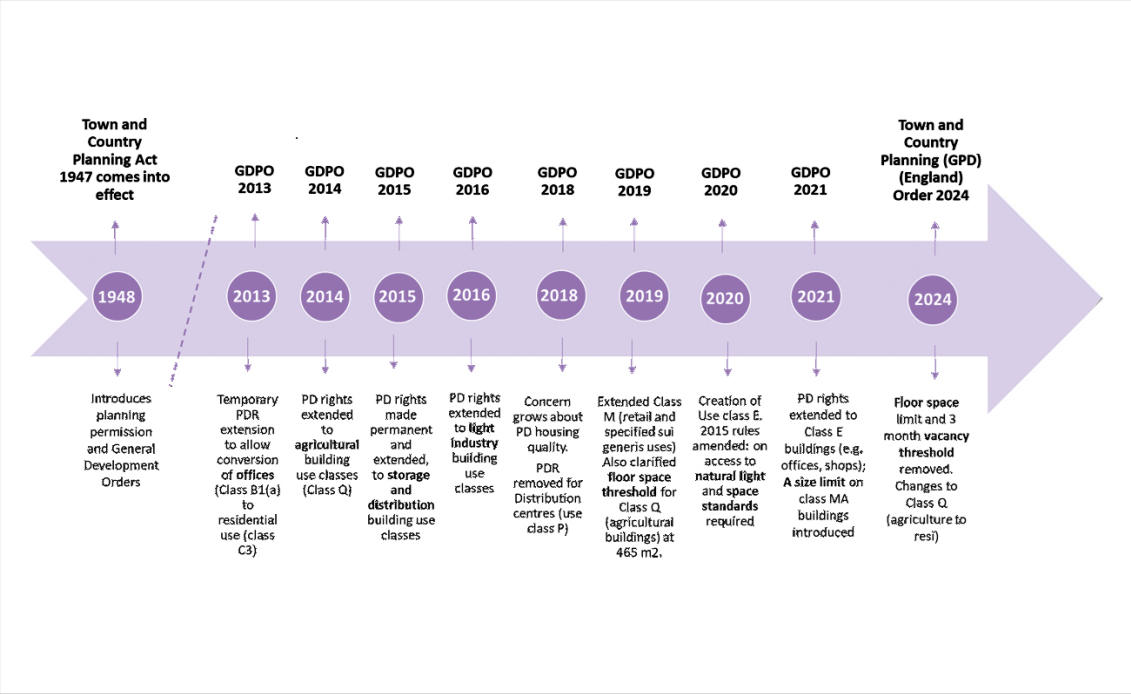

Figure 1.1 Timeline of changes in Permitted Development rules regarding conversion to residential uses.

According to MHCLG statistics, over 119,000 PDR homes have been produced in England since 2015. PDR conversion reached a peak in 2016/2017 of 10% net new housing (see Figure 1.3). UCL have identified the addresses for 77,000 units produced through PDR allowing the conversion of commercial buildings to residential buildings from 2013-2023. The majority of PDR housing produced this way between 2013 and 2025 was by the conversion of former office blocks into flats (see Figure 1.3). Although the average number of homes being produced via this route is slowing, we can conservatively estimate it is housing around 300,000 people.[5]

5. Assuming an average of 2.4 people per home, Families and households in the UK - Office for National Statistics, although some HMO PDR homes can house up to six people.

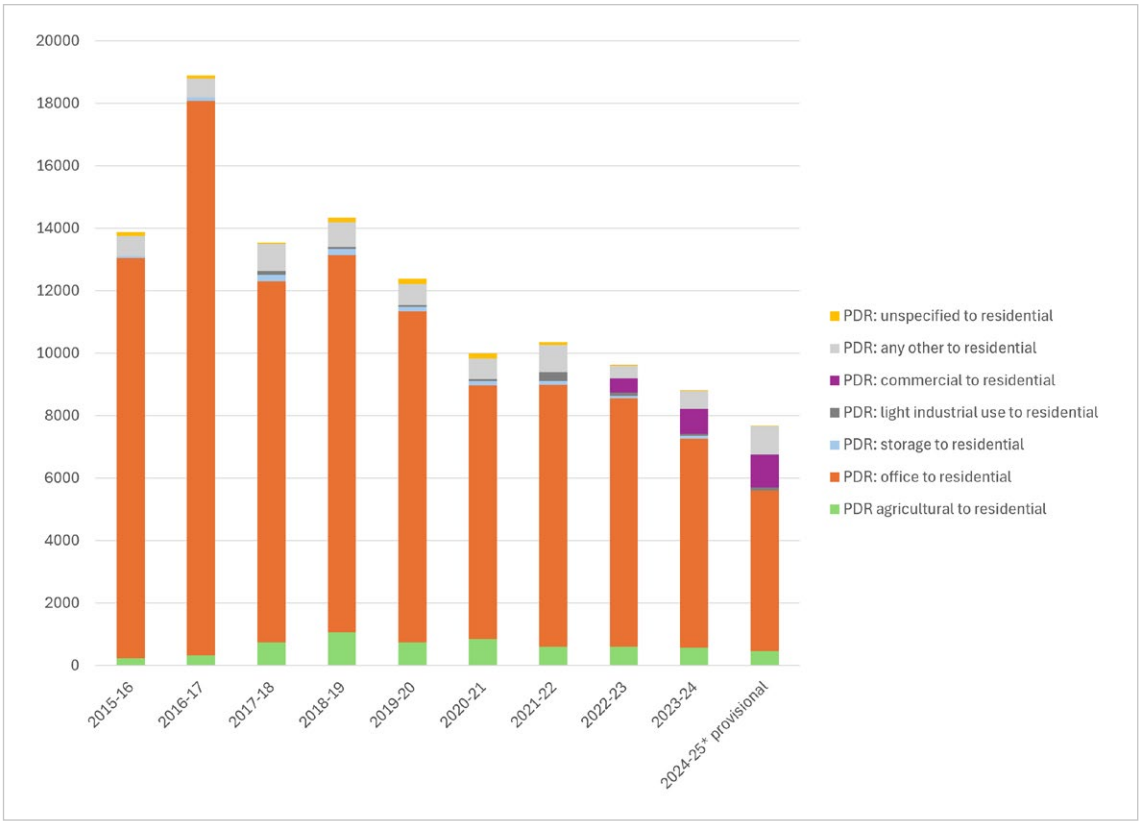

Figure 1.2 Additional PDR housing units annually in England by type of conversion, 2015–2025 (Data source: Table 118: MHCLG, 2025)

A high proportion of PDR housing is concentrated in London and the South East, with some concentration in other cities, such as Bristol, Leicester, Manchester, and Reading. The IHIPHE research has found that many of PDR homes are in unsuitable locations likely to expose residents to unhealthy conditions, such as excessive noise, air and light pollution. Two fifths of PDR homes identified in London (39.2% or 9,022 PDR homes) where found to be within 100 to 200m of sites such as waste facilities and industrial sites.

1.3.2 The health impacts of PDR converted housing

Housing quality, affordability, security and location can all influence physical and mental health outcomes, as well as wider inequalities.[6, 7] Research undertaken for the IHIPHE project, and earlier by UCL, the TCPA and others, has identified a range of concerns about this type of PDR converted housing producing poor quality conditions that have established negative health consequences.

6. Bird, E. L., J. O. Ige, P. Pilkington, A. Pinto, C. Petrokofsky, and J. Burgess-Allen. 'Built and Natural Environment Planning Principles for Promoting Health: An Umbrella Review'. *BMC Public Health* 18, no. 1 (2018): 930. https://doi.org/10.1186/s12889-018-5870-2.
7. Bentley, R., et al. 'Housing as a Social Determinant of Health: A Contemporary Framework'. *The Lancet Public Health* 10, no. 10 (2025): e855–64. https://doi.org/10.1016/S2468-2667(25)00142-2

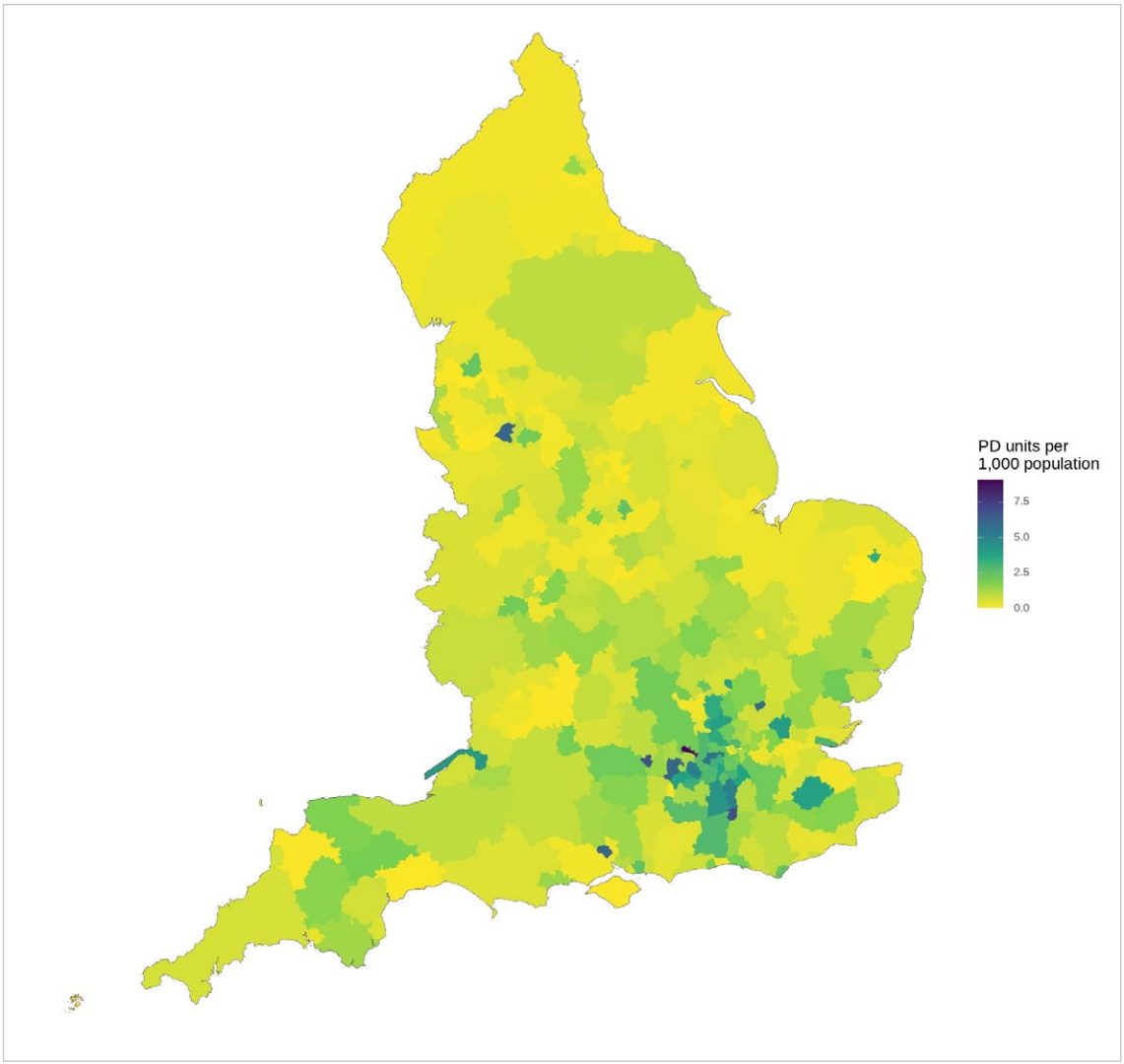

Figure 1.3 Distribution of PDR housing in England (Data source: Clifford et al, 2026)

Earlier research by UCL for the Ministry of Housing Communities and Local Government, found that larger PDR office to residential conversions tended to be of poorer quality. The work specifically examined space standards, the provision of windows, and access to amenity spaces, but not wider built environment factors. It found these features to be consistently poorer under PDR conversions.[8]

The IHIPHE project has also highlighted the prevalence of use of PDR conversions as temporary (TA) and emergency accommodation (EA). As the standards for quality, size, and design are generally lower for TA and EA,[9] use of particularly low-quality PDR conversions for TA and EA can have an outsized impact on residents' health and wellbeing.[10] Living in poor-quality homes is particularly harmful to TA/EA residents who are likely to have vulnerabilities that exacerbate negative health impacts.

8. Research into the quality standard of homes delivered through change of use permitted development rights (Clifford et al, 2020)
9. See Part 9 of Housing Act 1985
10. Alarcon-Yaquetto, et al, 2026 Population and Characteristics of Deregulated Non-Residential Conversions in England

It was in part due to the previous studies and campaigns, that the government decided to amend GDPO 2015 requirements regarding access to daylight in 2020 and space standards in 2021. The access to daylight requirement is notable in that it did not refer to the actual provision of windows – which meant some developers interpreted this to mean merely requiring provision of a light tunnel for PDR properties.



Figure 1.4 Research by the TCPA found that PDR housing falls short on all twelve Healthy Homes Principles

An earlier pilot project by UCL examined resident experiences of living in PDR housing in four London Boroughs. This found a variable picture of housing quality, noting that PDR conversions in higher value areas, such as those in well-located high street areas and used for private rental, were sometimes done to a better standard. The pilot did identify concerns however, even for people living in these higher value conversions. Nearly a quarter of survey respondents (23%) reported lower wellbeing than the UK average (15%).[11] The pilot also highlighted a national evidence gap about the consequences of living in PDR housing for people's health.

11. Clifford, B., Pineo, H., Alridge, R., and Ayre, M. (2023)

Resident lived experiences

Part of the IHIPHE project included a survey of 1,029 residents, who were invited to report on their experiences of living in PDR converted buildings in England. Nearly half of those surveyed (45.6%) – across all tenure groups – have described experiencing problems with overheating. Mothers talked about having to stay out with their children all day as it was too unbearably hot to be remain in their flats. Participants talked about a range of other problems, like exposure to street noise, outdoor air pollution, and security concerns, which prevented them from opening windows to support better ventilation:

> *'when it is hot or humid we can't physically breathe on our floor, we all have to have all the fire escapes open, which is illegal for a start.'* PDR resident

> *'You can't open the windows because of security issues; therefore, there's no air in here. It's a Catch 22.'* PDR resident

Residents reported experiencing multiple problems, each associated with a likelihood of an increased risk of poor health outcomes. The most common combined issues include:

- Inadequate space and overcrowding
- Poor thermal comfort, both overheating and underheating
- Poor ventilation, increasing risk of damp and mould
- Elevated indoor air pollution, particularly PM2.5 and CO^2
- Noise disturbance, both internal and external sources
- Safety concerns and limited opportunities to control the living environment
- Location in areas characterised by environmental burdens including proximity to industrial uses, major roads and other sources of pollution and in some cases isolated from key services and social and green infrastructure

Over three quarters of surveyed residents (77% – 606 out of 787 people) described how they lacked any access to an outdoor garden or green space, or poor connection to a nearby open space – important for urban cooling, physical activity, mental and social wellbeing, especially for families with children. Those living in temporary accommodation in PDR converted housing reported a worse experience of these problems.

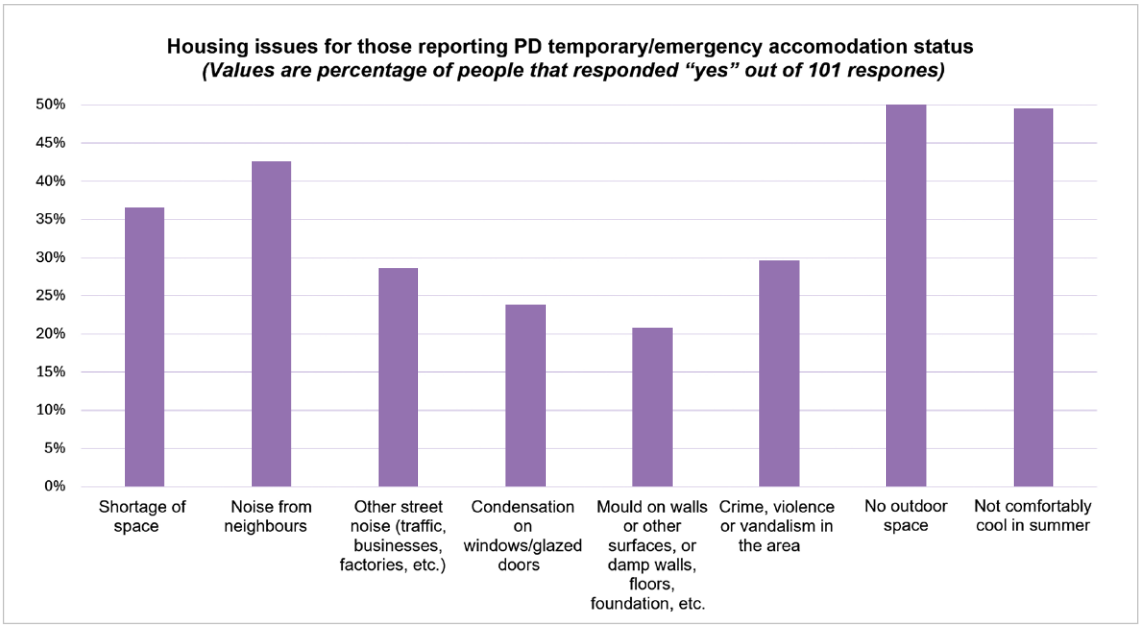

Figure 1.5 Key issues reported by survey respondents living in temporary/emergency PDR housing

The following infographic details the key findings from the UCL research regarding the quality of PDR housing, based on the resident surveys, desk-based research, and indoor monitoring of environmental conditions within 47 PDR homes in 2025 (Figure 1.6).

