

THE REVISED PLANNING PERMITTED DEVELOPMENT ALLOWANCES REGARDING DOMESTIC EXTENSIONS AND CHANGES OF USE JUNE 2013

Introduction

The Government has introduced extensive measures to increase the scope of development that can be undertaken with the benefit of “permitted development” rights.

The key changes can be summarised as follows:

- **Premises in B1(a) office use will be able to change to C3 residential use**, subject to Prior Approval covering flooding, highways and transport issues and contamination.
- **There will be increased “permitted development” limits for single storey rear home extensions.** For a period of three years, the respective size limits are increased from 3 to 6 metres from the rear wall for terraced and semis and 4 to 8 metres for detached properties.
- **There will be increased “permitted development” limits for business extensions.** For a period of three years, the respective size limits and percentage increases are to be doubled.
- **Premises in B1 (Business), C1 (Hotels), C2 (Residential Institutions), C2A (Secure Residential Institutions), D1 (Non-residential Institutions) and D2 (Assembly and Leisure) use classes will be able to change use permanently to a state-funded school**, subject to Prior Approval covering highways and transport impacts and noise.
- **Agricultural buildings under 500 square metres will be able to change to a number of other uses;** A1 (Shops), A2 (Financial & Professional Services), A3 (Restaurants and Cafes) B1 (Business), B8 (Storage and Distribution), C1 (Hotels), and D2 (Assembly and Leisure). For buildings between 150 square metres and 500 square metres, Prior Approval covering flooding, highways and transportation impacts, and noise will be required.
- **Buildings with A1 (Shops), A2 (Financial & Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaways), B1 (Business), D1 (Non-residential Institutions) and D2 (Assembly and Leisure) uses will be permitted to change use** for a period of up to two years to A1 (Shops), A2 (Financial & Professional Services), A3 (Restaurants and Cafes) and B1 (Business) uses to help new and start-up businesses.
- **There will be increased thresholds for business change of use.** Thresholds will change from 235 square metres to 500 square metres for permitted development for change of use from B1 (Business) to B2 (General Industrial) and from B2 (General Industrial) or B8 (Storage and Distribution) to B1 (Business).

The new Statutory Instrument 2013 No. 1101:

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013" came into force on 30th May 2013.

Domestic Extensions

The Statutory Instrument amends Part 1 of the General Permitted Development Order (GPDO) to allow single storey rear extensions with length up to 6m (attached houses) or 8m (detached houses) to be erected during the 3 year period from 30/05/2013 to 30/05/2016 on houses that are not on Article 1(5) land, nor on a site of special scientific interest.

Anyone proposing a 3m-6m or 4m-8m extension will have to notify their local authority before starting works and provide the following information:

- a) a written description of the proposed development including;
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and;
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) a plan indicating the site and showing the proposed development;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and,
- (e) the developer's email address if the developer is content to receive communications electronically.

The local authority will need to consult the immediately adjoining premises, with a minimum consultation period of 21 days. The legislation sets out specific requirements as to the information that must be provided by the consultation letter, including a description of the length, maximum height, and eaves height of the extension.

Where any owner or occupier of any adjoining premises objects to the proposed development, then ***"the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises"***.

To assess this impact, the local authority ***"may require the developer to submit such further information regarding the proposed development as the local planning authority may reasonably require in order to consider the impact of the proposed development on the amenity of any adjoining premises"***. When assessing this impact, the local authority will need to:

- (a) take into account any representations made as a result of the consultation process; and,

- (b) *consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.*

The legislation states that the development shall not be begun before the occurrence of one of the following:

- (a) *the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;*
- (b) *the receipt by the developer from the local planning authority of a written notice giving their prior approval;*
- (c) *the expiry of 42 days following the date on which the information [required for the notification] was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.*

The legislation requires that any 3m-6m or 4m-8m extension “*shall be completed on or before 30th May 2016*”.

The legislation also requires that “the developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion” and states that this notification shall include:

- (a) *the name of the developer;*
- (b) *the address or location of the development, and*
- (c) *the date of completion.*

Minor Changes

Schools allowed to erect a fence, wall or means of enclosure up to a height of 2m above ground level adjacent to a highway used by vehicular traffic as long as any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.

Changes Of Use

Change of use between business uses.

For a change of use from B1 (Business) to B8 (Storage), from B2 (Industrial) to B8, or from B8 to B1, the floor space limit is increased from 235 square metres to 500 square metres.

Change of use from B1(a) (Office) to C3 (Residential), so long as:

- 1) *the property is not on Article 1(6A) land, (None in NFDC area)*
- 2) *the property was last used as B1(a) immediately before 30/05/2013, and,*
- 3) *the use as C3 starts on or before 30/05/2016.*

There are further exclusions (“see Note 1” below). The developer needs to apply to the local authority (see “Note 2” below) with respect to transport and highways impacts, contamination risks, and flooding risks.

