

**EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR
HOMEOWNERS AND BUSINESSES
REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY
DIRECTION)**



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. **PURPOSE OF REPORT**

- 1.1 To advise Members, of and to seek Members agreement on the consultation response within the report on the proposed changes regarding the extension of permitted development rights for homeowners and businesses.

2. **RECOMMENDATION**

- 2.1 That Members:

- (i) note the content of the report; and
- (ii) agree the responses to the questions raised as detailed within this report.

3. **BACKGROUND TO THE REPORT**

- 3.1 This consultation paper sets out the Government's proposals to extend permitted development rights for homeowners and businesses. The proposals stem from the Government's programme of simplifying and streamlining the planning system and reducing burdens on families and businesses.

- 3.2 The proposals seek to make it quicker, easier and cheaper to build small-scale single storey extensions and conservatories, while respecting the amenity of neighbours. The Government estimates that up to 40,000 families a year wish to build straight forward extensions and will benefit from these proposals. The Government anticipates these measures will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred take forward their plans. They suggest that 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs. In addition, each family who benefits will save up to £2500 in planning and professional fees, with total savings of up to £100m a year.

- 3.3 The Government is proposing action in five areas:

- Increasing the 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 3 years. No changes are proposed for extensions of more than one storey.
- Increasing the size limits for extensions to shops and professional/financial services to 100m², and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of 3 years.
- Increasing the size limits for extensions to offices to 100m², in non-protected areas, for a period of 3 years.

- Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200m², in non-protected areas (definition can be found at para 4.7), for a period of 3 years.
 - Removing some prior approval requirements for the installation of broadband infrastructure for a period of 5 years.
- 3.4 They also wish to explore whether there is scope to use permitted development to make it easier to carry out garage conversions. Other changes to permitted development are also being taken forward separately, making it easier for commercial properties to be converted to residential use; and encouraging the reuse of existing buildings through making changes of use easier. These changes have been subject to consultation already and previously reported to Members.
- 3.5 The proposed changes seek to alter the rights set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The parts relevant to this consultation are within Schedule 2 and include Part 1, 8, 24, 41 and 42. It should be noted that the proposals only seek to alter the planning regime and will not remove requirements under other regimes such as building regulations, the Party Wall Act or environmental legislation.

4.0 PROPOSALS FOR CHANGE

4.1 Increased limits for homeowner rear extensions and conservatories (Part 1)

It is proposed to change the current limitations for single storey extensions on detached dwellings from 4m to 8m, and other dwellings from 3m to 6m. It is not proposed to make changes for flats or for extensions of more than one storey. In order to ensure the amenity of neighbouring properties is protected other limitations and conditions would remain the same, such as development will not be able to cover more than 50% of the curtilage of the house, single storey extensions must not exceed 4m in height, and any extension which has an eaves height of greater than 3m must not be within 2m of the boundary. The proposals do not grant permitted development rights for the construction of separate outbuildings for residential accommodation or for the creation of separate residential units.

Question 1: Do you agree that in non-protected areas the maximum depth for single storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Answer: No we do not agree to the change. It is considered that extensions to such depths may have an adverse impact upon neighbouring amenity through overbearing impact, overshadowing or loss of light. The existing system allows such issues to be properly considered through a democratic process in the interests of neighbouring amenity. The proposed changes would reduce the number of small householder and business application thereby reducing the income to the local authority. In addition, the changes are likely to increase the number of enforcement complaints received thereby impacting upon resources.

4.2 Making it easier to carry out garage conversions (Part 1)

The Government is keen to support family annexes to help increase the housing supply and help ensure the elderly have dignity and security in retirement. The use of existing garages for residential accommodation, where no separate residential unit is created does not normally require planning permission. If external alterations are proposed it may constitute development. Local Authorities may impose conditions restricting the conversion of garages, where parking problems may occur if the garage were to be converted. Whilst permitted development rights currently allow for

improvements and alterations to garages, which can facilitate their conversion the Government is keen to explore whether more could be done.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Answer: The current permitted development rights allowing the conversion of garages for incidental uses ancillary to the main residential use is considered sufficient. Where a local authority has legitimate concerns about parking the removal of permitted development rights should be exercised.

4.3 Increased limits for extensions to shops and financial/professional services establishments, with development to the boundary of the premises. (Part 42)

The current permitted development rights for such establishments allow an extension of up to 50m² providing it does not increase the gross floor space of the original building by more than 25%. The proposals seek to increase these limits to 100m² and 50% and allow them to build up to the boundary of the premises, except where the boundary is with a residential property, when the requirement to leave a 2m gap along the boundary would remain. Other limitations and conditions would remain such as the height of the building as extended must not exceed 4m and the development must not consist of changes of a shop front or extensions beyond a shop front.

Question 3: Do you agree that in non protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², providing that this does not increase the gross floor space of the original building by more than 50%?

Answer: The existing limits are relatively small and therefore unlikely to have any adverse impact. Increasing the levels as proposed may result in parking areas being developed upon resulting in a lack of parking for the existing and extended building which may have an adverse impact upon highway safety. As such it is considered that the existing limits should remain.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Answer: The existing restriction seeks protection for residential amenity purposes but also affords some protection to the character of an area. Extending a building up to the boundary of the premises may have an adverse impact upon the character of an area and as such the existing restrictions should remain.

4.4 Increased limits for extensions to offices (Part 41)

The current permitted development rights for offices allow an extension of up to 50m² providing it does not increase the gross floor space of the original building by more than 25%. The proposals seek to increase these limits to 100m² and 50% in order to provide greater flexibility for business expansion. Other limitations and conditions would remain such as buildings within 10m of the boundary must not be more than 5m high, in other cases the extension cannot exceed the height of the existing building, and new extensions must not be within 5m of the boundary.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², providing that this does not increase the gross floor space of the original building by more than 50%?