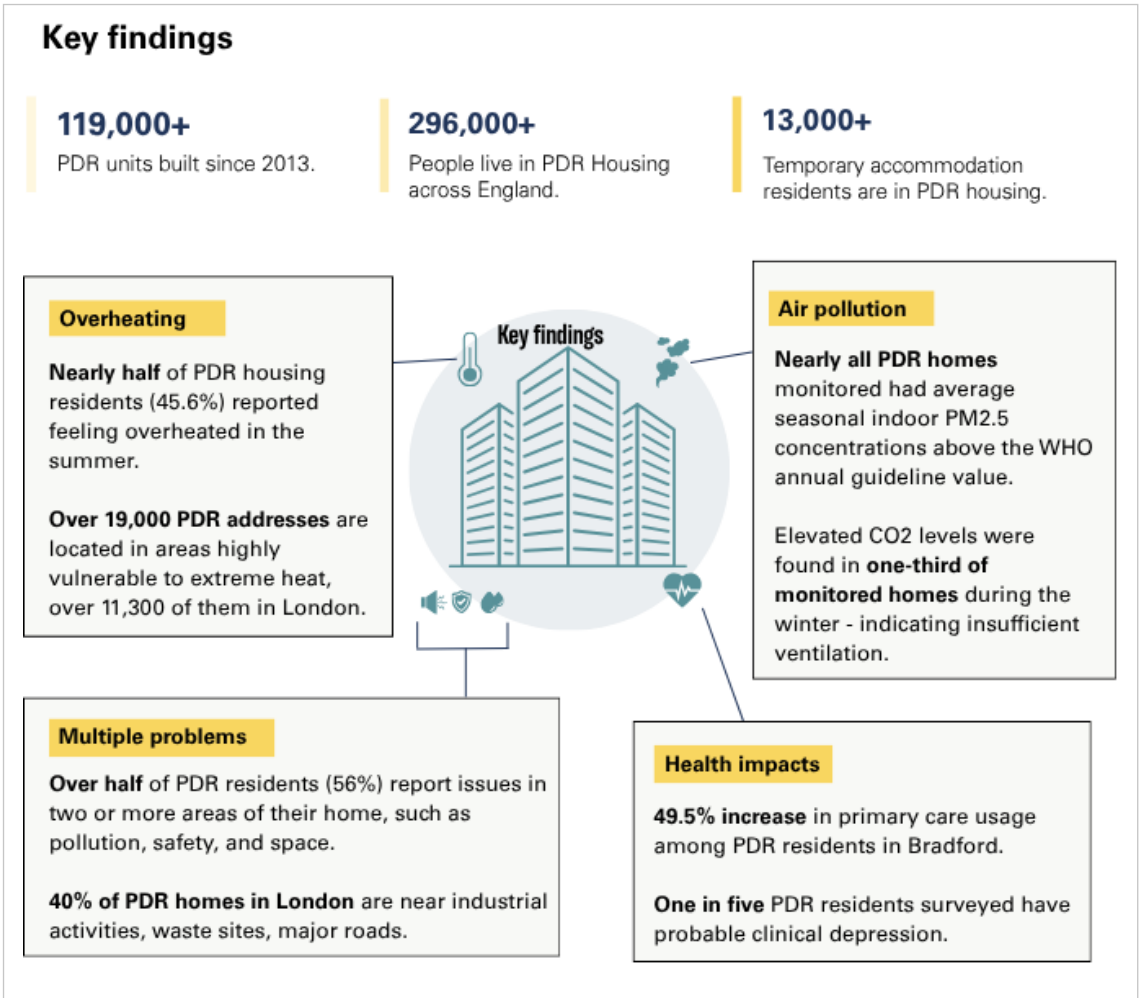

Figure 1.6 Infographic of key findings from the UCL Health Impacts of PD Converted Housing report

1.3.3 Local government experiences

A review of national policy and regulations relating to PDR housing quality in 2024,[12] highlighted how PDR rules have increased the complexity of decision making for housing delivery by creating a 'shadow' planning system which undermines local discretion and creates distinct conditions for different former use classes of buildings.[13]

In 2025, the Town and Country Planning Association (TCPA) carried out a national survey, six regional focus groups and interviews with local government officers and professional bodies to understand the situation further. Responses were received from officers across different departments regarding their experiences of working with PDR conversions locally, including from planning, environmental health, building control, development management, and public health officers. The feedback from officers broadly reflected many of the findings from the national review – about PDR increasing complexity and pressures on local government.

Six broad findings, that might directly or indirectly affect resident health, were raised by local government participants, in particular:

1. **Lower quality homes:** Lower standards under PDR are producing very poor quality and insecure conditions, especially for vulnerable people in temporary accommodation.
2. **Policy restrictions:** The current levers available to local authorities are insufficient to empower local authorities in shaping the quality of PDR housing.
3. **Capacity to scrutinise:** Resourcing pressures make it hard to properly scrutinise PDR prior approval applications, including the reduced prior approval review timeframe (six weeks) and reduced application fees.
4. **Health evidence:** There are limited requirements to consider health evidence when taking decisions on PDR prior approval applications, regarding impacts to individual health and the wider community.
5. **Reduced contributions:** PDR housing undermines affordable housing contributions (and wider contributions to community amenities and services) due to the loss of Section 106 agreements.
6. **PDR hotspots:** There is some regional and locational variation with PDR housing, with more PDR conversions in London and the Southeast compared to the Northeast of England. And there are a higher number of urban PDR residential conversions.

12. Permitted development, housing and health: a review of national policy and regulations (TCPA, 2024)
13. From slums to homes – the story of the Campaign for Healthy Homes (TCPA, 2026)



Section 2: Prior Approval of PDR Housing Conversions

2. Prior Approval: PDR converted housing

This section outlines the legal and policy levers available to local authorities, before a prior approval application; and during an application.

Pre-Application: managing PDR housing conversion

- Applicaiton of GDPO as amended
- Article 4 Directions
- Full Planning conditions

Prior approval: Promoting placemaking

- GDPO matters to be considered
- Prior Approval Conditions
- Section 106 agreements and Community Infrastructure Levy

TOP TIPS: Prior Approval for PDR Converted Housing

Article 4 Directions:

- Consider introducing A4Ds if not already applied. There is a link between PDR and a loss of planning gain, control over planning in a local area, and the health and wellbeing of residents of PDR conversions. Article 4 Directions are one of the few ways to effectively resist conversion by PDR in unsuitable and/or unhealthy locations.
- DM10 in the NPPF (2026) says PDR can be removed by A4D in 'situations where it is necessary to protect local amenity or the wellbeing of the area' including if the application of PDR 'could affect the quality of life …or supporting the vitality and viability of parts of town centres'.
- Base the justification for the A4D as well as the area to which it will apply on a robust evidence base. Having said that, the SoS is likely to amend the A4D to reduce the area, so we suggest applying the A4D to as large an area as the evidence can support in anticipation of this.
- Leave 12-months between announcing / consultation on the A4D and its commencement, to avoid compensation claims by landowners.

Conditions restricting future PDR:

- Conditions should be considered for full planning applications for new commercial development (for example Class E) located in – for example – an LSA or the CAZ.
- The condition should be justified accordingly – for example 'to protect the retail character of the area'.
- Officers should otherwise carefully consider how the proposed condition meets the four tests in the NPPF.

Restrictions, Matters to be Considered and Prior Approval Conditions:

- Officers should go through the relevant Part of the GPDO (the class of PDR under which prior approval is sought) and, first, check each of the restrictions one-by-one. If the proposal fails on any restriction, prior approval should be refused.
- Next, officers should use the tick-box tables in the Resources section of this Toolkit to ensure they have considered each matter allowed under the GPDO.
- If an application for prior approval would fail on any of these matters in the absence of a condition, officers should impose a condition to make the application acceptable.
- Conditions beyond those suggested below and those that relate to the matters to be considered under the relevant Part of the GPDO should not be imposed.

Prior Approval:

- Given the importance of multiple aspects of housing to people's health and wellbeing, LPAs should deal with change of use to residential prior notifications through either the 'prior approval required *and granted*' or 'prior approval required *and refused*' routes, rather than treating them as 'prior approval not required'.
- Planning officers should check whether the building is actually in the relevant use class for the PDR to begin with, and that the proposed housing will meet the requirements of being C3 dwellings.
- Planning officers should check that prior approval is sought under the correct class of PDR and not a class that has been superseded. PDR are technical and applicants for prior approval often make mistakes.
- Planning officers should check compliance with each of the matters to be considered under the relevant PDR class in the GPDO, including NDSS (space standards). Planning officers should note compliance with the relevant GPDO conditions in their officer report as per the good practice example in Case study 9.
- Where appropriate, planning officers should add conditions when granting prior approval, and set these out in the decision notice. These should follow the same general principle as conditions on a full planning permission – if a condition can make an otherwise unacceptable development

acceptable, it can and should be imposed. More significant conditions, such as requiring a construction management plan, will be justified for larger scale development.
- At a minimum, the two draft conditions (outlined below) should be imposed on all prior approvals.

S106 Agreements and CIL:
- Section 106 Agreements should only be considered with the developer's consent, where otherwise the developer could not meet a properly imposed prior approval condition.
- In practice, S106 is likely to apply for schemes large enough to have a highways impact and contributions sought are also likely to relate to highways.
- An application for prior approval that can be refused on highways grounds may be re-applied for under full planning, and developer contributions can thus be captured.
- When an application for prior approval is received, local authorities should check carefully whether the building to which it relates has been in lawful use for a continuous period for at least six months within the period of three years. If it has not, then the application becomes liable for CIL.

2.1 Pre-application: Managing PDR converted housing before prior approval

Unlike a full planning application, a prior approval application to convert a non-residential building to residential use via PDR is much more limited in relation to the requirements a local authority can specify. The following section outlines this process and presents some of the levers available to local government in deciding (i) whether to give prior approval; (ii) the location where PDR conversion can and cannot take place.

This section sets out the categories of uses which can be changed to residential use under the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GDPO). If the proposed change of use does not fall within one of these categories, then it should not be considered for prior approval by the LPA as it is not permitted development within the meaning of the GPDO. Next, we examine the procedure for passing an Article 4 Direction to restrict the use of PDR in a local authority's area. Finally, we illustrate how conditions can be imposed when granting full planning permission which restrict future use of PDR.

2.1.1 GPDO 2015 (as amended) – Residential Change of Use

Part 3, Schedule 2 GPDO 2015 (as amended) contains the suite of development rights permitted under the Order. The classes of development rights which permit the conversion of non-residential uses to dwellinghouses and are therefore relevant to this toolkit are: Class L, Class M, Class MA, Class N, Class Q, Class O, Class P, Class PA. Each Class operates by first setting out the permitted development, next setting out the circumstances under which development is not permitted, then setting out the conditions that must be met before development can go ahead, and finally a section on interpretation.

It is important to emphasise that – aside from Class L – each of these Classes of PDR requires prior approval from the LPA before the change of use can occur. Prior approval is a light touch approval process in which the LPA cannot object to the principle of the change of use (which has already been granted under the GPDO) but can refuse or impose conditions in circumstances specified within the GPDO. LPAs should not generally classify PDR changes of use as not requiring prior approval as they generally do.

Table 2.1 outlines the categories of residential change of use that can be performed under PDR. If the proposal does not fit into one of these use classes then the change of use cannot be undertaken with PDR and prior approval should not be granted.

Before determining whether an application for prior approval is valid, LPAs should carefully check: (a) the building is currently in the relevant use, (b) this use has a corresponding currently live PDR class, and (c) prior approval is sought under the correct PDR class. If one or more of these criteria is not met, the application for prior approval should not be validated.

Table 2.1 Summary of PDR and building use classes and recent changes

PDR Class (GPDO 2015)	Use Classes (Use Classes Order 1987)	Notes
Currently Live PDR Classes		
L	Class C4 (houses in multiple occupation) to C3 (residential) and vice versa	• No prior approval or notification needed unless an HMO or Selective Licence is required.
MA	Class E (commercial) to C3 (residential)	• Building must have been in Class E use for a continuous period before change of use.
M	Specified sui generis uses: hot food takeaway, betting office, payday loan shop, launderette (or mixed use combining one of these with a dwelling) to C3 (residential)	• Building operations reasonably necessary for conversion also permitted.
N	Sui generis: amusement arcade/centre or casino to C3 (residential)	• Similar prior approval regime to Class M.
Q	Agricultural buildings (and certain former agricultural buildings) to C3 (residential)	• LPA can consider a wider range of matters at prior approval including design and location.
Superseded PDR Classes (relevant for older approvals)		
O	B1(a) offices to C3 (residential)	• Time-limited right, closed to new prior approval applications from mid-2021; folded into Class MA.
P	B8 storage or distribution to C3 (residential)	• Time-limited right (ran to 2022); now defunct, superseded by Class MA.
PA	B1(c) light industrial to C3 (residential)	• Time-limited right (ran to 2023); now defunct, superseded by Class MA.

2.1.2 GPDO 2015 – Article 4 Directions

LPAs can remove specific PDRs in their area by means of an Article 4 Direction ('A4D'[14]). A local authority may wish to introduce an A4D to achieve the goals of resisting, mitigating the effects of, or managing the locality of residential conversions undertaken through permitted development rights. Anecdotally, many local authorities have found A4D are one of the more effective levers for achieving these goals. Below we provide a simple step-by-step guide to passing an A4D, we then describe A4D in more detail, set out the law, policy, and guidance governing how A4D should be used, before concluding with some recent case law and case studies illustrating how and where A4D have been used successfully.

14. NPPG, Paragraph: 020 Reference ID: 13-020-20140306

Step-by-step guide

Step 1: The local authority should decide the area or use (or both) they wish to restrict. This will tell them whether they want to issue a general or a specific Article 4 Direction.

Step 2: The local authority should prepare a report containing robust evidence justifying either the locality or the use restriction (or more usually – both). Further guidance on preparing such a report and what constitutes 'robust evidence' is contained in the case study below but the evidence should be gathered with the following two questions in mind: (1) Why the A4D is *necessary* to protect local amenity or the wellbeing of the area? (2) What is the smallest area *required* the A4D can apply to mitigate the *evidenced* harm? [Italics added].

Step 3: The local authority should prepare a Draft Article 4 Direction and a plan showing the affected area for notification and consultation.

Step 4: The local authority should give notice of the Article 4 Direction to both the Secretary of State and to owners and occupiers of every part of the land within the area or site to which the A4D relates.

Step 5: The local authority should consult on the Article 4 Direction for no less than 21 days and take into account consultation responses in respect of the A4D.

Step 6: The local authority should decide when they want the Article 4 Direction to take effect. Generally, this should be no less than 12 months after the commencement of the consultation date to avoid compensation claims from landowners.

Step 7: The local authority should confirm the Article 4 Direction and the accompanying map showing the affected area. This should be made available on the LPA's website.

Article 4 Directions Generally: What are they?

A4D refers to Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Article 4 Directions apply spatially and to specific PDR within the GPDO. For example, an A4D could be applied to a specific street within a local authority's area to restrict retail (use class E(a)) to residential conversions (use class C3) for the purpose of protecting a primary shopping area. For non-residential to residential conversions A4D should be '*limited to situations where it is necessary to protect local amenity or the wellbeing of the area*' and should be applied to '*smallest area required to mitigate the evidenced harm*' (NPPF, DM10). An A4D may only be made by the Secretary of State or the appropriate planning authority; the county planning authority have concurrent powers with the local planning authority where they have jurisdiction to determine the planning permission concerned.[15]

15. NPPG, paragraph: 037 Reference ID: 13-037-20140306

It should also be noted that, by withdrawing PDR permission under the GPDO, the effect of an A4D is to require a full planning application to be made to convert non-residential buildings within the specified locations. It is particularly important that local authorities give at least 12 months' notice before an A4D takes effect. If the LPA does not give at least 12 months' notice of the A4D, and a subsequent prior approval is refused, or granted subject to conditions other than those in the GPDO, the landowner is entitled under the s.107 TCPA 1990 to claim compensation for abortive expenditure and any loss or damage caused by the loss of rights. This is why, if 12 months' notice of the A4D is given, no compensation is typically payable because an owner has had time to act.

Law, Policy and Guidance: How Should Article 4 Directions be Used?
The effect of an A4D is that a restriction may be placed on the scope of the PDR in relation to a defined area. Provided that there is justification for both its purpose and extent, an A4D can:

i. cover an area of any geographic size, from a specific site to a local authority-wide area;
ii. remove specified PDR related to operational development or change of use; and
iii. remove PDR with temporary or permanent effect (NPPG, paragraph: 038 Reference ID: 13-038-20140306).

In terms of justification for the purpose of an A4D, the NPPF, DM10 states that A4D to remove non-residential to residential PDR should:

a. *'Be limited to situations where it is necessary to protect local amenity or the wellbeing of the area (for example safeguarding against the demolition of local facilities, preventing an over-concentration of uses which could affect the quality of life such as small Houses in Multiple Occupation, or supporting the vitality and viability of parts of town centres);*
b. *Be based on robust evidence; and*
c. *Apply to the smallest area required to mitigate the evidenced harm.'*

The NPPG provides that (Paragraph: 038 Reference ID: 13-038-20210820):

'The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to:

- *a wide area (e.g. those covering the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)...*
- *cases where prior approval powers are available to control permitted development*
- *leisure plots and uses'*

The new NPPF softens the restrictions on A4D somewhat, changing the previous limitation of *'necessary to avoid wholly unacceptable adverse impacts'* to *'necessary to protect local amenity or the wellbeing of the area'*. Furthermore, TC1.2 NPPF states that local authorities should '*consider the use of Article 4 directions to remove a permitted development right where these are justified as a means to support the vitality and viability of particular centres and maintain their character*'.

An A4D can be used in two ways. First, it can relate to PDR in relation to any particular area, specified in the A4D – this is a 'general direction'. Second, it can relate to a particular PDR anywhere in the authority's area – this is called a 'specific direction'. Illustrating these two types in the case of *Thanet District Council v Ninedrive Ltd [1978] 1 All E.R. 703*, Walton J stated at [711]: "the planning authority may either ban all or any development or ban a specific development, that is to say, it can either sweep the board clean or be as extremely selective as it chooses". Further, the NPPG particularly emphasises that A4Ds applying to a wide area will need a particularly strong justification.

Procedure for Making Article 4 Directions

Once the LPA has decided to make an A4D, the procedure they must follow is described in Schedule 3 GPDO 2015 (as amended). Notice that the A4D has been made must be given by the LPA as soon as practical in three ways:

(a) By local advertisement;
(b) By site display at no fewer than 2 locations within the area to which the direction relates, or, if the direction is a particular direction under art.4(1)(b), on the site of the particular development to which the direction relates, for a period of not less than six weeks; and
(c) By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.

However, owners and occupiers do not need to be served notice if it is impracticable, either because it is difficult to locate them or because the number of owners/occupiers makes individual service impracticable (§1(2) Sch.3). The LPA must then consult on the A4D for a period of at least 21 days, and take account of any representations received during that period when deciding whether to confirm the direction (§1(9) Sch.3).

The Secretary of State (SoS) must also be notified. Upon notification, they have wide powers to modify or cancel A4Ds in most circumstances. However, the SoS cannot modify A4Ds related to listed buildings, or buildings notified as being of architectural or historic interest. The NPPG confirms "the Secretary of State will not use their powers unless there are clear reasons why intervention at this level is necessary" (Paragraph: 051 Reference ID: 13-051-20190722). Some examples of modifications the Secretary of State has made to proposed A4Ds are shown in the case studies below.

When Article 4 Directions take effect

Generally, A4Ds come into effect when they are confirmed by the LPA, at least 28 days, and no longer than two years, after the commencement of the consultation period (§1(4) Sch.3). However, §2 Sch.3 allows certain directions to come into force with immediate effect. Directions with immediate effect can be made in respect of two factors:

(a) a development otherwise permitted under any of Parts 1 to 4, or Class B or C of Part 11, of Sch.2 which the authority considers "would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area"; or
(b) a direction within the whole or part of any conservation area which the authority consider should have immediate effect when the development is within the categories set out at §3 Sch.3.

