

Summary of Changes to Permitted Development Rights – coming into force on 30th May 2013

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - This Order amends parts of and adds to the Town and Country Planning (General Permitted Development) Order 1995

Principal Changes – this is a summary only. Please refer to statutory instrument for exact wording and criteria.

Householder PD

- Allows larger single storey rear house extensions to be built. – From 31st May 2013 householders will be able to extend beyond the rear wall of the original dwelling up to 8m for detached dwellings and 6m for semis and terraced properties, providing it doesn't exceed 4m in height. Other current restrictions apply – ie matching materials, not more than half the garden area etc. as do the restrictions affecting outbuildings.
- Permitted development rights of properties in conservation areas also remain unchanged.
- This change is for a temporary 3 year period only – extensions will have to be completed by 30th May 2016.
- These permitted development rights are subject to a new procedure. Before commencement, the resident must notify us.
- We then have to notify neighbouring properties (adjoining – ie have a physical boundary).
- We have to send a copy of the neighbour letter to the developer.
- If neighbours don't object within the 21 day period we can send a letter stating the development can commence (ie written notice that prior approval is not required)
- If neighbours object we must consider whether the extension should be approved based on amenity grounds of **all** properties adjoining (ie not just the one that objected)
- If it's ok we provide a written notice giving our prior approval, within the 42 days.
- If it's not ok – we give a written notice giving our prior refusal, within the 42 days - in which case the development cannot take place. There is however a right of appeal for the developer.

- The development may not start until we have notified the person of our decision or until the expiry of 42 days without such a decision being notified. ie if they go out of time, permission is automatically granted.
- The developer must notify us in writing when the development is complete

School Fences and Walls adjacent to a highway

- Allows schools to build a higher boundary fence or wall adjacent to a highway - up to 2m, provided it does not create an obstruction which is likely to be a danger for highway users.
- If it does, it should be reduced in height to 1m
- This includes new free school premises, provided the relevant Minister has approved the school, and buildings being used for a temporary period as a school – see below.

Increased Thresholds for 'B' use classes

- Permitted development thresholds increase for changes of use from B1 or B2 to B8, or from B2 or B8 to B1, from 235 square metres to 500 square metres.

B1(a) Offices to C3 Residential Changes for Use

- Allows buildings in B1(a) office use to be used for C3 residential purposes.
- The new permitted development right is temporary in that no prior approvals can be implemented after 30th May 2016 (but use remains presumably)
- These rights do not apply on land in certain areas. Those areas are certain military sites, safety hazard areas, listed buildings or scheduled monuments and areas described as article 1(6A) land.
- Article 1(6A) land is effectively those council's who were successful in their application for exemption
- This is subject to a prior approval process, but we can only consider against transport and highways, contamination and flooding issues.
- Procedure for applying for approval set out below.

Changes of Use to State Schools

- This enables B1, C1, C2, C2a and D1 uses to change use to a state school
- The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument.
- This is subject to a prior approval process from us, but we can only consider against transport and highways, noise and contamination issues.

- Procedure for applying for approval set out below.
- Also allows reversion to the building's previous use.

Changes of Use from Agricultural Buildings to a 'flexible use'

- Allows existing agricultural buildings to change use to a 'flexible use' falling within use class A1, A2, A3, B1, B8, C1 or D2 – this 'flexible use' will then be classed as a sui generis use.
- No more than 500 square metres (cumulatively) of floor space in the building can be converted to a new use.
- The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument.
- Before beginning, the developer must notify us.
- If the change of use relates to more than 150 square metres of floor space (but below 500sq m) the new permitted development right is subject to prior approval from us, but we can only consider against transport and highways, noise impacts, contamination and flooding.
- Procedure for applying for approval set out below.

Prior Approval Procedure for B1(a) – C3, Schools and Agricultural Changes of Use

- Sets out the procedure for prior approval for the above changes of use
- If we think it will have a material increase or change in character of traffic, we must consult statutory undertakers
- Where an application affects flood risk areas, we must consult the Environment Agency
- We must notify these consultees giving 21 days to comment
- We must put up a site notice for 21 days or serve a notice on any adjoining owner /occupier
- We can ask for more information about impact / risks assessment and any mitigation
- We must take into account any representations and the NPPF
- We can only take into account highways, flood risk areas and contamination issues.
- Development cannot commence until
 - (a) we give written notice prior approval is not required;
 - (b) we give written notice of our prior approval (or refusal); or

(b) the expiry of 56 days without such a decision being given, ie if they go out of time, permission is automatically granted.

- Development cannot take place other than

(a) where prior approval is required, in accordance with the details approved

(b) where prior approval is not required or 56 days has expired, in accordance with the details provided in the application,

unless the local planning authority and the developer agree otherwise in writing (ie a mutually agreed extension of time).

Use as a State School for a Single Academic Year

- Temporary permitted development right allowing any building to change to a school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools.
- It can only be used once for this purpose
- It must revert to its previous lawful use at the end of the academic year

Flexible Uses and Changes within them

- A new permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 to change to a flexible use falling within either use class A1, A2, A3 or B1.
- The change of use may only relate to a floor space of no more than 150 square metres.
- Developers have to notify us of the initial change, plus any other change within the 2 year period
- The new use may only be operated for up to 2 years, after which it reverts to its previous lawful use.
- During this period it can be used for other uses within the flexible use.

Temporary Increased Thresholds for Industrial and Warehouse Use Classes

- Increases PD threshold to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.
- The new permitted development right is temporary and will expire on 30th May 2016.
- Developers must notify us of completion.

Telecoms Installations

- The construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval in Conservation Areas for a 5 year period.
- Development must be completed before 30th May 2018.

Extensions permitted to temporary schools

- Buildings which qualify for the right to change temporarily to school use are also given the benefit of existing permitted development rights which allow schools to carry out building works (including the erection, extension or alteration of buildings and the provision of hard surfaces) subject to various conditions and limitations.
- This will apply from the date we are notified by the relevant Minister that the site has been approved for school use.

Temporary Increased Thresholds for Offices

- Increases PD threshold to erect, extend or alter office premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.
- The new permitted development right is temporary and will expire on 30th May 2016.
- The developer must notify us in writing when the development is complete

Temporary Increased Thresholds for Shops, Catering, Professional or Financial Services

- Increases PD threshold to erect, extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.
- The new permitted development right is temporary and will expire on 30th May 2016.
- The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.
- The developer must notify us in writing when the development is complete