



Planning and Transport Committee

Changes to Permitted Development Rules.

1. In May, the Government announced changes, with effect from 30th May 2013, to the rules defining what development can take place without the need for a formal application for planning permission.
2. The details are set out in a covering letter and Guidance Notes from Suffolk Coastal District Council (Appendix 1), and a press notice from the Department of Communities & Local Government (Appendix 2).
3. The parish council's Planning & Transport Committee will clearly need to take these changes into account when considering proposed extensions to dwellings from now on.
4. It is **recommended that** the contents of this report be noted/

Cllr. Geof Butterwick,
Chairman of Planning & Transport Committee
24th June 2013



- 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.



Your Ref
Our Ref BR/
Date 23rd May 2013
When calling please ask for Mr B. Reid
Dial Direct 01502 523031
Email address barry.reid@waveney.gov.uk

Dear Councillor or Town / Parish Clerk,,

Re: CHANGES TO PLANNING PERMITTED DEVELOPMENT RULES - MAY 2013

You will be aware of the Governments desire to encourage regeneration and growth and that it sees the planning regime as being key to this delivery. You may also be aware, through various media reports, of proposals to relax some planning rules to support this. This letter is to bring to your attention some important changes contained within a recently published Statutory Instrument (S.I).

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 was laid before parliament on the 9th May and comes into force on the 30th May. This legislation significantly relaxes some of the existing planning rules, in particular in relation to home extensions, changes of use from Class B1(a) offices to Class C3 (dwellinghouses), changes of use to a state funded school, and changes of use from an agricultural building to a flexible use described as Class A1 (shops), Class A2 (financial & professional services), Class A3 (restaurants & cafes), Class B1 (business) Class B8 (storage or distribution) Class C1 (hotels) or Class D2 (assembly and leisure) of the schedule to the Use Classes Order..

The legislation relating to the changes of use is quite complex and can be viewed on the Legislation.gov.uk website using the following url.

<http://www.legislation.gov.uk/uksi/2013/1101/contents/made>

The main purpose of this letter is to highlight that these changes to Permitted Development Rights (PD) are imminent and to provide more detail in relation to home extensions.

A copy of the Department for Communities and Local Government draft guidance has been enclosed with this letter and it can be seen that The Householder Permitted Development: Technical Guidance will be fully updated once the secondary legislation has come into force. A guidance note has also been prepared, and attached, for use by customers of both Suffolk Coastal and Waveney District Councils.

The SI states that the amendments in relation to home extensions will only be in place for a period of 3 years, that is until 30th May 2016. Also that the change does not apply to dwellinghouses on article 1(5) land (areas of outstanding natural beauty & conservation areas) or on a Site of Special Scientific Interest or to a Listed Building.

The new PD right applies to single storey rear extensions to dwellinghouses which will extend beyond the rear wall of the original dwellinghouse by no more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse. In either case, the extension must not exceed 4 metres in height. The proposal must also comply with existing PD rules such as being in matching materials to the original dwellinghouse, not covering more than 50% of the garden area and the eaves height being no more than 3.0m where within 2.0m of a boundary. The existing PD rules can be viewed on the Planning Portal website at the following <http://www.planningportal.gov.uk/permission/commonprojects/extensions/>

If the proposal meets the above criteria, the developer (applicant) must still provide some basic information to the local planning authority (LPA) . This includes a written description (distance extended from the original rear wall of the dwellinghouse, maximum height of the proposed extension and height to eaves, a plan showing both the site and the proposed development, the addresses of any adjoining premises and developer contact details.

Once the above are received, the LPA must confirm the address of the site and the completeness of the information contained in the written description before notifying owners / occupiers of adjoining properties of the proposal, when it was received and the closing date for any comments (21 days from the date of the notification letter). There is no fee payable to the Local Planning Authority for dealing with any aspect of the process relating to extensions taking advantage of these new rules and failure to reach a decision within 42 days gives a default approval to the scheme.

It is important to highlight that this consultation is only to adjacent owners / occupiers and not any other consultees such as Town & Parish Councils. Also, the plan needs only be a basic block plan showing the site and the position of the proposal and that this does not have to be included in the information forwarded to adjacent occupiers / owners. However, we will be working to make this information available on both councils websites as soon as possible.

If no objection is received by an adjacent owner / occupier then the LPA issues a notice confirming prior approval is not required and the development can be constructed as permitted development. However, the development must be completed on or before the 30th May 2016.

Where an adjacent owner / occupier objects, the prior approval of the LPA must be obtained. If necessary, additional information can be requested at this point but only to assess the effect the proposal may have on the amenity of adjacent properties. Note that this is all adjacent properties and not just those from which objections have been received. Matters such as design can not be taken into consideration, only amenity. The LPA may then approve or refuse the prior approval. An appeal can be lodged with the secretary of state against a refusal.

In any of the above scenarios, the maximum time limit for issuing a decision is 42 days from receipt of the original information.

It is important to note that the existing types of permitted development are not affected by this new Statutory Instrument and the new process will not apply to those. In other words, rear extensions to detached houses of up to 4m beyond the rear wall of a detached house (3.0m for other houses) can still benefit from the existing permitted development rights and as long as they meet the requirements within the General Purposes Development Order they would not have to be subjected to this new process. Again, these rules can be seen on the Planning Portal Website as shown above.