Directions with immediate effect come into force on the date the notices are served, published or displayed. These immediate directions expire after six months unless confirmed by the local planning authority (§1(6) Sch.3).

The NPPG confirms that (Paragraph: 045 Reference ID: 13-045-20140306):
"The circumstances in which an immediate direction can restrict development are limited. Immediate directions can be made in relation to development permitted by Parts 1 to 4 and 31 of Schedule 2 to the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area. Immediate directions can also be made in relation to certain types of development in conservation areas. In all cases the local planning authorities must have already begun the consultation processes towards the making a non-immediate article 4 direction."

Note that A4Ds do not apply to development permitted by Sch.2 requiring prior approval, when the prior approval date occurs before the date the direction comes into force and the development is completed within three years of the prior approval date.

Recent Case Law

In *R. (Williams) v Cyngor Gwynedd [2025] EWHC 2395 (Admin)*, the High Court quashed the making of an Article 4 Direction (under the 1995 GPDO in Wales) on the basis that the members had been materially misled as to the extent of the control that would be afforded by the A4D. The A4D removed PDR which permitted a change of use between class C3 (primary residences) and C5 (second homes) or C6 (short-term holiday lettings). The Court held that members were mistakenly led to believe that the A4D would enable planning control to be exercised over changes of use between these two C use classes which were not material changes of use.

The effect of this judgement is likely to be that, where a change of use would not otherwise be material (e.g. a change within Class E), then the A4D cannot restrict or control that change. The relevance for this Toolkit is that officers need to be very careful when preparing reports for members on the scope and purpose of the A4D.

Case study 1. Brighton & Hove City Council

On 19th January 2022 Brighton & Hove City Council made an A4D disapplying Class MA sites within Brighton & Hove City Council, to come into force on 1st February 2023. On the date the A4D was due to come into force, the chief planner at DLUHC wrote to the Council informing them that the SoS had considered the A4D and concluded that:

'The Article 4 direction, as made, does not take a sufficiently targeted approach in the assessment of the wholly unacceptable adverse impacts of the permitted development right in each location. Such an approach is necessary to ensure that the Article 4 direction applies only to the smallest geographical area possible. The Secretary of State is therefore of the view that the boundary must now be modified in accordance with the notice attached to this letter.'

This case study is notable due to the timings and dates: First, the Council left approximately 12 months before the A4D coming into force. This is good practice to avoid landowner claims for compensation. Second, the SoS issued the modification notice on the day the A4D was due to come into force. There is nothing to prevent the SoS from doing this. It is therefore good practice to take a targeted approach to the evidence base and justification for the A4D as 'necessary to protect local amenity or the wellbeing of the area' and applying to the 'smallest geographical area possible'.

Case study 2. Royal Borough of Kensington and Chelsea

RBKC made an A4D on 20th July 2021 to disapply PDR under Class MA, covering the whole Borough and due to come into force on 22nd July 2022 (12 months after passing the A4D). RBKC prepared a thorough report, including satisfying themselves that the exemption applied to 'the smallest geographical area possible'. On the day the A4D was due to come into force, 22nd July 2022, the SoS wrote to RBKC modifying the A4D to specific sites rather than the whole Borough. This case study demonstrates that even with a thorough evidence base, a borough or district wide A4D is not advisable (the counter example of City of London below notwithstanding).

Case study 3. City of London

The City of London Corporation successfully passed a borough wide A4D disapplying Class MA without modification by the SoS. The Corporation passed the A4D on 23rd July 2021 and it came into force on 1st August 2022 (roughly 12 months after being passed). The City of London is geographically the smallest local authority in England, being just over one square mile. It is also the only London borough that falls entirely within the CAZ. The argument that a borough wide A4D constituted the 'smallest geographical area possible' was therefore clearer and the City of London is an example of the exception that proves the rule. Nevertheless, the A4D was thoroughly evidenced both by a local report and the GLA document: **Strategic evidence to support London borough Article 4 Directions (commercial to residential) (July 2021)**. This latter document, although somewhat old, is nevertheless useful for London boroughs to build up the evidence base for an A4D.

Case study 4. London Borough of Islington

The London Borough of Islington has passed two tranches of A4Ds since August 2023 – restricting conversion from Class MA / Class E commercial to residential use. In the first tranche, one site (Angel Gate, Goswell Road, London, EC1V 2PT) was removed by from the A4D by the SoS. A modified A4D came into force on 19th October 2023. The second tranche of A4Ds, consisting of six conservation areas was confirmed in July 2025 and came into force on 1st September 2025. Both tranches produced limited or no interference from the SoS, which suggests that: i) a robust evidence base with justification; and ii) defining A4Ds by area specific tranches is good practice to avoid modification by the SoS.

2.1.3 Full planning conditions restricting future use of PDR

There have been several planning appeals, a sample of which are set out below, that demonstrate that conditions can be placed to restrict future PDR conversions. Article 3(4) GPDO 2015 (as amended) makes clear that, to qualify as permitted development, the proposal must not be contrary to any condition on an existing planning permission. The condition must still meet the four tests contained in DM6.1. NPPF:

'Planning conditions should only be attached to planning permissions and other associated consents for development where they are: a. Necessary to make the development acceptable in planning terms; b. Relevant to the development and to planning considerations generally; c. Sufficiently precise to make them capable of being complied with and enforced; and d. Reasonable in all other respects.'

While the test of necessity may cause problems, an LPA may still opt to impose conditions restricting future PDR conversions where, for example, they wish to protect the commercial or retail character of a certain area.

However, note that DM6.2. NPPF states that '*Conditions should not be used to … Restrict national permitted development rights unless there is clear justification to do so*'. Although it is not clearly defined what is meant by 'clear justification' it is likely that this standard would be met so long as the condition meets the four tests contained in DM6.1.

Case study 5. 218 Woodhouse Road, North Finchley, Barnet, London
Reference: APP/N5090/W/23/3328242
Written reps: 12/03/2024
Authority: LB Barnet
Inspector: Harrison, F.
Appellant: Mr Yakov Pines of YZ Estates Ltd
Outcome: Appeal dismissed
Description: Prior approval was sought under Part 3, Class MA for the change of use from retail (Class E) to one dwellinghouse (Class C3). The site was located in an inner urban area. A condition existed on a 2008 full planning permission to restrict the uses on the site to Class A2 (Professional Services) to protect vitality and viability and not have a detrimental impact on amenity. The Inspector read that condition in the context of the overall purpose of the consent, finding it straightforward in its wording that makes it clear that its main purpose was to restrict the type of development at the site to Class A2 (Professional Services) to address concerns about the effect of other uses on the site. In doing so the condition contains something more than simply reiterating the development granted planning permission. The wording of the condition taken in its full context demonstrates an intention on the part of the Council to exclude all uses at the site other than Class A2. The application of

the General Permitted Development Order (GPDO) is excluded and the appeal site could not benefit from permitted development, under the terms set out in Class MA.

Case study 6. Thanes Lane Yard, Thanes Lane, Motcombe
Reference: APP/D1265/W/20/3266012
Written reps: 06/07/2021
Authority: Dorset Council
Inspector: Davies, N.
Appellant: Mr John Heenan
Outcome: Appeal dismissed
Description: A Dorset council had been correct to refuse Class O prior approval for the change of use of an existing office occupied by a tree surgery business to a residential dwelling, an inspector ruled.

Within the red line site boundary, a two-storey building used as an office for a tree surgery business was proposed to be converted to a two-bedroomed house. The inspector noted the appellant's submissions indicated that the tree surgery business would cease operating from the site and all of the surrounding land and storage buildings would become associated with the residential use. A condition on the original permission prevented use of the site including the office building for any purpose other than for an arboriculture and tree surgery business, contravening article 3(4) of the GPDO which makes clear that, to qualify as permitted development, the proposal must not be contrary to any condition on an existing planning permission.

The inspector concluded the building did not have a B1(a) use, and its use as a dwellinghouse would conflict with a condition of an existing planning permission. For these reasons the proposal did not satisfy the requirements of the GPDO to be permitted development under Class O of Part 3 of Schedule 2 and he dismissed the appeal.

Case study 7. Springfield Barn, Uphampton, Droitwich, Worcestershire
Reference: APP/H1840/W/17/3188879
Written reps: 26/03/2015
Authority: Wychavon DC
Inspector: Radcliffe, I
Appellant: Mr B Gracey
Outcome: Appeal dismissed
Description: In spite of various legal judgments in support of an appeal seeking confirmation that offices in Worcestershire could be converted to a dwellinghouse under Class J of Part 3 to Schedule 2 of the General Permitted

Development Order (GPDO) 1995, an inspector decided that the development was expressly prohibited by a condition imposed on a planning permission. Permission had been granted for the conversion of a two-storey barn to a live-work use and the condition stated that the ground floor office use should not be used for any other purpose or as a separate residential unit. In support of his appeal the appellant referred to Dunoon Developments Ltd v Secretary of State for Environment [1992] and claimed that the GPDO gave general planning consent unless such consent was specifically excluded by a condition. Since the condition only referred to using the ground floor as a Class B1 office, this did not override the terms of Class J.

In firmly rejecting this claim the inspector concluded that the condition was very specific in stipulating not only that the building should be used for offices but also preventing its use as a separate residential unit. It included reference to the use classes order and its purpose was clear; namely to prevent a residential use from occurring. Consequently, the permitted development rights under Class J were precluded by the operation of Article 3(4) of the order.

2.2 Prior approval: Promoting placemaking in PDR converted housing through restrictions, GPDO conditions, and developer contributions

This section identifies the main levers by which local authorities can seek to improve the quality of PDR conversion. First, the matters that can be considered by the LPA at the prior approval stage, and the specified circumstances in which prior approval should not be granted. Second, the conditions that can be imposed when granting prior approval. Third, the limited circumstances in which developer contributions can be secured on PDR conversions through s.106 Agreements or through the Community Infrastructure Levy (CIL). A flow chart showing the decision-making process and considerations for an application for prior approval are shown below at Figure 2.1.

2.2.1 GPDO 2015: Matters to be considered and restrictions

Each Class of the residential conversion PDR is contained in Schedule 2, Part 3, GPDO 2015, Classes L-Q. Each Class is structured in broadly the same way. First, the permitted development is set out, then circumstances in which development is not permitted. Next, the conditions – or matters to be considered by the local authority – are set out. Finally, some Classes have an interpretation section.

Matters to be considered

It is very important to note that it is a condition of each of the non-residential to residential PDRs that the developer must apply to the LPA for a determination as to whether prior approval is required on specified matters. These matters vary between PDR classes so it is important that the LPA only considers the matters under the PDR class for which prior approval is sought. There are four matters that apply to every Class of non-residential to residential PDRs. These are:

1. The transport impacts of the development, particularly to ensure safe site access
2. The contamination risks in relation to the building
3. Compliance with Nationally Described Space Standards
4. Access to adequate natural light in all habitable rooms

It is therefore unlikely that prior approval would *not* be required in relation to any of the relevant PDRs. Furthermore, determination of prior approval applications are the chief way LPAs can manage and mitigate the adverse impacts of PDRs in their area so we would urge LPAs to always seek prior approval for non-residential to dwellinghouse conversions and to go through each of the relevant matters to be considered carefully. We have presented each of the matters an LPA can consider under each relevant class of PDR as a tick box list at Resources 3, so officers can ensure they have considered every matter.

Class L is the only class of PDR we deal with in this toolkit where prior approval is not normally required. However, prior approval will be required if an HMO licence is required, which it normally will be for conversion from a C3 dwelling to a C4 HMO. The matters to be considered for each other Class of PDR are summarised in Table 2.2. below.

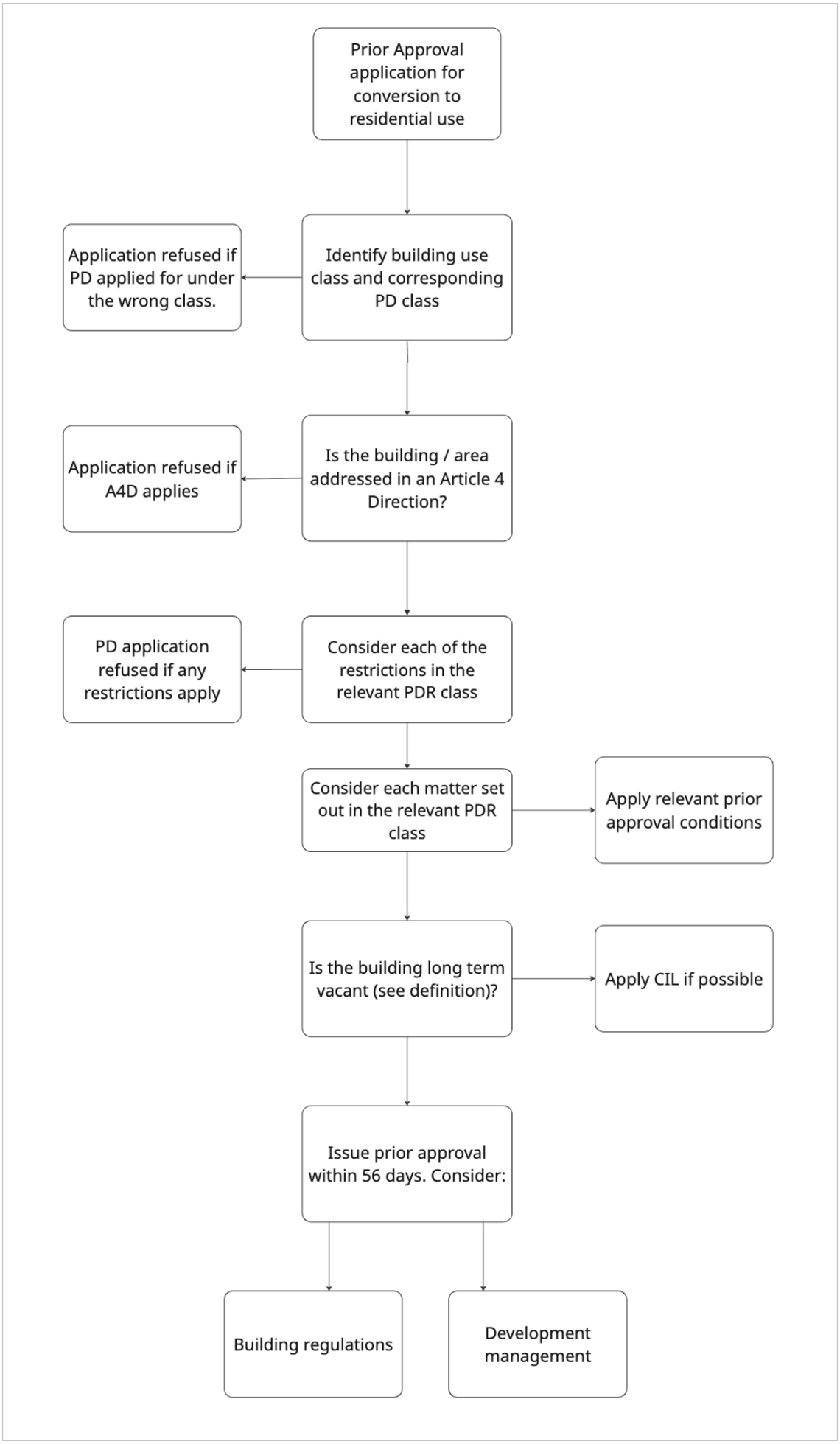

Figure 2.1 Prior approval flow chart

Table 2.2 Prior approval matters that can be considered under each class of PDR

Building Use Class **Prior approval matters to be considered**	**O – offices to dwellings***	**M – certain uses to dwellings***	**PA – premises in light industrial use to dwellings***	**MA / E – commercial, business and service uses to dwellings***	**L / C4 – small HMOs to dwellings and vice versa**	**N / Sui Generis – specified sui generis uses to dwellings**	**P / B8 – storage or distribution centres to dwellings**	**Q – Agricultural**
Design or external appearance of the building		✓				✓		✓
Transport impacts of the development, particularly to ensure safe site access	✓	✓	✓	✓		✓	✓	✓
Contamination risks in relation to the building	✓	✓	✓	✓		✓	✓	✓
Flooding risks in relation to the building	✓		✓	✓		✓	✓	✓
Impacts of noise from commercial premises on the intended occupiers				✓			✓	✓
Impacts of air quality on the intended occupiers of the development							✓	
Where— (i) the building is located in a **conservation area**, and (ii).the impact of that change of use on the character or sustainability of the conservation area;				✓				
The provision of **adequate natural light** in all habitable rooms of the dwelling houses* (amended in 2020)	✓	✓	✓	✓		✓	✓	✓
Whether **the location or siting** of the building makes it otherwise impractical or undesirable for the building to change								✓
The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses				✓				
Where the development involves the **loss of services** provided by— (i) **a registered nursery**, or (ii) **a health centre** maintained under section 2 or 3 of the National Health Service Act 2006				✓				
Whether it is undesirable for the building to change to a use… because of **the impact on (i) adequate provision of services (shops and financial services) … (ii) the sustainability of a shopping area**		✓						
Whether the introduction of, or an increase in, a residential use of premises in the area would have an **adverse impact on the sustainability of the provision of those [storage, industrial or distribution] services**			✓				✓	
A minimum gross internal floor area of 37sqm and compliance with the Nationally Described Space Standard.	✓	✓	✓	✓		✓	✓	✓

* Light grey shaded use classes no longer apply. Class E was introduced in 2020 and includes building formally classified as: A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), parts of D1 (non-residential institutions), D2 (assembly and leisure), PA LIGHT INDUSTRIAL now E(g) previously class B1.

Restrictions on PDR approval

Each class of PDR specifies circumstances under which development is not permitted. Each class of PDR has specific restrictions, and it is worth carefully checking that none apply to the proposal in question. Some of the specific restrictions are either opaquely drafted or contain complex time limits. We explain each of these in plain English in Resource 2. In addition to these specific restrictions, each PDR (other than Class L) is subject to general restrictions that:

(a) The site must not be in a National Park, a national landscape, the Broads, a World Heritage Site, or a conservation area (collectively termed Article 2(3) land in reference to Article 2(3) GPDO).
(b) The site must not be – or form part of – a site of special scientific interest, be in a safety hazard area, or a military explosives storage area.
(c) The site cannot be – or contain – a scheduled monument.
(d) The building to be converted cannot be listed.

2.2.2 Prior approval conditions

Unlike full planning applications, LPAs can only specify conditions for PDR prior approval (PA) that relate to the matters to be considered under each class of PDR in the GDPO 2015 – as summarised in Table 2.2.[16] As Table 2.2 makes clear however, the matters that can be considered vary for different former classes of PDR. When consulted, LPA officers described how this variation limits their ability to improve the quality of PDR conversions to address features that will affect residents' health , such as to address noise pollution, air quality, design quality, or privacy.

