

## REPORT TO PLANNING & ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

Title: **UPDATE – CHANGES TO THE TYPES OF HOUSEHOLDER DEVELOPMENT NOT REQUIRING PLANNING PERMISSION FROM THE COUNCIL**

Date: 6<sup>th</sup> July 2009

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Wards affected: All wards

### 1. SUMMARY

- 1.1.1 National legislation allows many developments to occur without planning permission from the Council. The rules for extensions and alterations to houses which can be undertaken without planning permission from the Council changed in October 2008 and sixteen potential impacts for the Borough were identified at the time.
- 1.1.2 After an initial period where Officers had to work with some residents affected by the rule change few of these potential impacts have in reality resulted. No unexpected impacts have been identified.
- 1.1.3 The cumulative impact of larger extensions and outbuildings not needing planning permission in areas which are particularly sensitive to change such as Conservation Areas, the Green Belt and Areas Liable to Flood is likely to be the issue which has the greatest resulting impact in the medium to long term.

### 2. RECOMMENDATION

**That the Panel notes this report, which is provided for information**

What will be different for residents as a result of this decision?
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Residents can be assured that the Council routinely assesses how changes to national laws affect the local community and the local commitment to enhancing the quality of the environment.
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### 3. SUPPORTING INFORMATION

#### 3.1 The concept of “permitted development”

- 3.1.1 National legislation exists which grants an automatic planning permission for many types of development including:
- Many house extensions and outbuildings within the gardens of houses;

- Temporary uses of land for either 14 or 28 days;
- Many works by Councils in connection with their statutory roles, such as highway works, play equipment provision and some signage;
- Many works by statutory undertakers in connection with their statutory roles such as water, sewer and fixed and mobile telephone network providers, Network Rail and the Environment Agency;
- Many works reasonably necessary for the purposes of agriculture, including land level alterations;
- Many works at airports and airfields and within amusement parks; and
- Many works required in connection with national security.

3.1.3 This national legislation is currently called the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Where a development is within the criteria of this Order it is often referred to as “Permitted Development”, or “PD” and does not need planning permission from the Council as it benefits from an automatic permission under this legislation.

### 3.2 October 2008 changes

3.2.1 Following Parliamentary approval, revised rules became effective in October 2008, which were the subject of a briefing note to all Councillors in September 2008. Sixteen potential impacts for the Royal Borough were identified in the Briefing Note and an update against those potential impacts is below.

	Potential Impact	Update
1	Reduced control over domestic outbuildings at the rear of houses in Conservation Areas.	No current evidence this is causing particular harm, but will be kept under review as part of ongoing Conservation Area Appraisals.
2	Reduced control over domestic extensions and dormer windows, especially at the rear and side of houses.	Of greatest medium and long term concern in Green Belt and Flood Risk areas where more can be built without planning permission.
3	Improved protection for residents from verandahs, balconies, decking and side windows. These often result in loss of privacy	Some evidence this is giving residents greater protection, though likely to

	and are now the subject of greater control.	give monitoring and enforcement issues in the longer term.
4	Improved powers for the Council to ensure external building materials are similar to the original dwelling where permitted development rights are used.	No instances where this has been used so far.
5	Reduced costs for residents wishing to undertake household improvement work.	Likely as planning application will not need to be submitted.
6	A possible reduction in applications for household extensions, though this is not anticipated to be anywhere near the average 200 applications anticipated by Government.	Householder applications for planning permission have fallen slightly since the changes, but it is difficult to establish with certainty whether this is more related to the law changes or the recession. Whilst some developments no longer need permission, some now need permission which did not formerly.
7	A likely increase in applications for Certificates of Lawfulness as residents seek confirmation that the works they wish to undertake do not need planning permission.	There has been a small increase in the number of these applications since the changes despite the recession.
8	Improved protection for residents from large outbuildings built close to their garden boundaries.	Some limited instances where buildings have been reduced in size to comply with the new rules.
9	Increased contact from residents and builders seeking advice whilst they familiarise themselves with the new regulations.	Information available on the Planning Portal through the Council's website and making information available to local planning agents has limited the impact of this. Some elements of the rules still require careful interpretation

		and a cautious approach has been adopted.
10	Increased complaints to enforcement officers resulting from the more permissive approach of the legislation.	No evidence of this occurring, though enforcement complaints remain consistent with previous years at between 40-50 a month.
11	Potential difficulties for enforcement officers establishing whether a development commenced before or after 1 <sup>st</sup> October 2008.	This has not proved to be a major issue, partly through sharing information with Building Control colleagues and householders maintaining good records.
12	Potential difficulties for enforcement officers establishing whether a hardstanding is built to “permitted development” standards and the grounds for enforcement action if it is not. As these works have not previously needed planning permission, the Council has no policy to judge applications against.	No enforcement complaints investigated against this so far and has not yet proved a difficulty.
13	Increased inconsistencies between the 30m <sup>2</sup> footprint allowed by Policy F1 in areas liable to flood and the increased “permitted development” which could be built without permission.	Applicants are now using their entitlement to permitted development as a fallback to support developments in excess of 30m <sup>2</sup> , contrary to the Local Policy.
14	A small number of enforcement notices are directed against works which would not have required planning permission had they been constructed after 1 <sup>st</sup> October. It may now not be possible to enforce their requirements.	No problems experienced.
15	Dropped kerbs for householders on non-classified roads do not need planning permission where they are in connection with “permitted development” hard surfaces. Streetcare Officers granting licences for these works therefore need to ensure that residents understand this change.	Streetcare team aware of the change. No apparent conflicts in advice have occurred so far.

16	Some residents have current applications for Certificates of Lawfulness whilst others have had them granted recently. Although the works may have been lawful at the time of submitting the applications, this may not be the case after 1 <sup>st</sup> October.	No major impact so far as a result of Officers supporting residents in this position and residents being understanding of the change being beyond the Council's control.
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3.2.2 Overall the changes have not yet resulted in the potential impacts feared, but the increased amount of development which can take in place in sensitive areas, like Areas Liable to Flood, without planning permission may have longer term implications which are difficult for the Council to assess. The Council's approach to planning applications in these areas will need to be reviewed as part of the Local Development Framework.

#### 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

##### 4.1 Options

	Option	Comments	Financial Implications
1.	Note this report.	Recommended	Revenue: None  Capital: None

##### 4.2 Risk assessment

4.2.1 The report is for information only and forms part of regular routine management of staff, workloads, budgets and effectiveness of policies. There are no risks associated with the report which are not assessed routinely as part of effective day-to-day management. No decision is requested of the Panel which attracts risk that needs to be considered. The Council does not collect funds through its Developer Contributions (s106) regime in connection with householder extensions and alterations and the changes therefore have no implication in terms of s106 income.

#### 5. IMPLICATIONS

5.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	N/A	✓	✓	N/A

Background Papers:

Briefing Note to Councillors – Changes to householder Permitted Development September 2008

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