

## Briefing Note on Changes to the Planning System

### Background

The Growth and Infrastructure Bill was passed by Parliament on 8th May and secondary legislation published on 9th May 2013. The changes to the permitted development rights were effective from the 30th May 2013.

The extension of the permitted development rights and enabling changes of use and extensions to be undertaken is designed to support business growth and development.

The changes are intended to:

- Simplify the planning control system
- Encourage business development especially in town centres
- Bring empty buildings back into beneficial use
- Help with the establishment of new schools
- Help homeowners to extend their properties with the minimum of bureaucracy

### Key elements of the changes

The key elements are:

- Changes of use will be permitted to enable new retail ventures, financial services, restaurants, cafes and offices; buildings currently designated as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly) can temporarily change to another use class (retail, financial services, restaurants and cafes and offices) for a single period of up to 2 years.
- Thresholds for permitted development rights for change of use from B1 (business) or B2 (general industry) to B8 (storage and distribution) classes and from B2 (general industry) or B8 (storage and distribution) to B1 (business) will increase from 235m<sup>2</sup> to 500m<sup>2</sup>.
- Existing agricultural buildings under 500m<sup>2</sup> can change to other business and retail uses, but for buildings between 150m<sup>2</sup> and 500m<sup>2</sup>, prior approval will be needed.
- New permitted development rights will allow change of use from offices B1 (a) to homes (C3) to provide new homes in existing buildings.
- Offices, hotels and assembly or leisure uses can change to permanently to state-funded school, and for it to return to the pre-existing lawful use. A temporary permitted development right is being introduced allowing any building to be used as a state-funded school for 1 academic year.

- Householders can use an increased permitted size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years (May 2013-May 2016). No changes are proposed for extensions of more than one storey.

#### Extensions to homes

The relaxation includes a consultative process. The basic outline is:

- A homeowner wanting to build an extension under the new rules will write to the council, providing a location / block plan and a written description of the proposal. There will be no fee payable.
- The council will notify adjoining neighbours who will have 21 days to lodge any objection based on amenity concerns only.
- The council will decide if the development can go ahead within 42 days of the application. If there are no objections the development is permitted. If there are objections the council will consider whether the impact of the proposed extension on the amenity of the neighbours is acceptable. If no decision is made within 42 days then the extension will be deemed to be permitted.
- Where a proposal is rejected, there will be an appeals process.
- This process will only apply to over-sized permitted development extensions for three years initially. Existing Permitted Development will also remain.

### Details of the changes

#### Flexible change of use

This comprises a change of use from buildings used as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly) can temporarily change to another use class (retail, financial services, restaurants and cafes and offices) for a single period of up to 2 years.

Main points to note:

- This is subject to a notification to the Council before the change of use takes place.
- The Council cannot object to the principle of the change of use proposed and can not take into account any planning policies in the Development Plan.
- This two year flexible use period can only be used once.
- The building cannot be a listed building

#### Change of use from B1 or B2 to B8 or from B2 or B8 to B1

Thresholds for permitted development rights for change of use from B1 (business) or B2 (general industry) to B8 (storage and distribution) classes and from B2 (general industry) or B8 (storage and distribution) to B1 (business) will increase from 235m<sup>2</sup> to 500m<sup>2</sup>.

**Change of use of agricultural buildings to change to a flexible use within class A1, A2, A3, B1, B8, C1 or D2**

The main points to note:

- The building must have been in use as an agricultural use since 3rd July 2012 or if after that date, for a period of at least 10 years.
- No more than 500sqm of floor space can be converted to a new use under this new right.
- Before beginning the development they must notify the Council if it relates to more than 150sqm.
- If it is for more than 150sqm of floor space the prior approval of the Council is required in relation to transport, highways, noise impacts, contamination and flooding.
- No other matters can be considered.

**Change of use from offices B1 (a) to homes (C3) to provide new homes in existing office buildings**

The main points to note:

- This is a temporary right and will expire on 30th May 2016.
- The must have last been used as offices (it does not apply to buildings that have been built as offices, but never used / occupied).
- The applicant shall apply to the Council for a determination as to whether the prior approval of the Council is required in relation to transport, highways, contamination and flooding.
- No other matters can be considered.

**Change of use to a state funded school**

The main points to note:

- This applies to the change of use of a building and its land used as business, hotels, residential institutions, secure residential institutions and secure residential institutions to a state funded school
- The applicant shall apply to the Council for a determination as to whether the prior approval of the Council is required in relation to transport, highways, noise and contamination risks.
- No other matters can be considered.

There is also a provision for the use of a building and any land within its curtilage as a state funded school for a single academic year

Main points to note:

- The site must be approved by the relevant Minister
- The Minister must notify the Council of the approval and the proposed opening date of the school
- The permission is for one academic year and may only be used once in relation to a particular site
- The site reverts to its lawful use at the end of the academic year
- The Council has no control over this change of use

## **Larger Homes extensions**

For a period of three years, between 30 May 2013 and 30 May 2016, householders will be able to build larger single-storey rear extensions under permitted development. The size limits will double from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres for all other houses. These new larger extensions (i.e. if they extend between 4 and 8 metres, or between 3 and 6 metres) must go through the following process.

1. A homeowner wishing to build a larger single-storey rear extension must notify the local planning authority and provide:
  - a. a written description of the proposal which includes the length that the extension extends beyond the rear wall of the original house, the height at the eaves and the height at the highest point of the extension;
  - b. a plan of the site, showing the proposed development
  - c. the addresses of any adjoining properties, including at the rear
  - d. a contact address for the developer and an email address if the developer is happy to receive correspondence by email.

There is no fee in connection with this process.

2. The local authority may ask for further information if it needs it to make a decision about the impact of the development on the amenity of adjoining properties.

3. The local authority will serve a notice on adjoining owners or occupiers, i.e. those who share a boundary, including to the rear. This will give the address of the proposed development and describe it, including the information in 1(a) above. It will also set out:

- a. when the application was received, and when the 42-day determination period ends
- b. how long neighbours have to make objections (which must be a minimum of 21 days), and the date by which these must be received.

A copy of this notice must also be sent to the developer.

4. If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable. No other issues will be considered.

5. The development can go ahead if the local authority notifies the developer in writing either:

- a. that as no objections were received from adjoining neighbours it has not been necessary to consider the impact on amenity, or
- b. that following consideration, it has decided that the effect on the amenity of adjoining properties is acceptable.

6. If the local authority does not notify the developer of its decision within the 42-day determination period, the development may go ahead.

7. If approval is refused, the developer may appeal.

8. The extension must be built in accordance with the details approved by the local authority (or, if no objections were raised or the local authority has not notified the

developer of its decision, the details submitted), unless the local authority agrees any changes in writing.

9. The development must accord with all other relevant limitations and conditions which apply to other rear extensions allowed under permitted development. These are set out in Class A, and include for example, the requirement that the extension must be constructed using materials of a similar appearance to those used in the construction of the rest of the house.

10. To benefit from these permitted development rights, the extension must be completed on or before 30 May 2016. The developer must notify the local authority in writing of the date of completion.

### **Other changes**

- The permitted development rights to extend industrial and warehouse development has increased
- Construction, installation or replacement of telegraph poles, cabinets or lines for fixed line broadband services will not require prior approval for a period of 5 years
- The permitted development rights to extend an office building have increased; this is a temporary right until 30th May 2016.
- The permitted development rights to extend or alter a shop, catering, professional or financial services establishment has increased; this is a temporary right which expire on 30th May 2016.
- Schools can build a fence up to 2m high adjacent to a highway without the need for planning permission.