



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	28 May 2019
SUBJECT:	General Permitted Development Update
PORTFOLIO HOLDER:	Unknown at time of issue of report.
REPORT AUTHOR:	Growth Manager
EXEMPT REPORT?	No

SUMMARY

The Government has recently published the outcome to the consultation "Planning Reform - Supporting the high street and increasing the delivery of new homes" which ran for 11 weeks from 29/10/2018 until 14/01/2019. Following publication of the Government's outcome, legislation relating to permitted development has been amended which came into effect on 25 May 2019.

The main changes are summarised below.

RECOMMENDATIONS

That Committee note the report.

REASONS FOR RECOMMENDATIONS

To update the Planning Committee on recent legislative changes.

ALTERNATIVES CONSIDERED

None

REPORT

- 1.1 The Government consulted between 29th October 2018 and 14th January on “Planning Reform - Supporting the high street and increasing the delivery of new homes”. The outcome of the consultation was published earlier this month.
- 1.2 The objective of the consultation was to ensure the planning system supports the creation of new businesses and homes. Planning has a critical role to play in the future of our high streets and in underpinning the delivery of much needed new homes.
- 1.3 The revised National Planning Policy Framework (NPPF), published in February 2019, sets out policies to ensure the vitality of town centres by taking a positive approach to their growth, management and adaptation. The Framework aims to drive greater housing delivery where it is needed most and promote more efficient use of land. With good design, protections for valued green spaces and community support, the Government considers the high street can be revitalised to support business and deliver new homes.
- 1.4 The NPPF is a key element of the Government’s reforms. However, they wish to go further to give greater certainty and speed wherever possible. This will be by giving local areas the opportunity to make the most effective use of existing buildings, both for business and residential use. As a result, a number of changes to permitted development rights have been introduced which came into effect on 25th May. The full details may be found within “The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019“ (Statutory Instrument 2019 No. 907). The key changes are highlighted below.
- 1.5 **Large Domestic Extensions** – Dwellinghouses, subject to approval of a prior approval application were permitted to extend to the rear of their homes by up to 8 metres in the case of a detached house or 6 metres for a terraced or semi-detached. However, the time limit for completing the works was the 30th May 2019. This date has now been omitted meaning that this class of permitted development (PD) is now permanent.
- 1.6 **Change of Use to B1(a) Offices** - A new Class of PD has been introduced which permits a change of use of a building from a use falling within Class A1 (shops), Class A2 (financial and professional services), or Class A5 (hot food takeaways) or from use as a betting office, pay day loan shop or launderette, to a use falling within Class B1(a) (offices). There is a qualifying date of 29 October 2018 for the pre-existing use and a floorspace limit of 500 sq m. There are exclusions and a prior approval application is required in respect of transport and highways impacts, noise impacts from neighbouring commercial and retail premises, and any impact that the development may have on the availability in the area of services of the sort that were provided by the pre-existing use.

- 1.7 **Change of Use from Takeaway to Dwellinghouse** - it is now possible to convert an A5 takeaway unit into a dwellinghouse. This expands upon existing PD rights to convert A1 and A2 units into dwellings. This, again, is subject to prior approval of a number of aspects including retail impact assessment.
- 1.8 **Residential Conversion of an Agricultural Building** - Clarification of the floorspace limit has been included. This provides that the floor space of any [one] dwellinghouse developed under Class Q must not exceed 465 square metres. A maximum of 5 dwellings may be provided with limitation on the total amount of floorspace that might be provided.
- 1.9 **Temporary Use of Various Business Premises** – The number of uses that can be flexibly implemented has been expanded. The uses that a developer can go from comprises:
- shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, B1 (business), non-residential institutions, assembly and leisure or a use as a betting office or pay day loan shop to
- ;
- shops, financial and professional services, restaurants and cafes, B1 (business), the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner, the display of works of art (otherwise than for sale or hire), museum, public library or public reading room, or public hall or exhibition hall.
- The single period during which the premises can be put to another use under this Class of PD is also extended from 2 years to 3 years.
- 1.10 **Electric Charging Points** – The height of electrical upstands and outlets for recharging electric vehicles has been increased to 2.3 metres from 1.6 metres. It also clarifies that the previous height limit of 1.6 metres still applies to upstands and outlets within the curtilage of a dwellinghouse or block of flats.
- 1.11 **Public Telephone Boxes and Advertisements** - the installation, alteration or replacement of a public call box (telephone box) could previously be undertaken as permitted development. However, this PD right has now been withdrawn and planning permission is now required for their alteration, installation or replacement. Additionally, the Advertisement Regulations have been amended. The display of advertisements on phone boxes previously benefited from deemed consent (i.e. advertisement consent did not need to be obtained prior to an advertisement being displayed). This right has now been removed and any advertisement on a phone box now requires advertisement control consent.

2.0 Other Changes Being Considered

2.1 The Government also consulted upon a number of other permitted development rights. The following are all still under consideration:

- (a) Extending Buildings Upward to Create Additional New Homes or to Enlarge an Existing Home - the consultation document proposed that these new PD rights would apply to "premises in a range of uses that are compatible with C3 residential use" which could include
- A1 (shops),
 - A2 (financial and professional services),
 - A3 (restaurants and cafes),
 - B1(a) (offices),
 - C3 (dwellinghouses),
 - betting office, pay day loan shop, launderette,
 - buildings in mixed use within these uses, as well as
 - (potentially) health centres and buildings used for community and leisure purposes (i.e. certain D1 and D2 uses) and
 - Out of town retail parks with a mix of shopping and leisure uses".

Alternative approaches to height limits were suggested. One approach would be to allow premises in a terrace (of two or more properties) to extend upwards to "the main roofline of the highest building in the existing terrace". An alternative approach would be to allow premises to extend upwards to "the prevailing roof height in the locality". Other restrictions regarding heights were suggested.

- (b) Demolition of commercial buildings and replacement with homes – this permitted development right could apply (if enacted) to all commercial buildings including, for example, those within designated employment sites.

When the Government issues the outcome on these 2 aspects, a report will be presented to Planning Committee.

CONCLUSION

A number of additional permitted development rights are now in force. These are subject to prior approval from the local planning authority (lpa). The criteria which can be considered as part of such an application is defined within legislation as well as the timescales for dealing with such applications. If a lpa does not determine the application within the statutory timescale, the developer may go ahead with the development, subject to complying with the conditions and limitations set out in legislation.

FINANCIAL IMPLICATIONS

None

LEGAL & EQUALITY IMPLICATIONS

The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

ANY OTHER IMPLICATIONS

None

CONSULTATION

None

APPENDICES

None

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Government response to consultation on Planning Reform - Supporting the high street and increasing the delivery of new homes (May 2019)	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799220/Government_Response_to_Planning_Reform_Consultation.pdf
The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019	http://www.legislation.gov.uk/uksi/2019/907/pdfs/uksi_20190907_en.pdf