

# **Report to Planning Services Scrutiny Standing Panel**



**Date of meeting: 11 December 2012**

**Subject: CLG Consultation – Extending Permitted  
Development Rights For Homeowners and Businesses**

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## **Recommendations/Decisions Required:**

- (1) To agree responses to the specific consultation questions on the draft technical consultation.**

## **Report:**

The Coalition Government is planning to make a number of changes to the planning regime in order to reduce bureaucracy, speed up the process, reduce cost and contribute to the drive towards growth as part of its concerted economic stimulation package.

One of these is a proposed change to the permitted development regime. Permitted development rights are a deregulatory tool set by Parliament and therefore established nationally, and use a general impacts-based approach to grant automatic planning permission for development that complies with limitations and conditions that are set out in the parts to Schedule 2 of the Town and Country Planning (general permitted Development) Order 1995. The proposed changes were announced with the publication on 12th November 2012 of a technical consultation entitled "Extending Permitted Development Rights for Homeowners and Businesses". A consultation period is now running until 24 December 2012 on these proposed changes, which are set out below.

## **Residential**

Currently, single-storey rear extensions with a depth beyond the rear wall of 4m for a detached house and 3m for any other type of house, are permitted development (subject to various limitations) do not require planning permission. The proposal is to increase this to 8m for a detached house, and 6m for any other type of house. This would also cover conservatories at the rear of properties.

No changes are proposed for flats and extensions of more than one storey and all other current limitations and conditions remain the same e.g:

Development can only cover up to 50% of the curtilage of the house;  
Single-storey extensions must not exceed 4m in height;  
Extensions with eaves higher than 3m must not be within 2m of the boundary;  
Building regulations, Party Wall Act requirements and the 'right to light' continue to apply;  
and National Planning Policy Framework policies on 'garden-grabbing' remain in force.

These proposals do not permit separate outbuildings for residential accommodation ("beds in sheds"), or for the creation of separate residential units although the Coalition recognises that garages conversions can provide a valuable source of extra space to support family annexes, and wherever possible, families should be able to adapt them to meet their changing needs. Generally, the conversion of garages to ancillary living space does not require planning

permission, but as part of this consultation, it is seeking advice on whether householder permitted development rights can be changes to make this easier.

## **Retail**

Currently, for shops and financial / professional services establishments permitted development limits for rear extensions allows an increase of up to 50m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 25%. The draft proposal is to raise this to 100m<sup>2</sup> and 50% respectively including the right to build up to the boundary of the premises, except where the boundary is with a residential property, when the requirement would be to leave a 2m gap along the boundary.

Other limitations and conditions would remain the same, and existing protections under other regimes will continue to apply e.g:

The height of the building as extended must not exceed 4m; or  
The development must not consist of changes to a shop front, or extensions beyond a shop front.

## **Offices**

At present, the current permitted development limits for rear extensions allows an extension of up to 50m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 25%. The draft proposal is to raise this to 100m<sup>2</sup> and 50% respectively.

Other limitations and conditions would remain the same, and protections under other regimes will continue to apply e.g:

Buildings within 10m of the boundary must not be more than 5m high;  
In other cases the extension cannot exceed the height of the existing building; and  
New extensions must not be within 5m of the boundary.

## **Industrial**

At present, new industrial buildings or warehouses which are up to 100m<sup>2</sup> in size can be built within the curtilage of an existing industrial building or warehouse, provided that this does not increase the gross floor space of the original building by more than 25%.

The draft proposal is that these limits should be raised to 200m<sup>2</sup> and 50% respectively.

The other current limitations and conditions would remain the same, and existing protections under other regimes will continue to apply e.g.

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Buildings within 10m of the boundary must not be more than 5m high;  
There must be no building within 5m of the boundary; and  
There must be no reduction in the space available for parking or turning of vehicles.

## **Time limit**

These proposed changes are proposed to be in place for a period of three years, starting from the date at which the secondary legislation implementing these changes comes into force. It is also proposed that developments will have to be completed by the end of the three-year period.

There will be a notification requirement and homeowners and businesses wishing to exercise their rights under these changes will be required to notify the local planning authority on completion of the development. Where this notification is not received by the end of the three-year period, the development will not count as permitted development, and could be subject to enforcement action.

## **Protected Areas**

The proposed changes will not apply to protected areas or 'article 1(5) land' which are in essence National Parks, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites. Similar protection will be retained for Sites of Special Scientific Interest (SSSIs). Where necessary, it will also not remove the requirement for separate listed building consent.

## **Telecommunications**

At present, Part 24 of the General Permitted Development Order provides that fixed broadband apparatus such as cabinets, telegraph poles, and overhead lines have permitted development rights subject to a prior approval process on 'article 1(5) land'. This allows local planning authorities to consider the siting and appearance of communications apparatus before development commences.

The proposal is to remove this prior approval requirement as it applies to article 1(5) land for a period of five years provided that all works are completed by the end of that period although the prior approval requirement will continue to apply in respect of SSSIs.

## **Reason for Changes**

The proposed changes, according to this technical consultation, will bring the following benefits:

The large majority of homeowner applications are uncontroversial and almost 90 percent are approved, in almost all cases at officer level. By cutting out this application process, it will reduce costs and delays.

Up to 40,000 families a year wishing to build straightforward home extensions will benefit and each family would save up to £2,500 in planning and professional fees.

Extending further permitted development rights will promote growth, allowing homeowners and businesses to meet their aspirations for improvement.

It will bring extra work for local construction companies and small traders.

The telecommunication changes will contribute towards the Government's ambition for the UK to have the best superfast broadband network in Europe by 2015.

## **Suggested Response**

The most controversial change here, undoubtedly, is the proposed doubling in the length of a single storey rear extension that can be built rearwards from the back of the original wall of the house, without the need for planning permission. Planning applications currently determined by local authorities, carefully taking account of the views of neighbours and neighbourhoods, will be determined by Parliamentary Order without any consultation or negotiations. There is real concern that neighbourly relations are going to become strained where the previous opportunity to comment on a proposal in advance of its implementation would no longer be available.

There is a fee for planning applications, which has just increased to £172.00 for a rear extension on a house. This change would mean that the vast majority of single storey rear extensions would not require planning permission and therefore there would be a loss of income. This may be partly offset by an increase in certificate of lawful developments, but the income on these applications is half that of a planning application.

## **Reason for Decision:**

Government ministers must be made far more aware of just how controversial this subject is and must be encouraged to revisit or abandon some of their proposed changes. It is therefore essential that the Council responds. Appended to this report, is a draft response for each of the questions raised in the consultation paper. The Panel is urged to agree, though the precise wording of the response is open to amendment.

**Options considered and rejected:**

Not to respond to the consultation.

**Consultation undertaken:**

The technical consultation has been advertised on the Council's website and all the local parish/town council's have been contacted and urged to respond direct to the DCLG, using the standard Response Form, by 24 December 2012.

**Resource implications:**

Budget provision: Existing resources

Personnel: Existing resources

Land: N/A

Community Plan/BVPP reference: N/A

Relevant statutory powers: Town and Country Planning (General Permitted Development) Order 1995 as amended

Background papers: DCLG – Extending Permitted Development Rights for Homeowners and Businesses technical consultation November 2012

Environmental/Human Rights Act/Crime and Disorder Act Implications: Extensions to be added to properties without the need for planning permission even where there will be excessive loss of light or outlook to a neighbour

Key Decision reference: (if required)