

# Briefing Note

Date 15 May 2013

## New Permitted Development Rights effective 30 May 2013



**The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 has just been laid before Parliament and will come into effect on 30 May 2013. It amends (once again) the Town and Country Planning (General Permitted Development) Order 1995 by introducing a whole range of new permitted development rights in England.**

### What is permitted development?

Fancy a quick refresher? The principle of the planning system is that all development requires planning permission. The Town and Country Planning (General Permitted Development) Order 1995 (GPDO for short) gives blanket planning permission for some kinds of development under certain conditions in order to prevent Councils being troubled with vast numbers of planning applications for completely harmless development. You have to be careful because many situations are open to interpretation, some rights do not apply in some areas, many properties (or whole areas) have had some permitted development rights removed and some rights you can't just go ahead – they still require some interaction with the Council.

### So what opportunities do the new rights bring?

Well let's run through the key changes:

#### Extensions to a dwellinghouse

The first amendment potentially enables larger single storey rearward extensions to a dwellinghouse. The new right only applies until 30 May 2016 and if the extension is less than 4 metres in height, is within the curtilage of the dwellinghouse and is not within a National Park (or the Broads), Area of Outstanding Natural Beauty, Conservation Area or Site of Special Scientific Interest (SSSI). At present such extensions are restricted to extend beyond the original rear wall of the dwelling by no more than 4 metres for a detached dwelling and 3 metres for any other. The new right, where it applies, will relax the restriction to 8 metres for a detached dwelling and 6 metres for any other but there is a big but here. To make use of the new right (i.e. if you plan to extend further than the existing 4m/3m limit) you

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will need to go through the prior approval process which was hastily added to the legislation at the last minute to satisfy the House of Lords. The process is as follows: you inform the Council of your intention by completing a form and sending a basic plan; the Council writes to your neighbours giving them 3 weeks to object if they wish; if they don't object (or if you don't hear from the Council before 42 days) you can go ahead; if a neighbour objects the Council has to make a judgement as to whether the proposal will harm the amenity of any adjoining properties and grant or refuse approval accordingly. As it stands things are marginally better than at present where you would have to make a full planning application for the same development – the new process carries no fee, requires less information, it is quicker, there is the possibility that there will be no objections and if there are the Council can only consider the impact on amenity of neighbours not other planning issues.

### Change of use from office to dwellings

This is probably the most significant new right introduced. The new right applies to the whole of England except a number of excluded areas – these are largely in London but (randomly) include a number of areas in East Hampshire District (no other parts of Dorset or Hampshire are affected). As before the new right only applies until 30 May 2016 and the other limitations are that the building has to have been last in use for Use Class B1(a) (offices) and is not a listed building or scheduled monument. The right only applies to a change of use so does not grant consent for any operational development which may be necessary i.e. any physical works which change the external appearance of the building such as changes to windows or doors.

Again there is a prior approval process which gives the Council the chance to veto the proposed change of use based on transport and highway impact or risk from contamination or flooding. In making such a judgement the Council need to consider the views of the relevant Highway Authority and the Environment Agency as well as the policy as set out in the NPPF. At this stage it is unclear whether Council's will be able to reject change of use of offices in remote countryside locations to homes on the basis of transport and highways impact – no doubt this will be tested out early on in the four-year period.

### Change of use of redundant agricultural buildings

This is a permanent new right which applies to agricultural buildings which have been out of use since 03 July 2012 (or out-of-use for ten years for newer buildings). It allows the change of use to a variety of uses including shops, restaurants, office, light industrial, storage and distribution, hotels. Again it does not permit any external alterations which might be necessary. There is a cumulative size limit per agricultural unit of 500 square metres and listed buildings or scheduled monuments are excluded. Also

where the cumulative floor space exceeds 150 sqm there is yet another prior approval process this time giving the Council chance to veto the proposed change of use based on transport and highway impact, noise or risk from contamination or flooding.

### Temporary change of use of shops and other uses

This new class allows the change of use for up to two years of a building **from** a retail use (Use Class A1) or various other uses (A2, A3, A4, A5, B1, D1 or D2) **to** any of A1, A2, A3 or B1. You might like to refer to our [Guide to the Use Classes Order](#) to decipher these! The idea is to try and introduce some flexibility to help fill up empty high streets. The key restrictions are that the change of use can only relate to up to 150 sqm and doesn't apply to listed buildings or scheduled monuments.

### Other amendments

There are a handful of other changes which might potentially be useful in some circumstances including:

- Allowing much larger extensions to shops or industrial, warehouse or office buildings (Use Class A2 and B1(a)) for a four year period;
- Allow change of use to Use Classes B1 or B8 from another business class to larger buildings up to 500 sqm (currently limited to 235 sqm); and
- Various rights to assist in the setting up of new schools.

### And finally...

Permitted development rights are complicated and these amendments are set to make them more so. The majority of the new rights require some interaction with the Council before work can begin even if it just notifying them of the development. You are advised to take advice before proceeding with anything under these new changes. Indeed as far as permitted development goes generally we recommend taking advice for anything other than the most minor and clear cut permitted development proposals. And remember the Council planners might not necessarily give accurate information every time so a second opinion is always worth taking.

If you are contemplating any form of permitted development then give Pure Town Planning a call to discuss.

Did you find this Briefing Note helpful? We welcome all feedback – let us know your thoughts at [info@puretownplanning.co.uk](mailto:info@puretownplanning.co.uk).

This Briefing Note provides a general guide to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and is not a substitute for professional town planning advice. No liability can be accepted for reliance on this Briefing Note alone.