

**Summary of additional permitted development rights proposed in:  
Communities & Local Government Consultation: Improving Permitted  
Development**

**Shops (Class A1,A2, A3, A4 & A5)**

The proposals for retail and town centre uses including shops are to provide new permitted development rights to allow for alterations and extensions to existing buildings up to 50 square metres, to a maximum of 25 per cent of existing floor space. The extensions would be subject to the following additional limitations:

- single storey and a maximum height of 5 metres
- no closer to a highway or communal parking area than any existing building
- no closer than two metres to any boundary
- similar materials to the existing building to be used
- not within the curtilage of a listed building
- not in front of an existing building
- no loss of turning/manoeuvring space for vehicles

There would be no new permitted development rights for shops to create new freestanding buildings, other than trolley stores, since shops and restaurants generally operate out of a single building. Freestanding trolley stores would be permitted subject to the following limitations:

- not more than 20 square metres floor area
- not within 20 metres of the boundary with a residential (any C class) property
- not more than 2.5 metres high

**Offices (B1)**

The proposal for offices is to allow new permitted development rights to extend an existing building up to 50 square metres, to a maximum of 25 per cent of existing floorspace. There would be no right to erect new freestanding buildings since offices are unlikely to require additional buildings for operational purposes. Extensions would be subject to the following additional limitations:

- height no greater than existing building, unless within 10 metres of a boundary, in which case the maximum height would be 5 metres
- not within 5 metres of a boundary
- not visible from a highway
- similar materials to existing building
- not within the curtilage of a listed building
- no loss of turning/manoeuvring space for vehicles

*Institutions (universities, colleges, hospitals)*

New permitted development rights would allow 100 square metres for extensions to existing buildings and/or one new building per existing building. These allowances would be subject to the following limitations:

- maximum height of 5 metres for new buildings
- additional floorspace not to exceed 25 per cent of the size of the original building
- extensions to be no higher than existing building or 5 metres if within 10 metres of a boundary
- new buildings and extensions to be no closer than 5 metres to any boundary and no closer to a highway than any existing building
- not within the curtilage of a listed building
- maximum 50 per cent ground coverage
- similar materials to existing buildings

*Schools*

The limitation proposed for new permitted development rights for schools (including residential schools) is extension and/or creation of one new building per existing building up to 50 square metres. This right would not be allowed to lead to an increase in the number of pupils since such a rise can adversely affect neighbours (for example as a result of increased traffic). Building would not be permitted on playing fields. Other limitations would be the same as those shown above for universities, colleges and hospitals.

*Industry and warehousing (B1, B2 and B8 apparently)*

The proposal for industry and warehousing is to allow new permitted development rights to extend existing buildings by up to 1,000 square metres, by allowing the construction of one new building per existing building up to 100 square metres. Both the existing and new allowances would apply also to research and development of products or processes. The new allowance would be subject to the following limitations:

- maximum 1,000 square metres floorspace extension per building (500 square metres in sensitive areas) up to a maximum of 25 per cent extra floorspace
- height no greater than existing building or maximum of 5 metres if within 10 metres of a boundary
- not within 5 metres of a boundary or visible from a highway
- no loss of turning/manoeuvring space for vehicles
- similar materials to the existing building
- not within the curtilage of a listed building
- maximum 50 per cent ground coverage of the curtilage collectively resulting from extensions and section of new buildings. This would

ensure that the rights to erect new buildings do not result in an unacceptable proliferation of such buildings on large sites

*Air conditioning units*

To need prior approval for their siting, design and external appearance and subject, to the following proposed limitations:

- noise arising from the operation of the unit not exceeding 40dB (LAeq 5min)<sup>16</sup> at one metre from a window of a habitable room in the facade of any neighbouring property.
- units would only be attached to buildings on town centre uses (as defined above), including shops, institutions, offices and industrial buildings. 40dB expressed in this way is the same noise limit as that proposed for micro wind turbines in the consultation on changes to permitted development rights for householder microgeneration in April 2007. This noise limit is considered appropriate for the established technology of air conditioning units.
- units, including any noise attenuating shrouds, would not exceed 8 cubic metres (i.e. 2m x 2m x 2m).
- units would not be installed other than at the rear of a building.
- units would be 5 metres or more from a boundary.
- units would not be visible from a highway in a conservation area or World Heritage Site.

*Reasons for change*

“The proposals to remove certain non-domestic developments with limited impacts from the planning system will allow business greater freedom to expand without incurring the costs associated with applying for planning permission.”

NB All other necessary consents, including LBC, will still be required.

**Prior approvals**

*Shopfront alterations not in a CA or WHS*

Alterations to existing shopfronts, excluding security shutters or grilles, should be subject to prior approval.

LPA would retain control over their design – it is suggested that LPAs have a shopfront design SPD to assist in decision making in these cases.

*ATMs not in CA or WHS or LB curtilage*

ATMs should be subject to prior approval.

Again, LPA would retain some controls – it is suggested that LPAs have an ATM SPD to assist in decision making in these cases.

NB All other necessary consents, including LBC, will still be required.

**Non-domestic hard surfacing**

*Shops, offices and institutions*

The Government proposes to grant new permitted development rights to shops, offices, and institutions to be able to lay up to 50 square metres of permeable hard-surfacing without the need to apply for planning permission.

*Industrial and warehousing premises*

The Government proposes to grant new permitted development rights to shops, offices, and institutions to be able to lay up to 50 square metres of permeable hard-surfacing without the need to apply for planning permission.

**Article 4 directions**

At present, LPAs can make Article 4 directions, but may be liable for claims for compensation years later if they subsequently refuse a planning application for something that would previously have been permitted development. There are limited circumstances in which such a claim can be made.

Currently, the legislation limits the liability of LPAs for compensation when permitted development rights are withdrawn through an Article 4 Direction so that compensation may only be within 12 months of the direction being made. It also provides that if a LPA gives at least 12 months notice of the withdrawal of permitted development rights, no compensation will be payable.

The Government proposes to make the following changes through secondary legislation to the process by which Article 4 Directions are made:

- remove the need for Secretary of State approval for all Directions made under the GPDO to remove permitted development rights, but retain a reserve power for the Secretary of State to revoke or revise them.
- require LPAs to consult on proposals for Directions for a minimum of 21 days before confirming them. The method of consultation will be for the LPA to determine, but they should be mindful of advice available to them on good practice.
- Directions will be notified by serving notice on the owner/occupier of the land to which the Direction relates. Or, where an LPA considers that individual service is impracticable, it may give notice of the making of the Direction by site display at not less than two places within the

specified areas of the Direction, for a period of not less than six weeks. Directions will come into effect at a date determined by the LPA. There is also a requirement to publish the Direction locally.

- there will remain a provision for LPAs to act quickly, if necessary, in order to deal with a threat to the amenity of their area. The LPA will be able to make a Direction removing permitted development rights immediately. Such a Direction would last six months and would expire unless confirmed by the authority following consultation.

Circular 9/95 specifies that permitted development rights should only be withdrawn in exceptional circumstances and that such action is rarely justified unless there is a real and specific threat. It is not proposed that this practice change. A real and specific threat is defined as reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.

The proposals seek to retain and simplify processes such that in circumstances where an immediate protection is needed, a temporary Direction lasting 6 months can be applied without requiring consultation, and this can then be followed up through the formal process using consultation and then the Council making a Direction in line with the new procedures outlined above. This process reflects other systems within planning, such as the issue of a temporary stop notice under enforcement powers, which lasts for a short period whilst a more permanent solution can be addressed and consultation can occur as necessary.