This new class allows a change of use from any of B1 (Business), C1, C2, C2A, (Hotels and Institutions) or D2 (Assembly and Leisure) to a “state-funded school” (which includes an Academy school). This class is subject to a condition preventing a subsequent change to other non residential uses.

There are further exclusions (“see Note 1” below). The developer needs to apply to the local authority (see “Note 2” below) with respect to transport and highways impacts, noise impacts, and contamination risks.

The Change of use from a “state-funded school” permitted by the above to the previous lawful use of the property is also allowed.

Change of use from an agricultural use to a “flexible use” (either A1(shops), A2 (financial and professional services), A3 (Restaurants and Cafes), B1 (Business), B8 (Storage), C1 (Hotel), or D2 Assembly and Leisure), so long as;

- 1) the property has been solely in agricultural use either since 03/07/2012 or for at least 10 years, and,
- 2) subject to a cumulative floor space limit on the holding of 500 square metres.

The property may subsequently change from one “flexible use” to another and hard surfaces can be installed to serve the new use.

There are further exclusions (“see Note 1”).

In the case where the cumulative floor space is 0-150 square metres, the developer does not need to **apply** to the local authority. Instead, the developer solely needs to **notify** the local authority before the change of use.

In the case where the cumulative floor space is 150-500 square metres, the developer needs to **apply** to the local authority (see “Note 2”) with respect to transport and highways impacts, noise impacts, contamination risks, and flooding risks.

Note 1: This class does not apply to a safety hazard area, a military explosives storage area, listed buildings, or a scheduled monument.

Note 2: Before starting the development, the developer must apply to the local authority for a determination as to whether prior approval is required for the issues listed within the above summary.

The details of this procedure are set out by Part 3 Paragraph N, which states that this procedure will be subject to an 8-week deadline. The “Explanatory Memorandum” states that the Fees Regulations 2012 will be amended to introduce a fee for this type of application.

Temporary buildings and uses

Change of use from any use (other than a “sui-generis” use) to a “state-funded school” (which includes an Academy school) for a temporary period of a single academic year, so long as;

- 1) the use is approved by the Secretary of State for Education,
- 2) the latter Minister notifies the local authority, and,
- 3) this class is not used more than once for a particular site. This class is subject to a condition preventing a subsequent change to other D1 uses.

There are further exclusions (“see Note 1” below).

“Town Centre Uses”

Change of use from any of A1(Shops), A2 (Financial and Professional Services), A3 (Restaurants), A4 (Drinking Establishments), A5 (Takeaways), B1 (Business), D1(Institutions), or D2(Assembly and Leisure) to a “flexible use” (either A1, A2, A3, or B1), for a temporary period of up to 2 years, so long as;

- 1) this class is not used for more than one use at any time and,
- 2) subject to a floor space limit of 150 square metres.

The property may subsequently change from one “flexible use” to another “flexible use” within the 2 year period. . The developer does not need to apply to the local authority, and instead needs to notify the local authority before each change of use.

There are further exclusions (“see Note 1” below).

Note 1: This class does not apply to a safety hazard area, a military explosives storage area, a listed buildings, or a scheduled monument.

Industrial and warehouse development

During the 3 year period from 30/05/2013 to 30/05/2016, for works not on Article 1(5) land nor on a site of special scientific interest, the floor space limit for any new building is increased from 100 square metres to 200 square metres, and the overall floor space limit for all works (i.e. new buildings and extensions) is increased from 25% to 50% (albeit that the latter still remains subject to a maximum of 1,000 square metres). The works must be completed on or before 30/05/2016, and the developer needs to notify the local authority after completion.

Development by electronic communications code operators

During the 5 year period from 30/05/2013 to 30/05/2018, for works on Article 1(5) land, the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, will no longer require an application to the local planning authority for a determination as to whether prior approval is required for the siting and appearance of the works.

Schools, colleges, universities and hospitals

A new "Interpretation" confirms that Part 32 applies to properties that are temporarily used as a "state-funded school" for a single academic year by virtue of the new Part 4 Class C.

Office buildings

During the 3 year period from 30/05/2013 to 30/05/2016, for works not on a site of special scientific interest, the overall floor space limit for all extensions is increased from 25% to 50% and from 50 square metres to 100 square metres (whichever is lesser). The works must be completed on or before 30/05/2016, and the developer needs to notify the local authority after completion.

Shops or catering, financial or professional services establishments

During the 3 year period from 30/05/2013 to 30/05/2016, for works not on a site of special scientific interest, the overall floor space limit for all extensions is increased from 25% to 50% and from 50 square metres to 100 square metres (whichever is lesser).

Furthermore, during the above 3 year period, the restriction against extensions being within 2m of a boundary will no longer apply, so long as 1) the property doesn't adjoin a site within Class C of the UCO 1987, 2) the property is not on Article 1(5) land, and 3) the property is not on a site of special scientific interest.

For both of the above, the works must be completed on or before 30/05/2016, and the developer needs to notify the local authority after completion.

Note: Although the overall Part 42 applies to A1, A2, A3, A4, and A5 properties, Part 42 Class A only applies to A1 and A2 properties.
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