For example, under Class MA (use class E commercial buildings (including offices) to residential), LPAs cannot impose design-related PA conditions that might promote better quality conversion requirements. That might include design aspects that promote resident privacy for ground floor flats, or to ensure adequate window provisions. Similarly, LPAs can only consider the 'impact on intended occupiers' of the building in relation to commercial buildings (class MA), and not in relation to conversions of storage / distribution centres (Class P), agricultural buildings (Class Q) or from 'sui generis' uses, such as theatres, amusement arcades, launderettes, fuel stations (Class N).

Nevertheless, our interviews with local authority actors revealed that prior approval conditions can be used to improve the quality of dwellings delivered under PDR, or at least to mitigate their worst impacts.

16. See Page 12: PD-HousingHealth_National-policy-review-FINAL-1-1.pdf (TCPA, 2024)

Case study 8. Eastpark Chippy, 122 East Park Road, North Evington, Leicester

In 2021, a PDR conversion of a chip shop (A2) into three dwellings C3 failed at appeal as the 8m/sq units were so small that they could not be classed as dwellings (note this was before the requirement for space standards was introduced). Nevertheless, the appeal was refused as the units did not meet the essential elements of a dwelling, which derive from the case of Gravesham Borough Council v Secretary of State for the Environment (1984) 47 P&CR 142, in which McCullough J held that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for 'day-to-day private domestic existence' (p.146). Whilst the introduction of space standards to PDR should prevent future units of this size, it is worth considering whether this appeal and the Gravesham case could be used to prevent other egregious PDR conversions. This could include developments lacking in privacy, given McCullough J's statement that a dwelling house is characterised by having the facilities required for 'day to day *private* domestic existence' [emphasis added].
Reference: APP/W2465/W/20/3259525

Case study 9. St Nicholas House, 31 – 34 High Street, Bristol

This was an application for prior approval from Class E (commercial, business, and services) to C3 (residential), decided in January 2026 (Bristol City Council reference: 25/15248/COU). In an exemplary officer report, the officer went through each of the matters to be considered under Class MA in turn and assessed the proposals against each one. The officer was then able to impose pre-occupation conditions on the prior approval in relation to transport impacts (cycle storage) and contamination (risk assessment and remediation strategy).

Case study 10. Refusing PDR approval due to transport impacts. Queens House, LB of Richmond

First PDR application: Offices to be converted to 41 flats
Decision: Refused
Justification for refusal: Transport assessment.

There was a Prior Approval application to convert the former office block in 2014. The council refused the application based on a number of transport-related conditions, regarding the proposal producing an 'unacceptable material increase or material change in the character and nature of traffic… and have a severe transport and highway impacts' contrary to NPPF, local plan Core policies, Development Management Plan, Twickenham Area Action Plan, and Planning Obligations SPD. Transport issues raised included: Absence of a parking survey outside Community Parking Zone hours;

inadequate transport survey; absence of binding agreement to restrict eligibility to residents parking permits and season tickets in Council run can parks; failure to secure necessary contributions towards highway and transport infrastructure in the borough. *Source: LB Richmond planning portal ref*: 14/0612/P3JPA

Second, full planning application (ref: 14/4842/FUL): 45 dwellings and flats. Office to be converted into 32 social rental and shared ownership flats (10 x one-bed and 22 x two-bed flats), three new maisonettes and two new flats, a new infill building with seven flats, and refurbishment of a gatehouse to provide a single one-bed flat.
Decision: accepted

A full planning application was placed later in 2014 and accepted in December 2015. The refurbished flats were built to an 'Excellent' level of the BREEAM Domestic Refurbishment standard and new residential buildings to Code for Sustainable Homes 4.

Key features include:
Structural refurbishment: stripped the building back to its frame, to ensure the building was structurally sound, reduced fire risk, and safely insulated, and also resurfaced and waterproofed the roof.



Energy and water efficiency: a 35% reduction in regulated CO2 emissions over Building Regulations Part L 2013. Devices installed in the dwellings to achieve a maximum daily water usage of 105 litres/ person/day.
Overheating: Improved external insulation, new windows, internal blinds were introduced to seek to reduce internal overheating.
Transport and work: sustainable transport modes are encouraged with the provision of cycle storage; each dwelling includes home working facilities.
Wildlife: Enhancements to the site's ecological value, including roof garden; the site faces a local park.
Materials and waste: where possible building materials were sourced locally to reduce transportation pollution and support the local economy; selected based on environmental impact, and 'A+' or 'A' rated materials favoured, based on the BRE Green Guide to Specification. Recycling facilities will be provided for domestic, commercial and construction related waste.

Accessibility and security: All dwellings designed to meet all applicable Lifetime Homes requirements; An Architectural Liaison Officer or Secured by Design Officer was consulted to provide advice on physical security; **Noise:** Sound insulation decibel values are to be improved by at least 5dB higher than Building Regulations Part E where possible.

References: **Queen's House, Teddington officially opened**. Richmond upon Thames Times (2019)

Image credit: Queens House, London Borough of Richmond (Credit: Thomas Sindon LTD)

Suggested appropriate conditions (from case studies):
1. The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

Reason: As required by paragraph [insert relevant paragraph] of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).[17]

2. The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Reason: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.[18]

2.2.3 Section 106 Agreements and CIL

Section 106 Agreements and PDR converted housing

Section 106 agreements are contractual agreements, as outlined under the Town and Country Planning Act 1990, which are negotiated between LPAs and developers as part of a full planning application process for larger housing and mixed-use developments. The main purpose of S106 agreements is to offset the impact of new development on local communities and infrastructure. Typical objectives include:

- Delivering a proportion of affordable housing within new residential schemes.
- Funding or providing local infrastructure, such as schools, roads, public transport, and open spaces.
- Supporting community facilities like health centres, playgrounds, or community halls.

17. 25/15248/COU
18. 24/04125/GPDO

- Protecting the environment, including wildlife habitats and biodiversity enhancements.

According to the Local Government Association, by largely avoiding the Section 106 process, Permitted Development Rights have meant that nearly 28,000 affordable homes were lost between 2015 and 2025 due to lost developer contributions.[19]

The general position is Section 106 Agreements cannot be entered into without the developer's consent in respect of PDR conversions. This is because Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out the circumstances under which planning obligations can be entered into under s.106 Agreements and refers specifically and solely to 'planning permission'. Development under GPDO 2015 does not require planning permission.

Nevertheless, there are examples (discussed in the case studies below) where developers have entered into s.106 Agreements with LPAs in circumstances where the proposed development would otherwise not meet the prior approval conditions. It is important to note therefore that the PDR s.106 Agreement obligations can only relate to the conditions set out in the relevant Class of the GPDO, for example to mitigate the transport impacts of the development. Engagement with Highway Development may also be able to put a condition of works on the consent, where a s.106 Agreement is not progressed subject, to proposal and impact on adopted infrastructure.

Should the developer be willing to enter into a s.106 Agreement, they can be a good way of recouping the infrastructure costs of new dwellings, albeit only on matters mentioned in the GPDO and not, for example, towards affordable housing.

Case study 11. Asher House, LB Camden

LB Camden granted prior approval for conversion from offices to fifteen studio units at **Asher House Blackburn Road West Hampstead NW6 1AW** on 24th September 2014 after the developers agreed to enter into a **s.106 Agreement** – the substantive obligation of which was to pay the LPA £13,600 for:

'the carrying out of works to the public highway and associated measures as reasonably necessary in the vicinity of the Property. Such works to include the following ("the Highways Works"):- (a) repaving of footways and footpaths adjacent to the Property; and, (b) any other works required as a direct result of the Development (being such works as considered necessary by the Council acting reasonably).'

19. New LGA analysis shows nearly 28,000 affordable homes lost due to permitted development rights (LGA, 2025)

Community Infrastructure Levy and PDR converted housing

The general principle (deriving from Reg.42 Community Infrastructure Levy Regulations 2010) is that Community Infrastructure Levy (CIL) is payable on new or converted residential floorspace of 100sqm (GIA) or over. However, there is an existing floorspace deduction under Sch.1(1) CIL Regulations 2010 which means that generally, it will be hard to charge CIL on PDR conversions. The only circumstance where this deduction would not apply is where the building is not 'in-use', meaning that it has not 'been in lawful use for a continuous period for at least six months within the period of three years'.

In plain English, this means that at some point during the last 3 years (ending on the day prior approval is granted) the building has been in use for a six-month continuous period. LPAs should carefully check whether a building being considered for a prior approval is 'in-use' under this meaning. If it is not, then it will become CIL liable.

A 2018 report by RICS estimated potential financial losses and gains to two London LPAs incurred by several different PDR conversions. This research illustrated that – in the absence of CIL and s.106 Agreements – losses to LPAs incurred by PDR conversions can be significant. For example, one PDR development in LB Croydon creating 197 residential units resulted in an estimated net loss to the LPA of £906,200. It is therefore important to check carefully whether the proposed development is CIL liable.

Once a PDR conversion has received prior approval and is in the process of construction or completed, there are a variety of legislative levers that authorities can use to require clients, developers, landlords and building managers to deliver better conditions for residents. The following sections outline some of these levers and how they are enforced, section 3 regarding conversion; and section 4 regarding once a building is in use.



Section 3: During PDR Conversion

3. During PDR conversion

This section outlines the policy and regulatory levers available to local authorities preparing for and during the conversion to residential-use process, with regards to: Development management of prior approval conditions; Scope and enforcement of Building Regulations; and application of Fire Safety requirements.



TOP TIPS: During PDR conversion

Development Management:

- Clear conditions: Ensure prior approval conditions are clear, measurable, and enforceable (e.g., specifying minimum room sizes or window-to-floor ratios for daylight provisions, insulation requirements to address noise impacts).
- Audits: Conduct post-completion audits / inspection to verify compliance, especially for large-scale conversions.
- Coordinate with Building Control: Work with registered building control authorities to ensure compliance with Building Regulations which may overlap with prior approval conditions such as on space.

Building Regulations:

- Building work carried out under PDR must comply with the Building Regulations 2010 (as amended), and comply with the Regulatory Reform (Fire Safety) Order 2005 (as amended).
- Table 3.1. outlines which building regulations will apply to the PDR conversion proposal in question.

- Independent third-party impartial review should always be required of a PDR conversion application by a Registered BCA to ensure compliance with residential building regulations at key stages of a PDR housing conversion.
- Coordinate with Environmental Health (EH) / housing teams: Work with EH and/or housing officers who have applied expertise in Housing Health and Safety Rating System (HHSRS) and fire safety as they enforce issues during occupation.
- Require PDR building owners or managers to alter or remove any works that contravene Building Act 1984, the Building Safety Act 2022 and relevant regulations.
- Failure to meet building regulations can and should be enforced in the magistrate court.

Fire Regulations:

- PDR housing developers must engage the Building Safety Regulator in scrutinising 'higher risk' schemes (buildings over seven stories / 18 meters height) at the Fire Safety Regulation Gateways Two and Three.
- PDR housing developers must apply Building Regulations Part B in all conversions, and also apply Regulation 6(3) for converting buildings over 11m
- LPAs should inform and engage their Building Control departments, Environmental Health, Housing and local fire authorities before approving a PDR housing conversion – to review and inspect fire safety requirements, including: emergency evacuation plans, emergency vehicle access and water supply, exterior cladding and flat compartmentation.
- Personal Emergency Evacuation Plans (PEEPs) must be adopted for higher risk buildings 18 meters or 7 stories and above in height, with two or more domestic premises, in line the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025.

3.1 Development Management of PDR prior approval conditions

A local authority's Development Management team must ensure that the conditions set at the prior approval stage have been met by the developer, and apply enforcement actions if these conditions are not met.

For example, for Class MA conversion an authority should assess developer compliance with specific impacts to transport, contamination, flooding, internal space and the adequacy of natural light in all habitable rooms. (See section 2.2.1 and Resource 3 regarding the matters which can be considered under each class of PD).

We recommend that, wherever possible, a development management team seeks to inspect properties for compliance with conditions. This is due to concerns raised by local authorities we interviewed regarding issues of non-compliance with these limited conditions. Such as a developer installing a higher number of housing units or flats than originally agreed – resulting in a failure to meet space standards. In some cases, developers may argue that retrofitting a building, such as to meet space standards is impractical or economically unviable, leading to protracted negotiations or legal challenges. Therefore, the LPA should be robust in ensuring compliance at this stage.

3.1.1 Enforcement of Prior Approval conditions during conversion

If there is a failure to meet conditions, there are two types of formal Enforcement Notices that DM teams can apply to PDR Housing. Breach of Condition Notices and Enforcement Notices.

Breach of Condition Notice (BCN): If a developer breaches a prior approval condition (e.g., not meeting space standards), the LPA can issue a Breach of Condition Notice. This requires the developer to comply within a specified timeframe. Failure to comply can lead to prosecution or further enforcement action.

Enforcement Notice: If the breach is more serious (e.g., unauthorised changes that go beyond the prior approval), the authority can issue an Enforcement Notice requiring the developer to:

- Restore the building to its previous use or condition.
- Rectify the breach (e.g., by adding the required noise insulation or adjusting room sizes to meet space standards).
- Cease any unauthorised works or use.

Stop Notices and Temporary Stop Notices

If the authority believes further harm is occurring (e.g., non-compliance with daylight standards), they can issue a Stop Notice to halt the development immediately. This is a powerful tool to prevent further damage while enforcement action is ongoing. For urgent cases, the authority can issue a Temporary Stop Notice, which takes effect immediately and lasts for 28 days. This gives the authority time to decide whether to issue a full Enforcement Notice.

Prosecution and fines

If a developer knowingly ignores a Breach of Condition Notice or Enforcement Notice, the LPA can prosecute them in the magistrates' court. Convictions can result in:

- Unlimited fines (for companies) or fines up to £20,000 (for individuals).
- Daily fines for ongoing non-compliance.

In extreme cases, the authority can apply to the High Court for an injunction to stop unauthorised works or compel compliance. This is typically used for persistent or large-scale breaches.

Retrospective Planning Application
If a developer has failed to comply with prior approval conditions, the authority can require them to submit a retrospective planning application for the unauthorised changes. This allows the authority to assess the development against all relevant conditions, and either:

- Grant planning permission (with or without conditions).
- Refuse permission and issue an Enforcement Notice to require alterations or demolition.

Imposition of Conditions on Future Applications
Authorities can refuse future planning applications from developers who have a history of non-compliance, or impose stricter conditions on any new permissions.

Monitoring and Inspections
Development management teams can conduct unannounced site inspections to check compliance during and after construction. If non-compliance is found, they can take immediate enforcement action.

3.2 Application of Building Regulations to change of use

3.2.1 Scope of regulations for Material Change of Use to residential uses

The works for converting a building to residential use through PDR are broadly defined in the Building Regulations 2010 manual as a 'Material Change of Use' (MCU).[20] MCU includes buildings converted through the full planning system as well as by PDR. MCU buildings are required to undergo a review of compliance with building regulations at: Application; Notification; and Site Inspection stages. This requirement is in accordance with the Building Act 1984, Building Regulations 2010, and The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

20. Manual to the Building Regulations (last updated 2020, UK Gov)

Almost all residential building regulations apply to buildings converted to residential use, whether they are converted through a full planning process or by PDR. However, it is more complicated for buildings undergoing a MCU to residential use than for new residential buildings. In particular, the following regulations do not currently apply to MCU to residential categories 5(a)(b)(g)(h)(i) – as defined in Part 2 section 5 of Building regulations 2010:

- **Structure:** Approved document A1–3
- **Fire:** External wall materials compliance Reg 6(3) for buildings under 11meters height
- **Resistance to Moisture:** Approved document C2, under certain circumstances[21]
- **Protection from falling, collision and impact:** Approved document K1
- **Access:** Approved document M4(1)
- **Overheating:** Approved document O

The application of Building Regulations for MCU is outlined in more detail in Table 3.1 below.

21. The Merged Approved Documents (UK Gov, 2024)

Table 3.1 Building regulations which apply to buildings undergoing a Material Change of Use (MCU) to residential use

Building regulation requirement	Material Change of use under:											
	All cases	5(a)*	5(b)*	5(c)	5(d)	5(e)	5(f)	5(g)*	5(h)*	5(i)*	5(j)	5(k)
A1–A3 (Structure)				✓	✓	✓	✓					
B1 (Fire: means of warning and escape)	✓											
B2 (fire: Internal fire spread – linings)	✓											
B3 (Fire: Internal fire spread – structure)	✓											
B4(1) (Fire: External – wall)	✓1											
B4(2) (Fire: External – roof)	✓											
B5 (Fire: access and facilities for fire services)	✓											
Reg 6(3) (Fire – external wall standard)												✓
C1(2) (danger to health and safety caused by contaminants on /in ground)		✓	✓	✓	✓		✓2	✓	✓	✓		
C2 Resistance to moisture		✓3										
C2(c) (Interstitial and surface condensation)	✓											
E1 – E3 *(Passage of sound)		✓	✓	✓				✓	✓	✓		
F1 (means of ventilation)	✓											
G1 (Cold water supply)	✓											
G2 (water efficiency)		✓	✓									
G3(1) – G3(3) (Hot water supply)	✓											
G3(4) (bath temp not exceed 48°C)		✓	✓									
G4 (Sanitary conveniences and washing facilities)	✓											
G5 (Bathrooms)	✓											
H1 (Foul water drainage)	✓											
H6 (solid waste storage)	✓											
J1 – J4 (Combustible appliances and fuel storage)	✓											
K1 – K6 (Protection from falling, collision, impact)												
L1 (Conservation of fuel and power)	✓											
M4(1) (Access and use)				✓	✓	✓					✓	
O (Overheating)												
P1 (Electrical safety)	✓4	✓	✓				✓	✓				
Q1 (Security – unauthorised access)		✓	✓					✓				
R1 (High speed ready electrical infrastructure)												

Notes

**columns 5(a), 5(b), 5(g), 5(h), and 5(i) are refer to a material change of use to a residential use, as defined in Part 2 of the Building regulations 2010.*

Light green shade indicates MCU residential use is covered by regulation, dark grey shade indicates regulatory gaps regarding MCU to residential uses

1. B4(1) applies to buildings over 15m high
2. 2. Where residential accommodation is created
3. Applies to the whole building not just the parts converted to residential use
4. P1 applies in all cases if the electricity supply is shared with a dwelling
5. Regulations 7(10) and 7(2) always apply to the above requirements

Source: adapted from schedule 1 of Building Regulations 2010) and the Manual to Building Regulations, 2020, p31

3.2.2 Enforcing building regulations for conversion to residential use

Local authorities have a general duty to review and enforce all building regulations including for MCU conversions to residential use, apart from those areas listed above. Building control should be provided by a Registered Building Control Approver (RBCA[22]). The Royal Institute of Chartered Surveyors (RICS) advises that authorities always use an independent third-party impartial review by a RICS certified surveyor to ensure compliance. The Building Safety Regulator (BSR) also outline professional rules of conduct for registered building control approvers.[23]

Local authorities we consulted with also recommend engaging Environmental Health Officers (EHO) and/or housing officers at the conversion stage – who have applied experience of managing the consequences of a failure to address Building Regulations, including on fire safety, further down-stream the building life cycle. They have good understanding of the necessary measures to prevent problems that might occur in in the office-to residential high-density conversions – reducing the risk of housing hazards listed in the Housing Health and Safety Rating System (HHSRS), such as excess heat or cold (see section 4.2.3).

