Summary of Changes to Permitted Development Rights

(which come into force 30th May 2013)

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

This Order amends parts of and adds to the Town and Country Planning (General Permitted Development) Order 1995

Principal Changes – this is a summary only. Please refer to statutory instrument for exact wording and criteria.

Householder Permitted Development

Allows larger single storey rear house extensions to be built. From 31st May 2013 householders will be able to extend beyond the rear wall of the original dwelling by up to 8 metres for detached dwellings and 6 metres for semi-detached and terraced properties, providing the extension does not exceed 4 metres in height. Other current restrictions still apply and these should be checked.

The permitted development rights of properties in conservation areas remain unchanged.

This change is for a temporary 3 year period only – extensions will have to be completed by 30th May 2016.

These permitted development rights are subject to a new procedure. Before commencement, the person wanting to extend must notify us and send us a plan of what they are proposing.

We then have to notify the owners of neighbouring properties (adjoining – ie have a physical boundary) giving them 21 days to comment.

We have to send a copy of the neighbour letter to the person wanting to extend.

If neighbours don’t object within the 21 day period we will send a letter stating the development can commence (ie. written notice that prior approval is not required). We need to do this within 42 days of the date of receiving the notification from the person wanting to extend.

If neighbours object we must consider whether the extension should be approved based on its potential impact on the amenity (light, outlook, privacy etc) of all the owners of adjoining properties (not just the one(s) that objected).

If we consider the extension would not impact on amenity we will provide a written notice giving our prior approval, within the 42 days of the date of receiving the notification from the person wanting to extend.

If we consider the extension would have an adverse impact on amenity – we give a written notice giving our prior refusal, within the 42 days of the date of receiving the notification from the person wanting to extend - in which case the development cannot take place. There is however a right of appeal for the resident wanting to extend or they could submit a revised proposal which seeks to address the amenity issues.

The development may not start until we have notified the person of our decision or until the expiry of 42 days without such a decision being notified. ie if they go out of time, permission is automatically granted.

The resident must notify us in writing when the development is complete and the extension must be completed by 30 May 2016.
School Fences and Walls adjacent to a highway

Allows schools to build a higher boundary fence or wall adjacent to a highway - up to 2 metres, provided it does not create an obstruction which is likely to be a danger for highway users.

If it does, it should be reduced in height to 1 metre.

This includes new free school premises, provided the relevant Minister has approved the school, and buildings being used for a temporary period as a school – see below.

Increased Thresholds for ‘B’ use classes

Permitted development thresholds increase for changes of use from B1 or B2 to B8, or from B2 or B8 to B1, from 235 square metres to 500 square metres.

B1(a) Offices to C3 Residential Changes for Use

Allows buildings in B1(a) office use to be used for C3 residential purposes.

The new permitted development right is temporary in that no prior approvals can be implemented after 30th May 2016.

These rights do not apply on land in certain areas. Those areas are certain military sites, safety hazard areas, listed buildings or scheduled monuments and areas described as article 1(6A) land.

Article 1(6A) land is effectively those Council’s who were successful in their application for exemption areas.

This is subject to a prior approval process, but we can only consider the prior approval against transport and highways, contamination and flooding issues.

The procedure for applying for prior approval is set out below.

Changes of Use to State Schools

This enables buildings used for B1, C1, C2, C2a or D1 uses to change use to a state school.

The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument.

This is subject to a prior approval process from us, but we can only consider the prior approval against transport and highways, noise and contamination issues.

The procedure for applying for prior approval is set out below. This also allows for reversion to the building’s previous use.

Changes of Use from Agricultural Buildings to a ‘flexible use’

Allows existing agricultural buildings to change use to a ‘flexible use’ falling within use class A1, A2, A3, B1, B8, C1 or D2 – this ‘flexible use’ will then be classed as a sui generis use.

No more than 500 square metres (cumulatively) of floor space in the building can be converted to a new use.

The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument.

Before beginning, the developer must notify us.

If the change of use relates to more than 150 square metres of floor space (but below 500sq m) the new permitted development right is subject to prior approval from us, but we can only consider the prior approval against transport and highways, noise impacts, contamination and flooding.

The procedure for applying for prior approval is set out below.
**Prior Approval Procedure for B1(a) – C3, Schools and Agricultural Changes of Use**

Sets out the procedure for prior approval for the above changes of use

If we think it will have a material increase or change in character of traffic, we must consult our Head of Transportation. Where an application affects flood risk areas, we must consult the Environment Agency.

We must notify these consultees giving 21 days to comment.

We must put up a site notice for 21 days or serve a notice on any adjoining owner /occupier.

We can ask for more information about impact / risks assessment and any mitigation.

We must take into account any representations and the National Planning Policy Framework.

We can only take into account highways, flood risk areas and contamination issues.

Development cannot commence until

(a) we give written notice prior approval is not required;

(b) we give written notice of our prior approval (or refusal); or

(c) the expiry of 56 days without such a decision being given, ie if they go out of time, permission is automatically granted.

Development cannot take place other than

(a) where prior approval is required, in accordance with the details approved

(b) where prior approval is not required or 56 days has expired, in accordance with the details provided in the application, unless we and the developer agree otherwise in writing (ie a mutually agreed extension of time).

---

**Use as a State School for a Single Academic Year**

Temporary permitted development right allowing any building to change to a school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools.

It can only be used once for this purpose and it must revert to its previous lawful use at the end of the academic year (31 July).

**Flexible Uses and Changes within them**

A new permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 to change to a flexible use falling within either use class A1, A2, A3 or B1.

The change of use may only relate to a floor space of no more than 150 square metres.

Developers have to notify us of the initial change, plus any other change within the 2 year period

The new use may only be operated for up to 2 years, after which it reverts to its previous lawful use.

During this period it can be used for other uses within the flexible use.

**Temporary Increased Thresholds for Industrial and Warehouse Use Classes**

Increases permitted development threshold to erect, extend or alter industrial premises (B1 and B2 uses) and warehouse (B8) premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.

The new permitted development right is temporary and will expire on 30th May 2016.

Developers must notify us of completion.
**Telecoms Installations**

The construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval in Conservation Areas for a 5 year period.

Development must be completed before 30th May 2018.

**Extensions permitted to temporary schools**

Buildings which qualify for the right to change temporarily to school use are also given the benefit of existing permitted development rights which allow schools to carry out building works (including the erection, extension or alteration of buildings and the provision of hard surfaces) subject to various conditions and limitations.

This will apply from the date we are notified by the relevant Minister that the site has been approved for school use.

**Temporary Increased Thresholds for Offices**

Increases permitted development threshold to erect, extend or alter office premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.

The new permitted development right is temporary and will expire on 30th May 2016.

The developer must notify us in writing when the development is complete.

**Temporary Increased Thresholds for Shops, Catering, Professional or Financial Services**

Increases permitted development threshold to erect, extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres.

The new permitted development right is temporary and will expire on 30th May 2016.

The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.

The developer must notify us in writing when the development is complete.