

Planning

New Permitted Development Rights Explained

Permitted development rights are basically a right to make certain changes to a building without the need to apply for planning permission. These derive from a general planning permission granted from Parliament, rather than from permission granted by the local planning authority.

In September 2012 the Government announced that it would extend permitted development rights, for three years, in order to make it easier for homeowners and businesses to extend their properties.

The Government has also announced proposals to extend existing permitted development rights for certain telecommunications equipment and to grant new permitted development rights to change offices into residential use without needing planning permission.

- Changes came into effect on the 30th May 2013.
- Existing agricultural buildings can change up to a total of 500sq metres of floor space on any single agricultural unit to a variety of commercial units including shops [A1] restaurants and cafes [A3] business premises including offices and light industry [B1] and hotels [C1].
- Listed buildings and those related to a scheduled ancient monument are excluded from the changes, but Areas of Outstanding Natural Beauty and the Green Belt are included.
- The changes do not allow agricultural buildings to be converted to residential use but the government has said it will consult later this year on whether to allow such changes.
- Changes apply to existing agricultural buildings in a sole agricultural use, in connection with a trade or business, as of 3rd July 2012. Any new buildings built after this date must be in agricultural use for at least 10 years before permitted changes can be applied.
- The new changes allow for the change of use only and any alterations which will materially affect the external appearance of the building will still need planning permission.
- A hard standing of up to 50sq metres can be created to be used in conjunction with the development, any further changes may still require planning permission.
- For changes up to a cumulative total of 150sq metres within a single agricultural unit it is a requirement to notify the Local Planning Authority of the date the new use will begin with a description of the proposed changes including a plan indicating the site and the buildings which the changes will apply to.
- For changes between a cumulative total of 150sq metres and 500 sq metres there is a prior notification procedure where the Local Planning Authority has to be given the opportunity to approve matters relating to: transport & highways, noise impacts, contamination and flooding risks to the site.
- The Local Planning Authority provides an application form to gain prior approval, the LPA has 56 days to issue a decision, and if one isn't made in time then development can commence regardless.
- Until 30th May 2016 additional new permitted development changes will allow existing offices [B1A] to change to residential use. This does not apply to listed buildings and a prior approval process applies.
- Subject to conditions homes owners are now able to extend their properties by a single-storey rear extension outside Article 1(5) designated land and Sites of Special Scientific Interest. The former limit is increased to 6m if an attached house and 8m if a detached house until 30 May 2016, these increased limits are subject to a neighbour consultation scheme.

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- The thresholds for business change of use is increasing from 235m² to 500m² for change of use from offices and general industrial use to storage and distribution, and from general industrial and storage or distribution to offices.

House Extensions

- No more than half the area of land around the "original house"* would be covered by additions or other buildings.
- No extension forward of the principal elevation or side elevation fronting a highway.
- No extension to be higher than the highest part of the roof.
- Single-storey rear extension must not extend beyond the rear wall of the original house* by more than three metres if an attached house or by four metres if a detached house. In addition, outside Article 1(5) designated land* and Sites of Special Scientific Interest the limit is increased to 6m if an attached house and 8m if a detached house until 30 May 2016. These increased limits (between 3m and 6m and between 4m and 8m respectively) are subject to the neighbour consultation scheme.
- Maximum height of a single-storey rear extension of four metres.
- Extensions of more than one storey must not extend beyond the rear wall of the original house* by more than three metres.
- Maximum eaves height of an extension within two metres of the boundary of three metres.
- Maximum eaves and ridge height of extension no higher than existing house.
- Side extensions to be single storey with maximum height of four metres and width no more than half that of the original house.
- Two-storey extensions no closer than seven metres to rear boundary.
- Roof pitch of extensions higher than one storey to match existing house.
- Materials to be similar in appearance to the existing house.
- No verandas, balconies or raised platforms.
- Upper-floor, side-facing windows to be obscure-glazed; any opening to be 1.7m above the floor.
- On designated land* no permitted development for rear extensions of more than one storey.
- On designated land no cladding of the exterior.
- On designated land no side extensions.

What is the Neighbour Consultation Scheme?

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.

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.

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

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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.

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.

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

(a) that has 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.

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

If approval is refused, the developer may appeal.

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.

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 (apart from a conservatory) must be constructed using materials of a similar appearance to those used in the construction of the rest of the house.

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.