With only around 300 RBCAs in England, concerns have been raised about their capacity to check and enforce compliance and there are reported challenges with recruitment. As the Building Control Independent Panel, chaired by Dame Judith Hackitt, found:

> *'The public sector system of building control has been progressively neglected, with [BCAs] unable to sustain the level of advice, oversight and enforcement expected of them for all building work on a consistent basis.'*

The Panel's findings raise significant concerns for people living in PDR housing, where the quality of work appears to be even more vulnerable to weakened scrutiny and checks. Interviews and informal conversations with built environment professionals have raised further concerns that certain developers are not applying mandatory Building Control checks to PDR housing projects due to perceptions that it is unnecessary for an existing building that has previously undergone such checks. To be clear, if buildings are undergoing a change of use to residential use they MUST apply the relevant building control checks.

22. Building control bodies and registered building inspectors - GOV.UK
23. Professional conduct rules for registered building control approvers - GOV.UK

If the persons carrying out the works contravenes regulations, an authority can take them to a magistrate court and fine them up to £5,000, along with a further fine of £50 a day while a fault continues – under **section 35 of the Building Act 1984**. An authority may serve an enforcement notice under **section 36 of the Building Act 1984** requiring the owner to alter or remove works that contravene regulations. The HSE, local authority or RBCA can pull down, remove, or make alternations if the person who received notice fails to comply within 28 days of the notice. Such notices cannot be served after 12 months of completion of the works but an authority or person can apply for an injunction for the same purpose.

The Building Safety Levy (England) regulations 2025[24] came into force in October 2026 establishing a tax on new residential buildings to contribute to fixing building safety defects and ensure residents are safe. The levy is in addition to S106 and CIL and does apply to PDR conversions, except where they are used for Affordable Housing, temporary accommodation, accommodation for victims of domestic abuse (see Schedule 1 and 2 of the regulations[25]).

3.2.3 Future Homes and Buildings Standard

The government announced the Future Homes and Buildings standard in 2026, through **the Building Regulations etc. (Amendment) (England) Regulations 2026**. This included changes to Building regulations Part L (Energy) for dwellings,[26] and Part F (Ventilation). This is particularly a concern in relation to the potential risks of overheating in large former office blocks – since Part O does not currently apply to MCU residential conversions – although this is under review.

3.3 Fire regulations and PDR converted housing

In interviews and informal conversations, UCL and the TCPA has heard accounts where fire authorities were not being made aware of where PDR conversions to residential use have taken place, which makes the monitoring and enforcement of fire regulations more problematic. Furthermore, there have been reports from residents in existing PDR housing that have exterior cladding which does not meet current fire safety standards and do not have adequate compartmentation (e.g. concrete fire breaks dividing homes) to slow the spread of fire between flats. Residents have described feeling in fear for their safety:

24. The Building Safety Levy (England) Regulations 2025
25. The Building Safety Levy (England) Regulations 2025
26. Approved Document L (2026) – GOV.UK

> '*Since I've been living there, three times we've had to get out in the middle of the night… It was so scary. My daughter has nightmares because of it. Every time I pass that place, I think, 'Oh my God, we could be like Grenfell…*' PDR resident, Croydon

Others describe being stuck in PDR flats that are no longer sellable or mortgageable:[27]

> '*The developers … took short cuts with regard to safety. We're now paying the price via astronomical service charges and cannot sell up. Very stressful. Wished we'd never moved here.*' PDR resident, Lincoln

We strongly recommend that local authorities ensure their building control departments, Environmental Health, Housing and relevant local fire authorities are informed and engaged when a building is being converted to residential building. This is important to check relevant Building Control, fire safety and other housing regulations (see section 4.1) are properly implemented and maintained for PDR residential buildings. This engagement is vital to help avoid leaving residents vulnerable to hazards, including fire risk or being required to pay for safety improvements after the fact.

The following section outlines some of the existing regulatory requirements on fire safety as they relate to buildings converted to PDR housing.

3.3.1 Approved Document B and Regulations 6(3)

The Grenfell Tower fire in London on 14 June 2017 prompted the introduction of various new regulations to address gaps in the fire safety regime, particularly regarding higher-risk buildings, exterior cladding and emergency vehicle access. The **Building Safety Act 2022** and the **Fire Safety (England) Regulations 2022** introduced stronger obligations for all 'higher risk buildings' over 18 meters or seven storeys with two or more residential dwellings. These regulations place requirements on 'responsible persons', including PDR housing owners and managers, to help mitigate fire risks to residents.

Under the BS Act, the national Building Safety Regulator (BSR) becomes the BCA for high-risk buildings – so PDR housing developers must engage the BSR in scrutinising schemes at each of the fire safety regulation's Gateways. The first gateway - **Planning Gateway One** – addresses schemes that are undertaking a full planning application, requiring them to include a fire safety statement with details on emergency vehicle access and water supplies for firefighting. Although PDR prior approvals are not full planning applications, we are generally advised that it should be applied as per other high-risk buildings.

27. Fire safety requirements (Nationwide: viewed 30.07.26)

As outlined in Table 3.1, the **Building regulations Approved Document B on fire safety in dwellings (vol 1)** for residential buildings applies to buildings that have been converted to residential use via a 'Material Change of Use' (MCU), including through PDR. **Regulations 6(3) of Building Regulations 2010** also apply to MCU conversions for buildings over 11 meters height. Reg 6(3) requires external wall or attachments to only contain materials that are classified under the 'European Classification A2-s1, d0 or A1 in accordance with **BS EN 13501-1:2018** regarding "Fire classification of construction products and building elements". Therefore, PDR and other MCU conversions over 11m in height do require reappraisal for the fire risks associated with the walls – such as exterior cladding and insulation materials – especially noting such buildings are likely to have been built well before the current regulations for exterior fire safety were introduced. We would also advise that buildings below that height are also reappraised. Both the Building Safety Act and FSO have continuous improvement at their heart so there would be an expectation that during an MCU, steps are taken to improve the situation of non-compliant aspects of the building.

Once a building is in-use, the Housing Hazards Safety Rating System (HHSRS) fire safety elements also apply – linked to the Housing Act 2004 (further info in section 4.2.3). From June 2026, Part 3 of the HHSRS has an expanded scope regarding risk of fire, where "Prescribed fire hazards" include exposure to uncontrolled fire, smoke and fumes, explosions, and building collapse due to fire or explosion.[28]

The operating guidance clarifies key measures to limit the spread of fire and ensure safe evacuation, including advising the provision of more than one staircase, which 'is likely to have a positive influence on reducing the risk'.

Case study 12. Enforcing fire safety through prohibition notices – Redstone House, Harlow and Horizon Apartments, Sunderland

Local fire brigades have applied prohibition notices to require emergency evacuation of residents from PDR conversions in multiple areas, including Croydon, Harlow and Sunderland. Such actions are costly and disruptive for residents. It would be better to undertake measures during construction that would avoid taking such action.

Redstone House, Harlow

In May 2025, 23 families were required to evacuate PDR building Redstone House, Harlow, with 24 hours' notice, through an emergency prohibition notice after the building owner failed to act. Fire authorities found that residents would not be able to evacuate the building quickly and safely placing them 'at a higher risk of injury or death'. The fire safety concerns were so significant it

28. The Housing Health and Safety Rating System (HHSRS): Operating Guidance Part 3 – A supplementary guide to the hazard of fire and explosions (MHCLG, 2026)

was deemed untenable for residents to continue living in the building.
The upper three storeys of Redstone house were converted from former offices to produce 18 one-bed flats by prior approval in 2014 and an additional storey added to the five-storey building in 2015. It was the second property in Harlow to be served a prohibition notice in 11 months. Chris Vince, the Labour MP for Harlow, told the BBC:

> '*There is a bigger question here about the suitability of some office block conversions… It would be fair to question whether these developments were really suitable, particularly for families*'.

Sources: Harlow Planning Portal ref: HW/PL/14/00561 and **Harlow residents told to leave their flats by Essex fire service – BBC News**

Horizon Apartments, Sunderland

In May 2025, 150 residents were forced to evacuate with 24 hours' notice from the Horizon Apartments in Sunderland City Centre, a ten-storey block of flats from a former office block (Angel House) converted through PDR in 2017. The Tyne and Wear Fire and Rescue Service (TWFS) issued the building management company with a prohibition notice, due to loss of power and water in the building.

> *'Prohibition notices are only issued when there are immediate concerns around the safety of residents, in the event of a fire at the building… Responsible persons for high-rise premises have a legal duty to ensure their buildings are compliant with fire safety legislation*.' TWFS spokesperson

Previously residents had raised fire risk concerns, describing fire doors being illegally locked, with no recourse for complaints and maintenance, and no functioning reception in the building. The building experienced a total blackout, which meant the fire alarm system was not operating. All residents had to leave while remedial work was carried out. The city council, TWFRS and Northumbria Police, held talks with the building manager, after they were served with the legal notice, urging them to ensure that measures to restore power were taken more quickly in future.

Sources: Sunderland Planning Portal reference: 17/01127/PCJ; Companies House; **Arksey & CO***; BBC News, 2025;* **Sunderland Global Media***, 2024*

3.3.2 The need for equitable evacuation – or 'egressibility'

Amongst the many lessons from the Grenfell Tower tragedy was awareness of significant inequalities in evacuation plans, where **15 of the 37 disabled residents died during the fire** (41% of disabled residents). Many blocks of flats and residential buildings in the UK lack safe and accessible escape routes for residents who cannot evacuate via stairwells. **The Approved Document B on fire safety currently does not provide clear instructions on how to evacuate residents who are unable to use stairs.** However, BS 9991 does provide some guidance on this, and should be consulted as people with disabilities are at greater risk, particularly in high-rise buildings, which are already considered higher-risk environments. The Grenfell Tower Fire first phase report recommended 'responsible persons', i.e. building owners or managers, adopt Personal Emergency Evacuation Plans (PEEPs) for vulnerable and disabled residents.

The government enforced the requirement for PEEPs in the **Fire Safety (Residential Evacuation Plans) (England) Regulations 2025** to ensure responsible persons produce PEEPs for residents in high-rise buildings.[29] Although this requirement is not specific to higher-risk PDR converted housing, it is important that authorities ensure that PDR building managers, landlords, owners have produced PEEPs for the residents their building or made equivalent arrangements.

29. Residential PEEPs: Factsheet (UK Gov, 2025)



Section 4: Post-Occupancy PDR Converted Housing

4. Resident rights in PDR converted housing

Once a building is converted to residential use it is clearly harder and more costly to improve the conditions people are living in retrospectively – at that stage the 'horse has already bolted' as one environmental health officer put it. This is because key elements such as the location, building fabric, insulation and internal layout are much more challenging to alter post-approval and conversion. However, there is a range of overlapping legislation relating to different housing tenures which aims to protect residents from the worst conditions, including for PDR housing.

This section seeks to clarify public duties and resident rights to a safe, healthy and habitable homes as they relate to PDR converted housing. It outlines broad and distinct rights for different types of residents, including private tenants, social tenants, and residents housed in emergency or temporary accommodation. Some legislation addresses housing conditions for all residency types, while other legislation is more specific to particular resident groups.



TOP TIPS: Protecting residents in PDR converted housing

Proactively support people with 'protected characteristics':

- Adopt appropriate housing procurement contracts when placing people in PDR housing being used for temporary accommodation – in line with the Equality Duty 2010 and Social Value Act 2012

Ensuring Housing Health and Safety:

- If a PDR housing resident seeks redress through the Homes (Fitness for Human Habitation) Act 2018, authorities should carry out HHSRS inspection to identify risk of exposure to 21 hazards, how they can be remedied, and undertake enforcement action if required.
- Apply HMO and selective licencing, where appropriate, to give additional powers to raise housing standards – in line with the Housing Act 2004.
- Ensure conformity in line with the Social Housing (Regulation) Act 2023 and the Renters' Rights Act 2025 as applicable.

Protecting PDR residents from statutory nuisances:

- Where complaints of nuisance are raised by residents, local authorities have a duty to inspect PDR housing and take reasonable steps to investigate complaints, in line with the Environmental Protection Act 1990, Care Act 2014, and case law.

Ensuring suitability of accommodation for temporary occupants in PDR converted housing:

- Check the location and conditions of PDR housing are suitable for the needs of those seeking emergency accommodation, in line with Homelessness (Suitability of Accommodation) (England) Order 2012.

This section does not cover all housing legislation but aims to highlight key parts of legislation of relevance to enforcing conditions in housing produced through PDR for different tenures. Key legislation is summarised in Table 4.1.

Table 4.1 Housing-related legislation that applies to different types of occupancy, of relevance to PDR housing

Occupancy type Legislation	Owner occupied	Private rent	Social rent	Temporary Accommodation
European Convention on Human Rights	✓	✓	✓	✓
Equality Act 2010	✓	✓	✓	✓
Safeguarding Vulnerable Groups Act 2006	✓	✓	✓	✓
Homes (Fitness for Human Habitation) Act 2018	✓	✓	✓	✓
Housing Health and Safety (England) Regulations 2005	✓	✓	✓	✓
Environmental Protection Act 1990	✓	✓	✓	✓
Care Act 2014	✓	✓	✓	✓
Health and Care Act 2022	✓	✓	✓	✓
Public Health Act 1936	✓	✓	✓	✓
Housing Act 2004	✓	✓	✓	
Housing Act 1985		✓	✓	
Housing Act 1996	✓	✓	✓	✓
Homelessness (Suitability of Accommodation) (England) Order 2012				✓
Protection from Eviction Act 1977		✓	✓	
Social Value Act 2012			✓	✓
Social Housing (Regulation) Act 2023			✓	
Renters Rights Act 2025		✓		

4.1 General housing rights – legislation across tenures

The European Convention on Human Rights (1953) (ECHR) forms part of UK law under the Human Rights Act 1998. It establishes that 'Everyone has the right to respect for his private and family life, his home and his correspondence' (Article 8).[30] The UK has also ratified Protocol No. 13, which includes Article 1 on 'the right to free enjoyment of property'.[31] Under section 6 of the Human Rights Act 1998, local authorities (and other public bodies) must not act in a way that is incompatible with the Convention rights, including a failure to act to protect those rights.

The ECHR applies to all local authority activities with regards to new and existing PDR housing, including the duty to house, procure housing services, grant or refuse planning permission, and indeed to give prior approval for new

30. Human Rights Act 1998 Article 8.
31. Human Rights: The UK's international human rights obligations

PDR housing. In addition, there are multiple duties and resident rights in law that local authorities should apply.

Some key pieces of legislation aiming to protect residents in different PDR housing tenures (and apply to housing more generally) are outlined below.

4.1.1 The Public Sector Equalities Duty and PDR converted housing

The Equalities Act 2010 places important equality duties on local authorities and other public bodies when they exercise housing functions. The Public Sector Equality Duty (PSED) in s.149 of the Equality Act 2010 requires public authorities, including local authorities, to have "due regard" to the need to:

i) Eliminate discrimination, harassment and victimisation;
ii) Advance equality of opportunity between people who share a protected characteristic[32] and those who do not; and
iii) Foster good relations between different groups.

The PSED relates to several ways a local authority exercises their housing functions, including:

- Housing allocation policies
- Homelessness decisions
- Temporary accommodation procurement and provision
- Housing renewal and regeneration schemes
- Enforcement of housing standards
- Adaptations for disabled residents
- Social housing management

In meeting this equality duty, an authority must actively consider the impact of its decisions on people with protected characteristics, this includes when considering whether a PDR housing property is suitable to house a person/s. This consideration must occur before and during decision-making, not as an afterthought. For example, an authority must:

- Ensure housing allocation policies do not indirectly disadvantage disabled people or particular ethnic groups;
- Consider whether temporary accommodation is suitable for disabled households;
- Take account of the needs of older residents when redeveloping housing stock;
- Consider the impact of overcrowding, disrepair, damp and mould on groups who may be disproportionately affected.

32. Protected characteristics include: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation, and Marriage and civil partnership (for some aspects of the duty).

Case study 13. *R (on the application of Bernard) v Enfield LBC* [2002] – breaching the prohibition of inhuman or degrading treatment and the right to respect for private and family life

The High Court (England and Wales) found the London Borough of Enfield had failed to provide community care services for a severely disabled woman (after a stroke) and her family, despite accepting a duty to do so – see 'Bernard R (on the application of) v Enfield LBC [2002] 5 CCLR 577. The court said this was a breach of the European Convention on Human Rights Article 3 on the prohibition of inhuman or degrading treatment and Article 8 on the right to respect for private and family life.

The court ordered the authority to provide suitable housing and awarded damages on the basis that the protracted delay had forced the applicant and her family to live in unsuitable temporary accommodation for two years in non-adapted conditions – conditions that made any meaningful private or family life virtually impossible.

It should be noted that the circumstances in this case were very extreme. The claimant and her family were forced to live in conditions that made it impossible for the claimant to manage her own bodily functions and meant that privacy and/or social activity were out of the question.

Source: Shelter Legal England (2024)

4.1.2 Safeguarding and vulnerability requirements

Other legislation of relevance to housing conditions, include the Safeguarding Vulnerable Groups Act 2006 which outlines considerations where unsafe housing conditions might constitute neglect or increase the risk of abuse or exploitation. If that is the case child and adult safeguarding duties can apply, and therefore housing conditions should be considered as a part of safeguarding enquiries and plans. The Safeguarding Act 2006 outlines specific housing requirements to ensure the safety and well-being of vulnerable tenants.[33] These requirements include:

- **Embedding safeguarding best practices:** Housing providers must build a safeguarding culture that protects residents from abuse, neglect, and exploitation.
- **Conducting safeguarding audits:** Regular audits of safeguarding policy, procedures, and staff training is essential to ensure alignment with best practices and legal requirements.
- **Vulnerability profiling:** This involves assessing tenant vulnerabilities to ensure preventative actions are targeted at those most in need.

33. Safeguarding Vulnerable Groups Act 2006

Other relevant public health acts include **the Health and Care Act 2022** which states that the provision of housing accommodation is a health-related service (section 14Z42(4)) as a determinant of health and encourages local authorities to consider housing conditions in their public health strategies. Also looking further back, the **Public Health Act of 1848** laid the groundwork for modern public health practices, linking housing quality to health outcomes. And the **Public Health Act 1936** focused on preventing disease and promoting health through improved housing conditions.

