

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

REVISIONS TO PERMITTED DEVELOPMENT RIGHTS AND PROCEDURES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To advise the Planning Committee that new regulations come into force on 30 May 2013 which give additional permitted development rights for alterations, extensions and changes of use of certain property for a limited period of three years.

2. BACKGROUND INFORMATION

- 2.1 On 9 May 2013 the Government published Statutory Instrument 2013 No 1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which comes into force on 30 May 2013. This substantially amends permitted development rights for a period up to 30 May 2016 with the aim of boosting the economy, particularly the construction industry.
- 2.2 The new Order expands what is currently allowed as permitted development and introduces new procedures for the local authority to manage and administer the process.
- 2.3 The changes can be summarised as:
- 2.3.1 Houses that are not within a conservation area will, without the need for planning permission, be allowed to extend to the rear by up to 8m in the case of a detached house or 6m in the case of any other house provided that the extension is single-storey and does not exceed 4m in height. Other criteria will also apply, for instance not more than 50% of the original garden area would be allowed to be covered if planning permission is to be avoided.
- 2.3.2 New procedures have been introduced whereby, before being able to claim that their circa 8m or 6m extension is permitted development, before starting work the applicant will need to provide to the local planning authority (LPA):
- (i) a written description and plan of the proposed development giving critical dimension;
 - (ii) the addresses of any adjoining neighbours;

- (iii) the developer's contact details.
 - 2.3.3 On receipt of a valid application the LPA is required to consult the immediately adjoining neighbours and give them 21 days to make any objections.
 - 2.3.4 If no objections are received the LPA can inform the developer that the council's approval is not required.
 - 2.3.5 If objections are received the LPA must inform the developer that the council's prior approval is required and that such a decision will be given following assessment of the case and its impact on the amenity of all neighbours. The decision on this prior approval application must be given within 42 days of the original submission or the works can be carried out in default. If prior approval is refused there is a right of appeal, details of which have yet to be published.
 - 2.3.6 The legislation requires that any 3-6m or 4-8m extension allowed by this procedure must be completed before 30 May 2016 with a requirement that the developer notifies the council when the development is complete.
 - 2.3.7 It is presumed that if the development is not completed by the specified date the applicant will be required to submit a planning application to retain the works.
- 2.4 Other changes introduced by this new Order allow:
- (i) schools to build higher fences;
 - (ii) businesses to change up to 500m² of floorspace from B1 or B2 to B8 or vice versa, the current limit being 235m²;
 - (iii) change of use from B1 (offices) to C3 (dwelling houses) subject to certain criteria;
 - (iv) change of use to schools from B1 (offices), C1/C2/C2a (hotels, residential institutions and secure residential institutions) and D2 (assembly and leisure) subject to certain criteria;
 - (v) change of use of an agricultural building to a flexible use within either Class A1 (shops), A2 (financial and professional), A3 (restaurant and café), B1 (business), B8 (storage and distribution), C1 (hotels) or D2 (assembly and leisure) subject to certain criteria;
 - (vi) change of use to a flexible use within either Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafés) or B1 (business) from a use falling within Classes A1, A2, A3, A4 (drinking establishments), A5 (hot food takeaways), B1, D1 or D2 subject to certain criteria;

- (vii) permitted development rights for extensions to industrial, warehouse, offices, shops and catering establishments are increased subject to certain criteria for a temporary period of three years.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are no options for consideration – these changes are being introduced by Statutory Instrument 2013 No 1101.

4. ANALYSIS OF OPTIONS

- 4.1 There are no options for consideration – these changes are being introduced by Statutory Instrument 2013 No 1101.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

- 5.1.1 Local authorities are not able to charge for this new service of determining whether proposals are permitted development or subject to the new prior approval regime. The new legislation is intended to remove the need for planning applications to be submitted in a number of cases which will impact on the amount of application fees submitted to this authority.

5.2 Staffing

- 5.2.1 Substantial administration and officer time will be required to monitor, register and analyse proposals made under the new procedures. This should be possible from existing resources.

5.3 Property

- 5.3.1 There are no direct property implications for the authority. There may be more flexibility in marketing council buildings for alternative uses where disposals are proposed.

5.4 IT

- 5.4.1 None anticipated.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

- 6.1.1 This is explained in the report.

6.2 Environmental

- 6.2.1 Potential to affect all aspects of development within North Lincolnshire.

6.3 Diversity

6.3.1 Considered and introduced as a Statutory Instrument.

6.4 Section 17 – Crime and Disorder

6.4.1 Development proposals have potential to impact on crime and disorder.

6.5 Risk

6.5.1 Some of the criteria introduced are specific to risk, e.g. limitations in connection with flood risk, contamination and hazardous substances consents.

6.6 Other

6.6.1 None.

7. OUTCOMES OF CONSULTATION

7.1 Consultation results have been published nationally.

8. RECOMMENDATIONS

8.1 That the report is noted and procedures are put in place to administer the new requirements.

HEAD OF DEVELOPMENT MANAGEMENT

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Background papers used in the preparation of this report

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