Answer: The existing limits are relatively small and therefore unlikely to have any adverse impact. Increasing the levels as proposed may result in parking areas being developed upon resulting in a lack of parking for the existing and extended building which may have an adverse impact upon highway safety. As such it is considered that the existing limits should remain.

4.5 Increased limits for new industrial buildings (Part 8)

The current permitted development rights for industrial buildings and warehouses allows for a new industrial building or warehouse to be built up to 100m² within the curtilage of the existing building in a non-protected area, providing it does not increase the gross floor space of the original building by more than 25%. The proposals seek to increase these limits to 200m² and 50%. There are already generous limits for the extension of industrial and warehouse buildings up to 1,000m² so there are no changes proposed to those limits. Other limitations and conditions would remain the same, such as buildings within 10m of the boundary must not be more than 5m high, there must be no building within 5m of the boundary, and there must be no reduction in the space available for parking or turning of vehicles.

Question 6: Do you agree than in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, providing that this does not increase the gross floor space of the original building by more than 50%?

Answer: The proposed increases are considerable and whilst there are no changes to the protection of space available for parking or turning of vehicles there are also no requirements for the space available to be increased to accommodate any new requirements for parking or turning. As such the increases could have an adverse impact upon highway safety and as such the existing limits should remain.

4.6 A time limit on the changes

It is proposed that the changes discussed at 4.1 to 4.5 above will be in place for a period of 3 years starting from the date at which the secondary legislation implementing these changes comes into force. The reason for this time period is that the Government recognises that current economic circumstances require exceptional measures to assist hard pressed families and businesses and to stimulate growth. It is proposed that in order to provide certainty to neighbours and communities the developments will have to be completed by the end of the three-year period. Homeowners and businesses wishing to exercise their rights under these changes will be required to notify the local planning authority on completion of the development. Where the notification is not received by the end of the three-year period the development will not count as permitted development, and could be subject to enforcement action. The impact of these changes and whether there may be a case for their continuation at the end of the three-year period will be kept under review.

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Answer: No, for the reasons given in Answers 1 to 6 the proposed changes may have an adverse impact upon neighbouring properties, the character of an area or highway safety. If the Government genuinely considers this not to be the case then why would a time limit be required. Why would an 8m extension to a detached house

be acceptable without planning permission for 3 years but not thereafter. In addition, after 3 years, it would be difficult for a planning authority to refuse a proposal for such a large extension due to impact upon neighbours where there are similar proposals with similar impacts nearby. The changes should not be brought in at all.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Answer: What defines completion? Such a proposal will put added pressure on existing enforcement resources. Furthermore, why is a development acceptable without planning permission for 3 years but then not thereafter.

4.7 Protected Areas

In order to make sure that there is no adverse impact on protected areas, the changes discussed above would not apply on 'article 1(5) land', which includes National Parks; Areas of Outstanding Natural Beauty; Conservation Areas; World Heritage Sites; the Norfolk and Suffolk Broads. In addition the proposed changes would not apply to Sites of Special Scientific Interest.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Answer: If the proposed changes go ahead then yes we agree that article 1(5) land and Sites of Special Scientific Interest should be excluded.

4.8 Delivery of Superfast Broadband

At present under Part 24 of the General Permitted Development Order, fixed broadband apparatus such as cabinets, telegraph poles and overhead lines have permitted development rights. This is subject to a prior approval process on article 1(5) land which allows local planning authorities to consider siting and appearance before development commences. The proposed changes remove the prior approval requirement on article 1(5) land for a period of five years, and all works would have to be completed by the end of that period to count as permitted development. The Government proposes to ask relevant operators to work with local planning authorities to agree good practice so that all parties are aware of how and when roll-out will be delivered in their area. Prior approval will continue to be required in Sites of Special Scientific Interest in order to ensure these sensitive sites are not damaged.

The Government considers the delivery of this infrastructure is essential for growth and international competitiveness, and to deliver on their ambition for the UK to have the best superfast broadband network in Europe by 2015.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Answer: No. Article 1(5) land should be protected and therefore prior approval should still be sought to enable the local planning authority to consider the siting and appearance in these sensitive areas. Again there appears to be no logic in the time period for the change.

5. FINANCIAL IMPLICATIONS [PE]

5.1 While the reduction in the number of small householder and business applications would have a negative impact on our income, there is likely to be an increase in the number of enforcement complaints which would greatly impact upon our resources.

6. LEGAL IMPLICATIONS [MR]

6.1 There are no legal implications

7. CORPORATE PLAN IMPLICATIONS

7.1 This document contributes towards Strategic Aims 2 of the Corporate Plan, as the Government is proposing these changes in order to boost the economy.

8. CONSULTATION

8.1 The responses to questions within this report have been prepared on behalf of this Authority. Neighbouring Authorities and other stakeholders can respond independently should they wish.

9. RISK IMPLICATIONS

9.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Loss of income from a reduction in householder and small business applications.	Monitor impact on planning fee income and look at alternative funding where appropriate and level of resourcing given that the rules are proposed to be temporary.	Simon Wood
Pressure on enforcement section through increased complaints throughout the time periods and particularly when time periods end.	Monitor enforcement workloads and resource appropriately where necessary	Simon Wood

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 Set out in the report

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- None relating to this report

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| - Environmental implications | As detailed above in this report |
| - ICT implications | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications | As detailed above in this report |
| - Voluntary Sector | None relating to this report |

Background papers: Extension of permitted development rights for homeowners and businesses – Government Consultation November 2012

Contact Officer: Tracy Miller, Development Control Manager, Ext 5809

Executive Member: Councillor Stuart Bray