Case study 14. Kendal Court, East Sussex

In interview, a public health officer described an 'absolutely horrific' example of Kendal Court in Newhaven. This former light industrial building had 54 studio flats, with issues of over- and under-heating, and damp. The windows were very high up on the wall, with no outside view for residents, making it hard to open windows and ventilate rooms. There were no internal laundry facilities, and the nearest laundry was seven miles away. People had to dry clothes in their rooms, increasing the damp. They were cooking in the same living space which further increased poor air quality and humidity. The isolation of the site and security concerns had resulted in security guards being placed at the entrance to the building. Residents said they felt more like 'prison guards' than security. Ten deaths were reported in the property over six years, including suspected suicides caused by the vulnerabilities of the people and poor condition and isolated location of the building which was 'not fit for human habitation'.
This case study points to the important role of the Public Health Officer at the county council level, who proactively worked with Brighton City Council, reminding the local authority of their responsibilities under the Care Act for vulnerable people's welfare, even when placed outside of the borough. The officer asked the city council to stop using the PDR building to house people with clear vulnerabilities – including people with addiction issues and domestic abuse victims – as it was far from necessary support services and had produced poor conditions unsuitable to meet vulnerable residents' needs.

Sources: BBC, 2021 and East Sussex Health and Wellbeing Board, 2021

4.1.3 Housing health and safety

The **Homes (Fitness for Human Habitation) Act 2018** confers liabilities to owner occupiers, private and social landlords to ensure their properties are in a condition which is fit for habitation – ensuring a property is safe, healthy, and free from hazards that could cause serious harm. A property is considered fit for human habitation if it meets the thresholds for 21 hazards – as listed in the Housing Health and Safety Rating System (HHSRS) in the **Housing Health and Safety (England) Regulations 2005**[34] (see Appendix 2). The HHSRS is a risk-

34. Guide for local authorities: Homes (Fitness for Human Habitation) Act 2018

based framework used by local authorities in England and Wales to assess potential health and safety hazards in residential properties. It evaluates the likelihood and severity of harm from deficiencies in a home, helping councils decide whether enforcement action is required. Category 1 hazards are serious risks (high risk score = 1000+) that require mandatory action, while Category 2 hazards are medium to low-risk hazards (medium risk = 100–999, low risk = under 100) and action is discretionary by authorities.

The HHSRS hazards also define the classification for meeting the Decent Homes Standard (DHS). Social Housing Providers are required to meet the DHS, as reviewed by the (Social) Housing Ombudsman. The DHS requirement will also apply to private landlords from 2035 in accordance with the Renters Reform Act 2025.

Table 4.2 The new Decent Home Standard criteria (MHCLG, 2026)

Decent Homes Standard Criteria	
Criterion A – A home must be free of the most dangerous hazards.	To meet this criterion, properties must be free of 'category 1' hazards, as assessed under the Housing Health and Safety Rating System (HHSRS) – see Appendix 4.
Criterion B – A home must be in a reasonable state of repair.	Homes will fail against this criterion if: • one or more key building components is not in a reasonable state of repair, or • two or more other building components are not in a reasonable state of repair
Criterion C – A home must provide core facilities and services.	To meet this criterion, flats must provide at least 3 of the following facilities: • a kitchen with adequate space and layout • an appropriately located bathroom and WC • adequate external noise insulation • adequate size and layout of common entrance areas for blocks of flats To meet this criterion, houses must provide at least 2 of the following facilities: • a kitchen with adequate space and layout • an appropriately located bathroom and WC • adequate external noise insulation Homes must also be equipped with child-resistant window restrictors, which can be overridden by an adult, on all windows which present a fall risk for children.
Criterion D – A home must provide thermal comfort.	To meet this criterion, homes must provide a reasonable degree of thermal comfort. This includes ensuring homes meet Minimum Energy Efficiency Standards.
Criterion E – A home should be free of damp and mould.	Homes will be non-decent if a landlord has not remedied damp and mould.

Local enforcement of HHSRS

Where a property has Category 1 hazards present, local authorities have a mandatory duty to act, and can use an improvement notice to require works, repairs, or to rebuild or reinstate a property – such as in instances of fire, storms or flooding. Local authorities have discretion to act for Category 2 hazards. A local authority is not required to carry out an HHSRS inspection for the purposes of the Housing Act 2004, but a report that does not specify a category 1 or 2 hazard does not automatically mean that the property does not contain those hazards. Therefore, an HHSRS inspection may be helpful to identify hazards and provide details of how hazards can be remedied.

When a resident seeks redress over concerns about a housing hazard listed in the Housing Act 2004 (as amended), a local authority is required to inspect the property, apply an improvement notice if the hazard is identified and, if the improvement is not undertaken, they can take further action through a prohibition notice. A tenant taking action against their landlord does not preclude the local authority from taking enforcement action where the most serious hazards are present.

Case study 15. Leeds City council – overcrowding is recognised as a Category A hazard

In this example, a developer sub-divided a four-bedroom house into five flats without planning permission. Leeds raised Schedule 2 paragraph 7(1) Prohibition Order of the Housing Act 2004 regarding overcrowding in a tribunal. Overcrowding was recognised and upheld by the tribunal as a category A hazard under the HHSRS and used as grounds to stop the flats being used as accommodation via prohibition notice.

While this case was not a PDR conversion from a commercial use, it sets an important precedent regarding the use of Prohibition Orders to address overcrowded accommodation. This is important, noting that the issue of overcrowding has been raised by numerous PDR residents, and as such local councils could consider overcrowding in PDR housing.

Source: https://assets.publishing.service.gov.uk/media/5e1f00b2ed915d7c9da729e1/HPO_-_Stratford_St__Leeds_-_Davies.pdf

4.1.4 Licencing of PDR converted housing

One legislative lever that authorities can use to require housing standards is the application of mandatory or discretionary licencing through Houses in Multiple Occupation (HMO), Additional or Selective licences. A mandatory HMO licence covers HMOs with 5 or more tenants from 2 or more households. Additional licensing covers smaller HMOs where a council designates, that fall below the HMO threshold, i.e. 3 to 4 tenants from two households.

Selective licensing is distinct, as it applies to all private rentals in a designated area, including non-HMOs.

Broadly speaking an HMO is a property (flat or house that is occupied by three or more people, comprising two or more households who share facilities (kitchen, bathroom, and /or toilet) and it is their main or only residence – unless the residents are all members of the same family. Mandatory HMOs' tend to apply to larger properties – as assessed by a standard test (see below) and occupied by five or more people, such as housing for students and young professionals, or bedsits.[35]

HMOs can play an important role in meeting housing need and providing affordable accommodation for households with limited housing options. However, where HMOs are overcrowded, poorly managed or fail to meet appropriate housing standards, residents may be exposed to increased risks associated with lack of space, fire safety, poor indoor environmental quality,

noise disturbance and reduced privacy. All of which can adversely affect physical health, mental wellbeing and quality of life, and may exacerbate health inequalities.[36]

The Housing Act 2004 sets out circumstances when local authorities can require building managers or owners / freeholders of PDR housing to seek licencing. A local authority has to assess a property to clarify which type of licence is appropriate, depending on the type of residential use, numbers of occupants and the layout of a property. The 2004 outlines the 'standard test' about the application of licences. It includes housing where:

- occupants share one or more basic amenities (such as a toilet, bathroom and kitchen) or the accommodation lacks one or more of these amenities
- the building does not entirely consist of self-contained flats (but may have some self-contained units)
- the building is occupied by at least three people from more than one household
- the building is the occupants' main residence (or should be treated as such)
- occupation constitutes the only use of the accommodation, and
- rents are payable for at least one person's occupation

35. An HMO licence generally will not apply to PD housing however, as most are self-contained flats. If a FLAT is in multiple occupation with 5 or more unrelated people, then it would need a "Mandatory" HMO licence, which is distinct to Additional Licensing and Selective Licensing.
36. WHO housing and health guidelines: executive summary (WHO, 2018)

Section 61 of the Act indicates that HMOs must be licenced to ensure protections for occupants – including regarding fire safety, common areas and maintenance of properties. Section 63 allows the local authority to impose fees and management requirements on licence applicants. These fees are important to support the resourcing of monitoring and enforcement of licencing requirements.

Converted HMOs: Section 257 of the Act applies to part or wholly converted properties, including PDR housing, rather than individual dwellings and describes three elements required for building to be defined as an HMO:

- the building has been converted into and consists of self-contained flats;
- the conversion does not meet appropriate building regulations; and
- less than two-thirds of the flats are owner-occupied (with the rest rented out)[37]

Shared amenities: Section 254 in the Housing Act 2004 outlines HMOs which are residential buildings that share some basic amenities. This includes any 'cohesive accommodation' such as shared student housing, co-living or bedsit accommodation, where there are shared kitchens, living rooms &/or bathrooms. These are generally use class 'C4' or Sui Generis HMOs.
HMO statutory minimum sleeping room sizes: Local housing authorities (LHA) can request details of room sizes that are used for sleeping accommodation as part of a mandatory HMO licence application. It is likely the authority will need to inspect the property to ensure compliance. Room size provisions are very poor for people with families however – children under ten should have half the minimum sleeping space allocation and infants under one 'do not count' when calculating these minimum size requirements. The minimum sleeping room floor area sizes (from wall to wall) to be imposed as conditions of Part 2 licences are:

- 6.51 m2 for one person over 10 years of age
- 10.22 m2 for two persons over 10 years
- 4.64 m2 for one child under the age of 10 years
- No bedroom should have a ceiling height less than 1.5m

37. House in multiple occupation (HMO) definition – Shelter England

Part 3, of the Housing Act 2004 outlines when selective licencing can be applied to 'other residential accommodation' – which can include PDR housing – that is privately rented within a designated area and is not classified as an HMO. This tends to mean application of licencing to smaller properties such as converted retail spaces. Selective licencing applies to housing (including flats) where they have a family or one or two tenants living there. Section 89 of the Housing Act 2004 outlines the test of fitness that a local housing authority (LHA) must have regard to when considering whether an owner is 'fit and proper' to be a licenced holder, including:

(a) committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
(b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
(c) contravened any provision of the law relating to housing or of landlord and tenant law.

Local government enforcement of HMO licencing

All HMO licences set national and locally adopted conditions which apply to the property and must be complied with, such as conditions on overcrowding, room sizes, kitchen facilities, bathing facilities, and fire precaution. It is a statutory obligation for an LHA to inspect a licenced property during the period of the licence to ensure that the licensing conditions are being met and there are no significant HHSRS hazards. The maximum fine for failing to comply with a licensing condition is £40,000.

A licence holder commits an offence if, without reasonable excuse, they breach a licence by:

- knowingly permitting the HMO to be occupied by more persons or households than is authorised by the licence
- failing to comply with a condition of the licence such as a prohibition against occupation as sleeping accommodation

If convicted for an offence the licence holder is liable to an unlimited fine. The LHA may impose a financial penalty of up to £40,000 or prosecute the licence holder. Local authorities should consider this within their compliance and enforcement policies and devise a proportionate process for dealing with landlords in breach. A reasonable period for compliance must be allowed in certain circumstances up to a maximum of 18 months.[38]

38. Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities (MHCLG, 2019)

Case study 16. London Borough of Harrow – application of Section 257 to a whole converted building

Harrow applies HMO licencing and additional selective licencing to buildings occupied by five or more people in two or more households and in one of these categories:

- houses with sharing of basic facilities such as a kitchen, bathroom or WC
- self-contained flats with sharing of basic facilities such as a kitchen or bathroom
- the buildings are converted. They have a mix of self-contained flats and non self-contained units.

Using Section 257 of the Housing Act 2004 Harrow can apply the HMO licence to a whole converted property. It describes an HMO as:

1. a building or part of a building which has been converted into, and consists of, self-contained flats.
2. Less than 2/3 are occupied and the conversion work does not follow the appropriate building standards. This would usually be the 1991 Building Regulations.

Failing to have an HMO licence is a criminal offence and subject to an unlimited fine. Listed below are details of possible breaches of HMOs:

- it is a criminal offence to obstruct the local authority in carrying out their functions. This is under Parts 1-4 and sections 239 and 240. A penalty on summary conviction is currently up to £2,500.
- it is an offence if the person in control of the property fails to apply for a licence for a licensable property. An unlimited fine may be imposed.
- it is an offence to allow a property to be occupied by more people than are permitted under the licence. An unlimited fine may be imposed.
- overcrowding carries an unlimited penalty. Landlords who breach other licence conditions can be fined £5,000 per offence.

Source: Houses in multiple occupation (HMO) licence

4.1.5 The Environmental Protection Act 1990 – addressing nuisance

The Environmental Protection Act 1990 (EPA) provides for mandatory intervention where statutory nuisances are identified in premises. Nuisance can refer to issues like exposure to smoke, fumes, dust, noise, smells, and light, or the accumulation of waste that are 'prejudicial to health' – see definition below. The Act was applied to defend the ability of Environmental Health Officers to provide expert evidence on the occupiers' state of health in the case of O'Toole v Knowsley MBC (2000) 32 HLR 420.

Conditions are assessed based on the following factors:

State of premises: 'Premises' can be private or public, and the definition covers the land surrounding a building as well as the condition of the building itself. It can refer to an individual flat or block of flats. The law is specifically concerned with the nuisance that arises from poor condition or disrepair – rather than the disrepair itself.

Prejudicial to health: A home might be prejudicial to health when the condition of premises results in a nuisance that is 'injurious, or likely to cause injury, to health'. Injuries can be actual but also a potential risk of injury and they can refer to both physical and mental health injuries – such as stress – as well as where a nuisance causes the further deterioration health of someone who is already sick.

Damp, condensation, or mould growth can be considered prejudicial to health, but a landlord may not be liable if such defects occur because a resident can be shown to fail to use the heating or ventilation system properly. The EPA does not cover risk of accidents however, such as falling on staircases. An objective test applies to consider if a premises is likely to be prejudicial, rather than consideration of individual circumstances.

As the case study for Crawley Borough Council indicates however, PDR rules have directly undermined a council's ability to prevent the location and type of housing that might expose residents to such nuisances – exposing residents to unnecessary risks and risking liabilities to surrounding industries and businesses.

Case study 17. Crawley – nuisance concerns raised about PDR converted housing

Responding to a government consultation in 2021, Crawley Borough Council described how PDR rules had made it much harder for authorities to avoid exposing residents to statutory nuisances. PDR meant they were unable to meet statutory obligations and NPPF requirements[39] which consistently state that new development should prevent and not contribute towards increasing people's exposure to soil, air, water or noise pollution.

Crawley raised multiple concerns about the standard of homes delivered through PDR, and the consequent health implications for residents. They described how PDR residents in industrial locations experience operations running night and day, exposing residents to noise, fumes, vibrations, and vehicle movements, including heavy goods vehicles. They also referred to high street challenges where ground floor retail premises are converted into residential use expose residents to street traffic, commercial noise and impact their privacy. Focusing specifically on noise, the Crawley Local Plan 2015 (Policy ENV11) sets out local noise standards for new housing – recognising noise impact becomes harmful to human health when it is greater than 60 decibels (dB) – the Unacceptable Adverse Effect level. This local policy cannot be applied to PDR applications however:

'*the Local Plan approach to managing noise has been found sound and NPPF compliant, yet PDR continues to undermine a sound policy that is in place to ensure a good quality of life for residents. The omission of transport noise consideration therefore represents a significant flaw in the permitted development rights, as it stands enabling residential accommodation to be created in areas where transport noise is significantly above the unacceptable level, and which would not allowed were planning permission to be required.*'

They note that the GDPO 2015 considers the impacts of noise from any commercial premises on intended occupiers but not the impact of noise from transport sources, meaning that future residents can still be exposed to unacceptable noise impacts that can result in sleep disturbance and long-term health impacts. The omission of transport noise from PDR rules has resulted in Crawley in cases where:

'*occupiers are exposed to daytime noise from surface transport of 77dB, and 73dB (façade level) at night, well beyond the limits that could be applied were planning permission to be required….This has resulted in new homes being created in Crawley in locations where the noise levels are far higher than the acceptable levels*'.

Source: committees.parliament.uk/writtenevidence/26750/pdf/

39. para 180 in NPPF 2021; para 187 in NPPF 2024; P3: Living conditions and pollution, draft NPPF 2025

Local enforcement of the Environmental Protection Act 1990

Part 3 of EPA 1990 sets a duty on every local authority Environmental Health Team to inspect their area for statutory nuisances and take reasonable steps to investigate complaints. The act gives authorities the right of entry to inspect properties, and if necessary, obtain a warrant to force entry. It is a criminal offence to prevent access under those circumstances. Authorities can first serve an informal notice to require works to be carried out to abate the nuisance within a reasonable time. A formal 'abatement notice' can then be served to require the 'responsible person' – the landlord, building manager and even resident - to undertake steps to stop the nuisance. This formal notice applies if a statutory nuisance:

i) Exists or is likely to occur – even if it has not previously occurred;
or
ii) Has previously occurred and is likely to reoccur

An abatement notice should include a time limit for the completion of works and remains in force until it has been complied with. It does not need to specify what works are required to abate the nuisance but should give clear information to the responsible person to identify the problem and undertake works to address it.

Where a responsible person cannot be identified the authority can serve the notice on the owner or occupier. If the nuisance arises from a structural defect, then the abatement notice should be served to the owner of the building. It can also be served on more than one responsible person. Failure to comply with the abatement notice the local authority remains under duty to do something to remedy the nuisance. The local authority can prosecute the responsible party through a magistrates court for failure to comply with the notice. They can escalate the case to the High Court, and undertake works to abate the nuisance to satisfy the requirements of the notice.

Urgent cases: In situations which pose an 'immediate prejudice to health' – such as a leaking waste pipe- a local authority can serve an emergency notice. After nine days from serving the notice, a local authority can carry out necessary works, and seek to recover costs from the person on whom the notice was served but only if the responsible person does not start remedial works within a reasonable time. Landlords can counter an emergency notice within seven days by indicating they intend to remedy defects.[40]

40. Shelter, 2024.

4.1.6 The Care Act 2014 – wellbeing duty and suitability of accommodation

The **Care Act 2014** governs adult social care and aims to improve people's independence and wellbeing. It requires public health officers and other council officers in local authorities to provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support.[41] The Act includes various housing-related duties and considerations by placing a legal 'Well-being' duty on local authorities to promote an individual's wellbeing when carrying out any care and support function. The definition of wellbeing in the Act refers to the 'suitability of living accommodation' (para 2.h),[42] and states that 'the provision of housing is health-related provision' (see sections 3(5), 13N(5) and 14Z1(4)). In meeting the Wellbeing Duty, authorities must make arrangements to ensure cooperation with officers who exercise housing functions, as well as privately registered providers of social housing. It does not duplicate requirements under the Housing Act 1996 (section 23(1)(a)).

