

**PLANNING
COMMITTEE**

5th June 2013

**CHANGES TO NATIONAL PLANNING LEGISLATION RELATING TO
PERMITTED DEVELOPMENT RIGHTS – INFORMATION REPORT**

Relevant Portfolio Holder(s)	Planning, Regeneration, Economic Development & Transport.
Portfolio Holder Consulted	No due to recent appointment
Relevant Head of Service	Mrs Ruth Bamford, Head of Planning & Regeneration Services
Wards Affected	All wards
Ward Councillors Consulted	No
Not a Key Decision	

1. Summary of Information

- 1.1 Permitted Development Rights (PDRs) are rights bestowed by legislation that allow 'development' to occur without the need for planning permission to be sought and complied with. They are criteria based set of regulations that allow for development within prescribed parameters. They often include conditions. They can be a material consideration when determining a planning application.
- 1.2 Whilst PDRs are usually dealt with and advised on by Planning Officers, they do have some impacts when considering planning applications at planning committee, especially where a property has a PD fall-back position. This means that development that could occur at a property outside the control of the Council is taken into account as part of the determination of an application; in some cases it is considered preferable to allow a development that is not within PDR limits and then remove PDRs rather than allow a less ideal situation that might result from the Council having no control. In these situations, a condition removing any remaining PDRs is usually attached to a decision.
- 1.3 On 9th May 2013, the Government published new legislation which took effect on 30th May 2013. This was an amendment to the permitted development rights regulations, as a result of a variety of topical issues. (For full details of the legislation, see the reference section at the end of this report.). The changes are aimed at encouraging economic growth and supporting businesses and householders. It is not clear that the quality of the built environment has been a significant driver in the consideration and implementation of these changes. They are mostly for a temporary period, covering development that is both begun and completed between 30th May 2013 and 30th May 2016. What follows is a summary of the changes.

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Residential PDRs

- 1.4 For dwellings (not flats) that are not in a Conservation Area, single storey rear extensions can now be twice as long as previously – up to 8m long on a detached house and 6m on all others. However, to extend between the current 4m/3m limit a prior approval application will be required. This means that an application is still required, however fewer matters can be considered in its determination and if it is not determined within 42 days then the proposal becomes PD by default. Only the impact of the proposed development on the amenity of any adjoining premises can be considered and no other matters.
- 1.5 It may be possible that these prior approval applications can be refused and appealed, however the appeal process has not been formalised at this stage.

Schools development

- 1.6 Fencing at schools can now be provided under PDRs to a greater height than was previously allowed – adjacent to a highway a 2m fence can now be erected where previously only a 1m high fence could be erected. This is providing that it does not obscure visibility for highway safety. There is also a provision that the use of an existing building can be changed for a single academic year (or part thereof) to a school, providing the use reverts at the end of the year. (This can only be used once on any individual site.)

Changes of use

- 1.7 Previously, only 235m² or less of floorspace could change from one B class use to another, but this limit in size has been increased to 500m².
- 1.8 It is now PD to change from an office to a dwelling, subject to a prior approval process with a 56 day cut-off.
- 1.9 It is now PD to change from a variety of uses to a state funded school, subject to a prior approval process with a 56 day cut-off. These uses are B1a (office only), C1 (hotel), C2 (residential institution), C2A (secure residential institution) and D2 (assembly & leisure).
- 1.10 These changes of use are not PD where the building to be changed is a listed building or a scheduled ancient monument.

Agricultural buildings

- 1.11 The use of 500m² of floor area of an agricultural building can now be changed under PD to one of the following uses: A1 (retail), A2 (financial and professional services), A3 (restaurant/café), B1 (business), B8 (storage), C1 (hotel) or D2 (assembly and leisure). This is also subject to a prior approval process with a 56 day cut-off. Again,

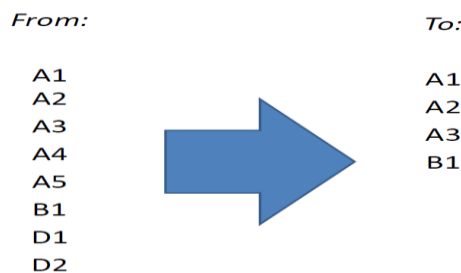
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these changes of use are not PD where the building to be changed is a listed building or a scheduled ancient monument.

Flexible uses

- 1.12 The concept of a flexible use has been introduced. This allows for a change from any of the uses on the left to any of the uses on the right in the chart below. This has to be for a single period of time no more than 2 years in length, after which the use must revert to the previous use. It must be for no more than 150m² of floor area and again does not apply to listed buildings or scheduled ancient monuments.



Industrial/warehouse development

- 1.13 Extensions can now be up to 200m² in floor area (rather than previously only 100m²) but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in Conservation Areas.

Office buildings

- 1.14 Extensions and alterations can now be up to 100m² or 50% (whichever is smaller) in floor area of the original building but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in SSSI areas.

Shops, catering, financial or professional services

- 1.15 Extensions and alterations can now be up to 100m² or 50% (whichever is smaller) in floor area of the original building but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in SSSI areas. They can also be nearer the boundary of the property unless the site adjoins a residential use or is in a Conservation Area.

Broadband in Conservation Areas

- 1.16 Previously the cabinet infrastructure in Conservation Areas required prior approval whereas in other areas it did not. In order to further the roll out of broadband nationally, this has been removed and such installations are now PD in Conservation Areas too. This has been

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extended for a 5 year period rather than the three year period for the other temporary changes.

Fees

- 1.17 At the time of writing the report, no fees have been set for any of these new procedures, however it is possible that this will follow shortly.

The prior approval process

- 1.18 The prior approval process is long established, and until these recent changes applied in cases of agricultural development, telecommunications development and demolition cases. It provides a mechanism where the principle of the proposed development is accepted, because it falls within certain prescribed limits, but the prior approval of the LPA might be required. In these cases, the legislation states what matters the LPA should consider in terms of whether prior approval is required or not. No other matters can be taken into account.
- 1.19 In the case of the residential prior approval, only the impact on adjoining neighbours' amenity can be taken into account. For the others, matters of transport/highway impacts, noise, contamination risks and flooding can be taken into account.

2. RECOMMENDATION

The Committee is asked to NOTE the information contained in this report.

3. IMPLICATIONS

No specific implications for any party have been identified other than as detailed in the summary above.

The Legal Services Manager and Democratic Services Manager have been consulted and have raised no objection to any aspect of this report and associated course of action.

Members are asked to refer any members of the public seeking advice on their PDRs to contact the planning team for further advice and assistance via developmentcontrol@redditchbc.gov.uk.

4. REFERENCE INFORMATION

B class uses are:

B1 Business: office, light industry, research & development

B2 General industrial

B8 Storage, warehousing & distribution

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CLG publication 'Larger home extensions: Neighbour consultation scheme'

http://www.planningportal.gov.uk/uploads/neighbour_consultation_scheme_guidance_may13.pdf

'Development' is defined in the Act as:

'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'

LPA = Local Planning Authority (in this case, Redditch Borough Council)

'SSSI' is a Site of Special Scientific Interest (national designation)

Town and Country Planning (General Permitted Development) Order 1995 (as amended) SI 1995 418

<http://www.legislation.gov.uk/uksi/1995/418/contents/made>

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 SI 2013 1101

<http://www.legislation.gov.uk/uksi/2013/1101/contents/made>

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