The Act also carries a prevention principle (Clause 2), which requires councils to take steps to prevent, reduce or delay needs for care and support. This includes where poor or insecure housing (e.g. that is damp, overcrowded, inaccessible, a risk of being made homeless) might result in: worse physical and mental health outcomes; increase care and support needs; as well as undermine independence and safeguarding of vulnerable children and adults. The Care Act does not replace existing housing legislation requirements, such as the homelessness and temporary accommodation duties under the **Housing Act 1996**. As such, public health officers are not responsible for providing housing directly but should support housing providers' compliance within the requirements of the Care Act 2014.

Local enforcement of the care act 2014

Under the Care Act 2014, local authorities are the primary enforcement body, overseen by the Quality Care Commission (CQC). Authorities deliver the Act through: undertaking an assessment of need (Section 9); Carer's assessment (Section 10); and applying the national eligibility criteria. Local authorities lead adult safeguarding systems, undertaking Section 42 enquiries, chair a Safeguarding Adults Board, and coordinate between agencies (NHS, police, providers). Authorities can directly enforce the act by:

- Investigating abuse or neglect
- Requiring providers to improve
- Referring cases for criminal investigation

41. Care Act factsheets (2016)
42. Care Act 2014

They can also act indirectly by contracting necessary Social Care providers, monitor performance and terminate contracts if standards are not met.

4.2 Resident rights in temporary or emergency PDR converted housing

Temporary accommodation is accommodation provided to homeless applicants as part of a council's 'main housing duty', as set out in Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities (the Code). The Housing Duty outlines councils' powers and duties to people who are homeless or threatened with homelessness. If a council is satisfied an applicant is homeless, eligible for assistance, and has a 'priority need', it has a duty to secure accommodation for that person (Housing Act 1996, section 193).

Councils must ensure all accommodation provided to homeless applicants is suitable for the needs of the applicant and their household (Housing Act 1996, section 206 and Homelessness Code of Guidance 17.2). The 'suitability' of accommodation depends on the relevant needs, requirements and circumstances of the homeless person and their household (Homelessness Code of Guidance 17.4 & 17.9).[43]

Nevertheless, residents in temporary accommodation have more limited rights than private rental or social housing tenants. They do not have tenancy agreements and instead are housed under a 'Licence to Occupy'. Such licences are not covered by any of the principal legislation protecting tenants outside the public sector, except for the Protection from Eviction Act 1977. Some public sector licences can be covered by the Housing Act 1985 – but this only applies when social housing tenants who are temporarily housed in PDR accommodation.[44]

The Homelessness (Suitability of Accommodation) (England) Order 2012 further clarifies the Suitability of Accommodation, including those provided in PDR housing. Suitability is defined firstly by locational factors, including: the distance of accommodation from the responsible authority; disruption to employment, caring responsibilities or education; and proximity to medical facilities.

43. Good Practice Guide – Temporary Accommodation (Local Government and Social Care Ombudsman, 2023)
44. Shelter Legal England – What is a licence? – Shelter England

Secondly, it outlines how 'housing suitability' is defined to specific buildings or accommodation, in accordance with section 193(7F) of Housing Act 1996.[45]

A homeless applicant can challenge an authority's decision about suitability through:

- A statutory review under the Housing Act 1996 if they believe the accommodation is unsuitable.
- An appeal to the County Court on a point of law following the review decision.
- In some circumstances, a Judicial Review in the High Court where the council has acted unlawfully or irrationally

4.3 Tenant rights in social housing specifically

Social Housing (Regulation) Act 2023 refers specifically to the regulatory framework for social housing for local authorities in England only. It aims to protect social tenants and ensure that housing conditions do not pose health risks. It allows the Regulator of Social Housing (RSH) to take proactive measures against landlords who fail to meet health and safety standards, particularly concerning hazards listed in the Housing Health and Safety Rating System (HHSRS) like damp and mould – and allows the regulator to act even *before* people are at risk. The RSH can impose unlimited fines; undertake surveys on properties; and authorise emergency remedial action to remedy failures by a landlord.[46] The Social Housing Act applies to any PDR residential properties used to house social tenants. The Act also introduced Awaab's Law regarding preventing resident exposure to damp and mould, which came into force in 2025.

45. 'Housing Suitability' is defined in Housing Act 2006 as:
a. accommodation being in reasonable physical condition;
b. electrical equipment meeting Electrical Equipment (Safety) Regulations 1994(2);
c. reasonable fire safety precautions with the accommodation and any furnishings supplied with it have been undertaken by the Landlord;
d. reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation have been undertaken by the Landlord;
e. the landlord is a fit and proper person to act in the capacity of landlord, having considered if the person has:
(i) committed any offence involving fraud or other dishonesty, or violence or illegal drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003(3) (offences attracting notification requirements);
(ii) practised unlawful discrimination on grounds of sex, race, age, disability, marriage or civil partnership, pregnancy or maternity, religion or belief, sexual orientation, gender identity or gender reassignment in, or in connection with, the carrying on of any business;
(iii) contravened any provision of the law relating to housing (including landlord or tenant law); or
(iv) acted otherwise than in accordance with any applicable code of practice for the management of a house in multiple occupation, approved under section 233 of the Housing Act 2004(4);
f. It is a house in multiple occupation subject to licensing under section 55 of the Housing Act 2004 and is licensed as such;
g. the accommodation is a house in multiple occupation subject to additional licensing under section 56 of the Housing Act 2004 and is licensed;
h. the accommodation is or forms part of residential property which has a valid energy performance certificate as required by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(5);
i. the accommodation is or forms part of relevant premises which do not have a current gas safety record in accordance with regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(6); or
j. the landlord has provided to the local housing authority a written tenancy agreement, which the landlord proposes to use for the purposes of a private rented sector offer, and which the local housing authority considers to be adequate.

46. Social housing regulation – what, why and when – Shelter England

Local enforcement of Social Housing (Regulation) Act 2023

The Social Housing Act 2023 is enforced by LHAs, based on the Housing Act 2004 powers and the Housing Health and Safety Rating System (HHSRS) which was updated in 2026. Authorities can:

- Inspect properties
- Issue Improvement Notices
- Serve Prohibition Orders
- Carry out Emergency Remedial Action
- Prosecute landlords

Tenants can complain about poor conditions through the landlord complaints process, and the (social) Housing Ombudsman. If problems are deemed to be more systemic, the Regulator of Social Housing (RSH) may intervene and councils must provide evidence and cooperate with the regulator.

4.3.1 Procurement of PDR converted housing services – applying the public sector equality duty and social value

To meet the Equality Duty, public authorities must apply those considerations to the procurement of housing services and temporary accommodation for local residents. The Equality and Human Commission produced guidance in 2022[47] that explains how public authorities can comply with the public sector equality duty (PSED) obligations at different stages of the procurement cycle, and outlines the equality issues that to consider at each stage.

To comply with the PSED, public authorities must ensure that the housing or TA services they procure are fit for purpose and meet the needs of their users. Furthermore, authorities need to fulfil their duties under the Public Services (Social Value) Act 2012. Under the Social Value Act authorities must consider how the services they propose to procure "might improve the economic, social and environmental well-being" of the area in which the services are to be provided. The current legislation governing procurement for public bodies are the Public Contracts Regulations 2015.

The EHC guidance outlines key stages of the procurement process to be considered, summarised in the table below.

47. Buying better outcomes: mainstreaming equality considerations in procurement – a guide for public authorities in England

Table 4.3 Key procurement stages to consider equality impact of contracted PDR housing services

Procurement stage	Notes on key elements
Set equality considerations in the local authority procurement policy and strategy	• A statement for housing partners, contractors and service providers that sets out how the PSED will function • Ensure prospective supplier diversity • Consult with partners and residents to clarify reasonable and proportionate scope of PSED application for PDR housing
Set clear contractual specifications regarding expected housing standards	• Specification to ensure housing and TA providers meet HHSRS standards as a minimum • Ensure TA providers provide the five basics [48]
Terms and conditions and equality clauses	• Clear, relevant, quantifiable and proportionate clauses that will enable an authority to meet the PSED
Clarity in tender advertising	• Contract notices need to simply outline equality requirements and PSED will apply for prospective suppliers
Assess the providers capacity to meet their contracted obligations	• A pre-qualification questionnaire can help assess a potential suppliers' ability to meet the equality requirements
Implementation of contract and monitoring –	• Checking the PSED requirements are being met e.g. through spot checks, resident surveys • Identifying if changes or improvements are required
Termination, exit and learning	• If there is a serious breach of contract, sanctions may be required – and should be outlined in the contract • Where improvements are not possible termination of contract may be required, • A review of the contractual procedures should be applied to ensure such instances are not repeated.

4.4 Tenant rights in private rental specifically

The Renters Rights Act 2025 came into force in May 2026 and applies to all PDR housing in the private rental sector. The act indicates that the Decent Homes Standard will apply as a mandatory requirement to private rental properties from 2035. It ends the use of Section 21 'No Fault' eviction notices – under of the Housing Act 1988. After 1 May 2026 all tenancies become 'rolling' or periodic tenancies, with no fixed terms. Rent reviews can only occur once a year (via section 13 of the Housing Act 1988), with 2-month written notice.

Landlords can still serve Section 8 notices to repossess properties if tenants break the terms of a tenancy agreement, but landlords should first seek to resolve disputes before serving notice – such as managing rent arrears and agreeing a repayment plan. Tenants who receive an eviction notice can access free legal advice from Housing Loss Prevention Advice Service.[49]

48. Fix the Five Basics – new campaign calls for better temporary accommodation across London | Trust for London
49. Housing Loss Prevention Advice Service (HLPAS) (Gov UK, 2026)

Local enforcement of the Renters Rights Act

Local housing authorities (LHAs) have a duty to enforce the landlord legislation in their area. If an LHA suspects non-compliance, it must consider what proactive steps to take to establish if a breach or offence has occurred. Breaches of the legislation can result in fines to landlords, or anyone acting on their behalf, of up to £7,000. If an offense is committed, the financial penalty can be up to £40,000, for example if a landlord or agent has committed a breach within five years of a previous offense. Actions include issuing warning letters before taking a formal action – the landlord has 28 days to respond, after which the LHA can decide to issue a fine or final notice.[50]

50. Enforcement of the tenancy system under the Renters' Rights Act 2025 (GOV UK, 2026)



5. Conclusion

The evidence compiled by researchers at UCL, the London School Hygiene and Tropical Medicine and TCPA suggests that health and wellbeing outcomes are often worse for residents of PDR housing than those in similar non-PDR accommodation. In an ideal world, a Local Development Plan, place-based policies and full planning scrutiny would apply to all new residential schemes, including for all buildings converted to residential use.

This toolkit outlines a range of levers available to local authorities to seek to kerb the worst types of PDR residential conversion and encourage better management of the quality of PDR housing conditions. These levers can be applied at various stages: before prior approval applications, during application, during conversion and once properties are in-use.

The survey of local government officers (summarised in Section 1.3) points to the considerable pressures on officers and institutional resources to apply these levers effectively. Resources which, as the Building Control Independent Panel and others have pointed out, are already significantly over-stretched.

The toolkit indicates several stumbling blocks created by the PDR rules that mean local authorities are less able to proactively adopt a fully preventative approach to limiting the potential health impacts of PDR prior approval applications. Authorities face considerable resource pressures that the PDR regime is further exacerbating, including through the loss of developer contributions via Section 106 agreements towards wider affordable housing,

and local amenities. It also points to the considerable complexity and multi-pronged nature of the current regulatory levers available to authorities at different stages in the process, as well as the need to interpret the implications from specific case law.

The TCPA, researchers at UCL, and supporting organisations will continue to press for reform regarding the use of PDR rules to convert buildings into residential use. This reform is vital, most especially to protect the most vulnerable in society and ensure they are given safe, habitable homes, in suitable locations. However, unless central government changes its position on PDR rules that enable the poorer location and quality of conversion of buildings to residential use, local authorities will have to act as best they can to manage the consequences of deregulation and seek to protect residents from the worst harms of PDR housing.

Resource 1. Local Shopping Area Template for Article 4 Direction Preparation

Focus	Key considerations
Maps	• Map of boundary & context of LSA • Map of heritage designations • Map of any relevant other Local Plan designations if applicable. • Map of proposed A4D area
Description & context of centre	• Brief description of LSA and its characteristics & context. • How LSA relates to wider area • Accessibility
Economic	• Particular retail characteristics of the LSA. • Any specialist clusters? • Is there a predominance of a particular type of class E? • How is this focused within the area or linked to a wider cluster/area? • What does the Local Plan/RLS say about the designation? • Who does the retail area serve? Local communities? Does it contribute to wider area/economy? • Town centre spending data/ floorspace (GLA) • Socio-economic data (IIA) • Vacancy (now and in past)
Social	• Socio-economic profile: o Indices of multiple deprivation o Census data o Housing estates • How is the area/cluster important to communities? • Would PDR CoU reduce access to key service employment opportunities? • What would be effect on agglomeration benefits and other businesses? • Does the LSA serve identifiable community? • Provides convenience uses within walking distance • Has unique retail / community function
Site visit notes	• Form and scale of townscape • Quality of environment – public realm/ greening/ spaciousness/ noisiness/ inclusive design/ condition of buildings • Type of open spaces (if any) or places to meet/ socialise
Key sites and Allocations	• Allocations in existing and emerging plan. • Are there particular buildings/sites of importance?
Heritage Designations	• Conservation Areas • Listed buildings • Retail use linked to Conservation Area value
Class MA considerations	• Existing buildings under 1,500 square metres? • Would conservation area considerations at ground floor help mitigate against impacts? • List any other relevant Class MA considerations to the areas
How is it the smallest area possible?	How is this the smallest geographical area possible? Things to consider excluding (n.b. need to make a note of what has been excluded in each area and why so we can document this in the report). • Listed buildings • Open spaces • Does it include conservation areas? If so, why is this still justified? • Have buildings outside of class E been removed? • Are their buildings within class E which have not been included as they can't be justified or where PDR is unlikely to be utilised? Large scale infrastructure that is not within class E (e.g. stations, railway land).

How is it necessary to avoid wholly unacceptable adverse impacts?	• What are the specific and adverse impacts of the PDR likely to be on the LSA and Local Area? • Why are they wholly unacceptable rather than just adverse impacts? • Draw out specific economic, environmental and social considerations identified through analysis e.g. impacts on access to services, impacts on local communities or economic impacts due to likely erosion of concentration of uses. • Why is the LSA likely to be particularly susceptible to the PDR given characteristics? • Why are Class MA criteria insufficient to protect against negative impacts given characteristics of LSA? • If it is proposed to partially designate or note designate at all then useful to talk about why elements cannot be justified here. • If we are protecting LSA in entirety need to address why critical mass of LSA is needed. • What would be the likely impacts on vitality of LSA? Could piecemeal loss of some units be argued to likely erode viability of LSA overall? • Are some or more commercial uses likely to be unviable in all/some of centre as it is in decline with high vacancy rates? • If full/partial protection is needed set out key arguments in terms of social, environmental and economic impacts.
Recommendations (Note this summary will be used to be pasted into main report)	• Full/ Partial/ Zero designation; • Summarise template in 2/3 paras

Key sources of information:

- UCL impacts of class E study
- Retail and Leisure Study
- Retail survey
- Old LSA health checks
- Ward profiles
- Local Plan topic paper and boundary review of LSAs

Resource 2. Town Centres: Key Questions for Article 4 Direction Preparation

	Prompt questions
Maps	• Map of boundary & context • Map of heritage designations Map of any relevant other Local Plan designations if applicable. (Retail survey maps?)
Retail and other town centre uses	• Are there particular characteristics to the retail areas? • What does the Local Plan/Retail and Leisure Study (RLS) say about the designation? Significant retail cluster with multiple designations? • Is there any helpful information/data in the GLA Town Centre Health Check? • Who does the retail area serve? Is it local communities or does it also contribute to wider area/economy? • Vacancy info – or other info from sources e.g. town centre health check?
Upper floor Class E	• Extent of upper floor Class E • Places with concentrations of Upper floor Class E • Nature of Upper floor Class E (type of use, size of unit, ancillary to ground floor use or separate?)
Employment characteristics	• What does the draft Local Plan say about the Town Centre? • Is area/site addressed in RLS and Employment Land Study (ELS) (summarise any useful context)? • What are the main uses/sectors in the town centres? How is this focused spatially within the area or linked to a wider cluster/area? • Are there any specialist clusters? • Is there a predominance of a particular type of class E?
Key sites and Allocations	• Allocations in existing and emerging plan. • Are there particular buildings/sites of importance? • Is there anything helpful in Local Plan in terms of spatial policies and allocations in terms of anticipated growth?
Heritage Designations	• Conservation Areas • Listed buildings
Social value considerations	• How is the centre/area important to communities? • Would Class MA reduce access to: • Service employment opportunities? • Retail services? See Retail survey. • Places to socialise/ learn/ meet? • What would be effect on agglomeration benefits and other businesses?
Class MA Considerations	• Does floorspace of Class E buildings exceed 1,500m^2? • If smaller units are under the threshold are they likely to be disproportionately affected? • Listed buildings? • Would conservation area considerations at ground floor help mitigate against impacts?
Smallest Area possible	How is this the smallest geographical area possible? Things to consider excluding (N.b. need to make a note of what has been excluded in each area an why so we can document this in the report). • Listed buildings • Open spaces • Large institutions that don't fall within class E. • Does it include conservation areas? If so why is this still justified? • Large scale infrastructure that is not within class E (e.g. stations, railway land). • Large buildings that exceed footprint of PDR – we don't have to exclude all of these but if there are any obvious big new developments Map and provide detail on specific areas/sites to be excluded and reasons for this.
How is it necessary to avoid wholly unacceptably adverse impacts?	What is average unit size? Does characteristics of unit sizes mean TC is more susceptible? Justification for protected the core retail area/primary shopping area? Need a more robust justification in terms of wholly unacceptable impacts for including any areas outside of the core – e.g. in Angel this focused on wider employment areas and their contribution towards economic growth within the CAZ.

Resource 3. GPDO Matters to be Considered for Each Class of PDR

Class	Matter	Considered?
M	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	The impact of the change of use on **the adequate provision of laundrette services**, but only where there is a reasonable prospect of the building being used as such (likely to be limited circumstances where the building is currently or formerly used as a laundrette).	Y/N
	The **design or external appearance** of the building	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N
MA	Transport impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	Impacts of noise from commercial premises on the intended occupiers.	Y/N
	Where— (i) the building is located in a **conservation area**, and (ii) the impact of that change of use on the character or sustainability of the conservation area	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.	Y/N
	Where the development involves the **loss of services** provided by – (i) **a registered nursery**, or (ii) **a health centre** maintained under section 2 or 3 of the National Health Service Act 2006.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N
N	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	The **design or external appearance** of the building.	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N

Q	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	Noise impacts of the development	Y/N
	Whether the **location or siting** makes the change of use **impractical or undesirable**, for example if the building is in a remote location.	Y/N
	The **design or external appearance** of the building.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N
	Where the proposal is for a change of use **and** an extension of the building, **the impact of the proposed extension on the amenity of any adjoining premises.**	Y/N
O*	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	Impacts of noise from commercial premises on the intended occupiers.	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N
	The developer must have applied for a determination on or before **31st July 2021.**	Y/N
P*	The developer must **submit a statement demonstrating that the building was used solely as a storage or distribution centre** on 19th March 2014 and for 4 years before development begins.	Y/N
	Impacts of air quality on intended occupiers of the development.	Y/N
	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	Impacts of noise	Y/N
	Whether the introduction of, or an increase in, **a residential use of premises in the area would have an adverse impact on the sustainability of the provision of storage or distribution services in the area.**	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N

PA*	The developer must **submit a statement demonstrating that the building was used solely as a storage or distribution centre** on 19th March 2014.	Y/N
	Transport and highways impacts	Y/N
	Contamination risks	Y/N
	Flooding risks	Y/N
	Whether the introduction of, or an increase in, **a residential use of premises in the area would have an adverse impact on the sustainability of the provision of industrial, storage or distribution services in the area.**	Y/N
	The provision of **adequate natural light** in all habitable rooms of the dwelling houses.	Y/N
	Compliance with **Nationally Described Space Standards**, which can be found here.	Y/N
	Development must be completed **within 3 years**, starting with the prior approval date.	Y/N

***** Superseded Class of PDR

Resource 4. Restrictions placed on each PDR Class

PDR Class	Development is NOT permitted…	Explanation
L – HMO and vice versa	*1. (a) … 'if it would result in the use— (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.'*	(a) A single HMO (C4) cannot be turned into two or more separate dwelling houses (C3) using this PDR. (b) And vice versa, a single dwelling house (C3) cannot be turned into two or more HMOs (C4) using this PDR.
MA – Commercial	*1.(b) 'unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;'.*	This means that the building must have been in a commercial use or uses continuously for two years, and cannot have been vacant or in a different use during that time. If the building has been vacant for longer than 6 months, and converts into 100sqm or more of residential floorspace, then it becomes liable to Community Infrastructure Levy (CIL).
	1.(g) before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	This means that until **1 August 2022**, if a proposed office-to-residential conversion would have qualified under the *old* (pre-August-2021) Class O rules, but an LPA had already used an Article 4 direction to extinguish that PDR and that Direction is still active then a developer still cannot apply for PDR prior approval under Class MA.
M	*1. (a) 'if—(a)the building was not used for one of the uses referred to in Class M(a)—(i)on 20th March 2013, or (ii)in the case of a building which was in use before that date but was not in use on that date, when it was last in use;'*	In this case PDR does not apply unless the building is actually being used for one of the qualifying uses listed under Class M(a) at a specific reference point in time. The reference point works in two ways. If the building was in commercial use (now Class E) on **20th March 2013**, then it has to have been used for one of those qualifying uses on that exact date. But if the building wasn't in use on 20th March 2013 because it was vacant then the council should consider what was the last use before that date and if that last use was one of the qualifying Class E commercial uses. It is important to note with this restriction that if the building is long term vacant (longer than 6 months) then it becomes CIL liable if it converts into more than 100sqm of residential floorspace. N.B. Classes N, O, P, and PA have similarly worded restrictions that operate in the same way.

	(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres; *(d)the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;*	This means that a building of over 150sqm cannot undergo a change of use under this PDR. Similarly, the development (change of use and associated operational development) cannot result in a building with more than 150sqm of floorspace. Previous development under the same PDR class can be taken into account when making this calculation.
	(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	The PDR does not allow for external extension in any direction.
	(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order);	Reasonable demolition to convert the building to C3 dwellinghouse is permitted by this class of PDR.
N	*1. (a) 'Development is not permitted by Class N if—* *(a) the building was not used solely for one of the uses specified in Class N(a)—* *(i) on 19th March 2014, or* *(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;'*	This restriction operates in the same way as the restriction under Class M, albeit that the relevant date is **19th March 2014.**
	'(b) the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres; *(c) the development (together with any previous development under Class N) would result in more than 150 square metres of floor space in the building having changed use under Class N;'*	This means that a building of over 150sqm cannot undergo a change of use under this PDR. Similarly, the development (change of use and associated operational development) cannot result in a building with more than 150sqm of floorspace. Previous development under the same PDR class can be taken into account when making this calculation.
	(d) the development under Class N(b) would consist of building operations other than— *(i) the installation or replacement of—* *(aa) windows, doors, roofs, or exterior walls, or* *(bb) water, drainage, electricity, gas or other services,* *to the extent reasonably necessary for the building to function as a dwellinghouse; and* *(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph (d)(i);*	This restriction lists the operational development that is permitted by this class of PDR. It is relatively extensive (provided it is judged by the LPA to be reasonably necessary) and includes demolition.

Q	*(a)in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—* *(i)on 24th July 2023, or* *(ii)where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,* *(b)in the case of a site that was (but is no longer) part of an established agricultural unit—* *(i)the site was part of an established agricultural unit on 24th July 2023,* *(ii)where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or* *(iii)since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,*	(a) This PDR cannot be used if the site has not been part of the same agricultural planning unit for long enough. If the site was **not part of the established agricultural unit on 24th July 2023** then it automatically fails this test. If the site became part of the unit after 24th July 2023, then it must have been part of the unit for at least 10 years by the time development begins – meaning 24th July 2033 at the earliest. (b) If the site is no longer part of an agricultural planning unit, then it must have been in agricultural use on 24th July 2023, or out of such use for at least 10 years after 24th July 2023, and it cannot have been used for anything else other than an agricultural use. The purpose of these tests is to prevent developers adding or removing land to farm land and then claiming Class Q rights over it.
	(c)the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,	There is a floorspace limit of 150sqm per dwellinghouse under Class Q.
	(d)the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in— *(i)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or* *(ii)the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres.*	This is a cap on the total scale of Class Q development across an entire farm holding of: (a) Either 10 new dwellings in total, or (b) Over 1000sqm of residential floorspace. Note that this restriction is cumulative and considers previous Class Q development.
	(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,	This blocks Class Q if the farm has recently built new agricultural buildings using a different set of permitted development rights.
	(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than— *(i)extension of the building allowed by paragraph Q.1(i);* *(ii)protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),*	Generally, the building must maintain its existing dimensions, other than is allowed by sub-paragraphs (i) and (j) below.

	(i)the development under Class Q(b) would result in an extension that— *(i)has more than one storey,* *(ii)is sited anywhere other than to the rear of the existing building,* *(iii)extends beyond the rear wall of the existing building by more than 4 metres,* *(iv)has eaves the height of which exceed the height of the eaves of the existing building,* *(v)is higher than whichever is the lower of—(aa)the highest part of the roof of the existing building, or (bb)a height of 4 metres above the ground,* *(vi)extends beyond a wall that forms a side or principal elevation of the existing building, or* *(vii)would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—(aa)the hard surface was not provided on the land on or before 24th July 2023, or (bb)where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,*	The limits on building operations for an extension to an existing building under Class Q are as follows: (a) Any extension cannot be more than one storey. (b) Any extension must be to the rear of the existing farm building, (c) It must not project from the rear wall by more than 4m. (d) The extension's eaves cannot be higher than the eaves of the existing building. (e) Height is capped to the highest point of the existing building's roof, or 4m, whichever is lowest. (f) The extension cannot extend beyond the existing building's side or front walls. (g) The extension must sit on hardstanding that was hardstanding on **24th July 2023,** or if it was hardstanding after that date, it must have been hardstanding for 10 years before development can commence.
	(j)the development under Class Q(c) would consist of building operations other than— *(i)the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb)water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and* *(ii)partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),*	Other building operation limits are as follows: (a) Instillation or replacement of reasonably necessary windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, and (b) Partial demolition reasonably necessary to carry out those building operations.
	(o)the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or	The existing building (excluding any extension) could not comply with nationally described space standards.
	(p)the building does not have suitable existing access to a public highway.	The building must have highway access.
O	*(b)the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—* *(i)on 29th May 2013, or* *(ii)in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*	This restriction operates in the same way as the restriction under Class M, albeit that the relevant date is **19th March 2014.**

P	*(a)the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*	This restriction operates in the same way as the restriction under Class M, albeit that the relevant date is **19th March 2014.**
	(b)the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;	The building must have been in continuous storage or distribution use for a period of at least **4 years** before development under this class of PDR begins.
	(c)the prior approval date falls on or after 10th June 2019;	This class of PDR cannot be used after **10th June 2019.**
	(d)the gross floor space of the existing building exceeds 500 square metres;	A building with over 500sqm of floorspace cannot use this PDR.
	(k)the development is not completed within a period of 3 years starting with the prior approval date.	Development must be completed within 3 years.
PA – Light industrial	*(b)the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*	This restriction operates in the same way as the restriction under Class M, albeit that the relevant date is **19th March 2014.**
	'the prior approval date falls on or after 1st October 2020;'.	This is a time limited PDR and means that there can be no new light industrial to residential conversions *after* 2020, provided that prior approval is deemed to be required.
	(d)the gross floor space of the existing building exceeds 500 square metres;	A building with over 500sqm of floorspace cannot use this PDR.

Resource 5. Guidance and additional links

Section 1

Evidence of health Impacts of PDR converted housing

- Full report: Investigating potential health and health equality impacts of permitted development housing in England (UCL, 2026)
- Population and Characteristics of Deregulated Non-Residential Conversions in England (Alarcon-Yaquetto, D. et al, 2026)
- Health and wellbeing impacts of housing converted from non-residential buildings: A mixed-methods exploratory study in London, UK (Pineo et al 2024)
- Impact of extending development rights to office-to-residential change (Clifford et al, 2018)
- An Exploratory Study Investigating the Health and Wellbeing Impacts of Housing Created through Permitted Development in London. UCL, The Bartlett School of Planning (Clifford & Pineo, 2023)
- Housing conditions in England. Written Evidence from the TCPA to the inquiry by the Housing Communities and Local Government Committee (TPCA, 2025)
- Housing and Health Guidelines (World Health Organisation, 2018)

Section 2

Planning

- National Planning Policy Framework (MHCLG, 2026)
- National Planning Practice Guidance. (MHCLG, updated September 2026)
- When is planning permission required. Guidance. (MHCLG, updated 2023)
- British and Irish Legal Information Institute – Free source for case law and legislation (BAILII)

Section 3

Development Management and Building Control

- Building control bodies and registered building inspectors (Building safety Regulator, updated 2026)
- Building Control Approval for Higher Risk Buildings (BSR, updated 2026)
- Enforcement and post-permission matters (MHCLG, 2014 - updated 2026)
- Building-control Pathway guide (RICS, 2025)
- Find an accredited surveyor - Building control (RICS)
- Find your Local Authority Building Control (LABC) department (LABC)
- Building Safety Levy: Guidance (MHCLG, 2025)

Fire Safety

- Fire classification of construction products and building elements: BS EN 13501-1:2018
- Fire safety and high-rise residential buildings (UK Gov, 2021)

- BS 9991 Fire safety in the design, management and use of residential buildings (BSI, 2024)
- Grenfell Tower Inquiry Phase 2 report – Executive Summary (Grenfell Tower Inquiry, 2024)
- PAS 8672:2022 Framework for Competence of Principal Contractors (BSI, 2022)
- Understanding and addressing the health risks of damp and mould in the home (MHCLG, DHSC, HAS, 2026)
- Guide on high-risk elements of buildings (CIOB and RIBA, 2023)
- Residential Personal Evacuation Escape Plans (PEEPs): Factsheet (UK Gov, 2025)

Section 4

Equality duty and social value procurement

- Buying better outcomes: mainstreaming equality considerations in procurement – a guide for public authorities in England (Equality and Human Rights Commission, 2022)
- Social Value Act: information and resources (Cabinet Office, 2021)

Housing health and safety

- Housing Health and Safety Rating System (HHSRS): Operating guidance (UK Gov, 2026)
- Guide for local authorities: Homes (Fitness for Human Habitation) Act 2018 (UK Gov, 2019)
- Tackling damp and mould: Professional practice, cultural change and regulation in social housing (CIH and CIOB, 2026)

Licencing

- Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities (UK Gov, 2018)

Tenant and resident resources:

- The Renters' Rights Act Information Sheet 2026 (UK Gov, 2026)
- Housing Loss Prevention Advice Service (HLPAS) (UK Gov, 2026)
- Care and support needs assessment (Shelter England, 2024)
- Fix the Five Basics – new campaign calls for better temporary accommodation across London (Trust for London, 2025)
- If your flat isn't fire safe (Citizens Advice, 2018)

Temporary accommodation

- Temporary Accommodation Notification Duty – Guidance and funding allocations (MHCLG, 2026)
- TA notification Duty training (Shared Health Foundation, 2026) https://sharedhealthfoundation.org.uk/temporary-accommodation-notification-duty-training/

Appendix 1. Changes to the GPDO (2013 to 2025)

Year	Policy / Legislative Change	Description	Regulation	Effective Date
2013	Office-to-residential permitted development introduced	Offices (Use Class B1(a)) permitted to convert to residential dwellings (Class C3) without full planning permission, subject to a prior approval process. Initially introduced as a temporary measure to increase housing supply and reuse vacant office buildings.	The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013	30 May 2013
2014	Agricultural buildings to residential (Class Q)	Permitted development rights extended to allow agricultural buildings to convert into residential dwellings, subject to restrictions on building size and location.	The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014	6 April 2014
2014	Retail and financial and professional services to residential (Class IA) (Replaced by Class MA in 2021)	Permitted development rights extended to allow retail and financial and professional services building conversions into residential dwellings, subject to restrictions on building size and location.	The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014	6 April 2014
2015	PDR conversions made permanent	Following significant uptake, the government confirmed the continuation of office-to-residential conversion rights (Class O) beyond the initial temporary period. Conversion rights also confirmed in respect of agricultural (Class Q), retail (Class M) buildings and introduced in respect of specified sui generis uses (Class N) and storage and distribution centres (Class P).	Town and Country Planning (General Permitted Development) (England) Order 2015	15 April 2015
2016	Introduction of further PDR conditions, and light industrial and laundrette uses to residential conversions.	Added the impacts of noise from commercial premises on the intended occupiers to the list of prior approval matters in respect of Class O (office to residential) and added PDRs in respect of light industrial and laundrette uses to residential conversions.	The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016	6 April 2016

2018	Removal of Class P (storage or distribution centres to residential)	As evidence of the poor quality of PDR residential conversions grows, the GPDO is amended to remove PDR conversion rights in respect of distribution centres.	The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018	6 April 2018
2019	Extension of Class M and restriction on Class Q	Extended Class M (retail and specified sui generis uses) to permit buildings with a use falling within Class A5 (hot food takeaways) to change use to a dwellinghouse. Also clarified that the floor space of any dwellinghouse created by Class Q (agricultural buildings) cannot exceed 465 square metres.	The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019	25 May 2019
2020	Introduction of minimum standards within prior approval	Made provision that the minimum size for any new dwelling permitted under the GPDO is 37sqm and it must meet the nationally described space standard.	The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020	6 April 2021
2020	Additional residential development rights	New permitted development rights introduced allowing additional storeys to be constructed on existing residential buildings and allowing demolition and rebuild of certain commercial buildings for housing.	The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020	31 August 2020
2020	Creation of Use Class E	Use Class E (Commercial, Business and Service) introduced, merging several commercial uses such as shops, offices, restaurants and gyms.	The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020	1 September 2020
2021	Introduction of Class MA (commercial to residential)	Buildings within Use Class E permitted to convert to residential use under Class MA, subject to a prior approval process. Amongst other conditions, a size limit on Class MA conversions of 1,500sqm is introduced.	The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021	21 April 2021

2021	Introduction of fire safety and provision of adequate natural light as a prior approval conditions	Amended the GPDO so as to require developers to obtain the prior approval of the local planning authority as to certain matters relating to fire safety where it is proposed to introduce dwellinghouses in buildings above a height threshold (18m or 7+ storeys). Where a prior approval application is made pursuant to these provisions, the local planning authority must consult the Health and Safety Executive. Also provided that all habitable rooms must have adequate natural light.	The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021	1 August 2021
2024	Vacancy and floorspace restrictions removed	Removed the requirement that a building must have been vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval. Additionally, removed the 1,500sqm floorspace upper limit for buildings changing use.	Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024	5 March 2024
2024	Changes to Class Q (agricultural buildings to residential)	Amended Class Q to allow former agricultural buildings to be converted to dwellings. Introduced a cumulative limit of new dwellings of 10 and a cumulative size limit of 1,000sqm for the development of multiple dwellings.	The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024	21 May 2024

Appendix 2. Housing Health and Safety Rating System (HHSRS)

	Hazards* (2026 revised list)	Hazards (2004 version)
Protection against accidents	1. Falls on the level	19. Falls associated with baths etc
	2. Falling on stairs etc.	20. Falling on level surfaces etc
	3. Falling between levels	21. Falling on stairs etc
	4. Fire and explosions – *two hazards consolidated**	22. Falling between levels
	5. Flames, hot surfaces, etc.	23. Electrical hazards
	6. Collisions, entrapment and ergonomics – *two hazards consolidated**	24. Fire* (now hazard 4).
	7. Structural collapse and falling elements	25. Flames, hot surfaces etc
	8. Electrical hazards	26. Collision and entrapment
		27. Explosions* (now hazard 4)
		28. Position and operability of amenities etc* (now hazard 6)
		29. Structural collapse and falling elements
Physiological requirements	9. Excess cold	1. Damp and mould growth
	10. Radiation	2. Excess cold
	11. Damp and mould growth	3. Excess heat
	12. Lead	4. Asbestos (and Manufactured Mineral Fibres)
	13. Indoor air pollutants – *consolidation of four hazards**	5. Radiation
	14. Excess heat	6. Lead
	15. Asbestos and manufactured mineral fibres	7. Carbon Monoxide and fuel combustion products* (now hazard 13)
		8. Biocides * (now hazard 13)
		9. Uncombusted fuel gas* (now hazard 13)
		10. Volatile Organic Compounds* (now hazard 13)
Protection against infection	16. Domestic hygiene – *three hazards consolidated**	15. Domestic hygiene, Pests and Refuse* (now hazard 16)
	17. Water supply	16. Food safety* (now hazard 16)
		17. Personal hygiene, Sanitation and Drainage* (now hazard 16)
		18. Water supply
Psychological requirements	18. Crowding and space	11. Crowding and space
	19. Entry by intruders	12. Entry by intruders
	20. Noise	13. Lighting
	21. Lighting	14. Noise

Sources: Housing Act 2004 https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9 and The Housing Health and Safety Rating System (HHSRS): Operating Guidance – Part 1 An Introductory Guide (MHCLG, 2026)