I hope that you find this update of use and that it will assist you should you receive any enquiries from members of the public. As ever, if you have any questions relating to the above then please contact the Planning Officer responsible for your particular area or the councils Development Management & Building Control Service Manager Barry Reid.

Yours faithfully,



Philip Ridley
Head of Planning & Coastal Management



GUIDANCE NOTE FOR ADDITIONAL PERMITTED DEVELOPMENT RIGHTS FOR CERTAIN HOME EXTENSIONS WITH EFFECT FROM 30th MAY 2013

Legislation - The Government introduced new legislation in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 to increase the size limits to allow certain rear home extension to be deemed as permitted development. In other words, a formal planning application and associated fee would not be required.

However, in order to help safeguard the amenity of adjacent properties, the legislation puts in place a new simplified process.

Limitations - All existing permitted development rights remain, as does the need to meet the criteria in the General Permitted Development Order, for example matching materials, eaves height no more than 3.0m where within 2.0m of a boundary and no more than 50% of the garden area to be covered and only for domestic dwelling-houses (not flats) . In addition, this process can not be used for any proposals where the land being developed lies in an Area of Outstanding Natural Beauty, a Conservation Area (article 1(5) land) nor on a site of Special Scientific Interest or for a Listed Building. **Extensions extending no more than 4.0m from the original rear wall of a detached dwellinghouse (3.0m for all other dwellinghouses) can still benefit from the existing permitted development rules and do not have to go through this new process.** Information on existing rules can be viewed on the Planning Portal website at the following;

<http://www.planningportal.gov.uk/permission/commonprojects/extensions/>

Alternatively, contact your local planning officer if you need further detailed advice on existing rules.

If your proposal still meets the existing criteria, and its dimensions meet the following, then the simplified process can be used.

This process applies to home extensions that are:

- Single storey
- On the rear elevation
- Not more than 4.0m in height
- If on a detached dwellinghouse – extend no more than 8.0m from the original rear wall of the dwellinghouse
- For any other dwellinghouse – extend no more than 6m from the original rear wall of the dwellinghouse

Simplified Process – If the above limitations are met then the applicant can make use of the following simplified process. **There are no fees associated with this process.**

Before starting the development the developer (applicant) must provide the following information to the local planning authority (LPA).

1. A written description of the proposed development including -
 - a. How far the proposed extension extends beyond the rear wall of the original dwelling house
 - b. The maximum height* of the proposed extension.
 - c. The maximum height* of the eaves of the propose extension

* Note – height is measured from the lowest point of the ground surrounding the proposed extension and eaves height is taken from the junction of the top of the fascia and the roof.

2. A plan indicating the site, adjacent roads / paths and showing the proposed extension.
3. The address of any adjoining premises or land that shares any boundary with the site
4. The developers (applicants) contact address.
5. If the developer (applicant) is happy to receive communication electronically, the developers email address

Consultation process – The local planning authority will notify the neighbours and the developer (applicant) by serving a notice on them which includes much of the above information and allows them 21 days from the date of the notice to make any representations. No other individual or body (including Town & Parish Councils) are consulted.

No objections received – Where no objections from owners or occupiers of adjacent premises are received, the local planning authority will issue a written notice that their prior approval is not required. This will be issued no later than 42 days after the date the local planning authority received the required initial information from the developer (applicant).

Objections received – Where an owner / occupier of an adjacent premises objects to the proposed development, the prior approval of the local planning authority will be required..

Prior Approval required – Where prior approval is required the local planning authority can only consider the impact of the proposed development on the amenity of any adjoining premises. This relates to all adjacent properties and not just those from which representations have been received. However, the LPA may ask for additional details from the developer (applicant) as may reasonably be required in order to assess this. This process must be completed within the 42 day period taken from the original receipt of the required information from the developer (applicant). Consequently, failure to supply any additional information in a timely manner (7 days from the date of the request) may result in the refusal of the prior approval.

Prior Approval given - Where it was necessary for the local planning authority to consider a prior approval, and following the receipt of any additional information (if required) and consideration of the original information and any subsequent neighbour / occupier comments, if the local planning authority consider that a prior approval should be agreed then a written notice will be given to the developer (applicant) within 42 days of receiving the initial information.

Prior Approval refused - Where it was necessary for the local planning authority to consider a prior approval, and following the receipt of any additional information (if required) and consideration of the original information and any subsequent neighbour / occupier comments, if the LPA consider that a prior approval should not be agreed then a written notice of refusal will be given to the developer (applicant) within 42 days of receiving the initial information. The developer (applicant) may appeal to the Secretary of State following the receipt of a refusal.

Carrying out the development – The developer (applicant) can go ahead with the development in any of the following circumstances –

- The LPA notifies the developer that because no objections were received from adjoining owners / occupiers it will not be necessary to consider a prior approval.
- That following the consideration of a prior approval it has been decided that the effect on the amenity of adjoining properties is acceptable and a prior approval has been issued.
- That no notification has been received from the LPA within the permitted 42 day determination period.

The development must be carried out in accordance with the details approved by the LPA or, where no objections were received, in accordance with the details originally submitted. Any changes must be approved by the LPA.

TIME RESTRICTION - This legislation is only in place for a period of 3 years as from the 30th May 2013 and any development making use of these permitted development rights **must be completed by the 30th May 2016**. A written completion notice must be submitted by the developer (applicant) to confirm that the development is complete before that date and as soon as reasonably practicable after completion.



LARGER HOME EXTENSIONS: NEIGHBOUR CONSULTATION SCHEME

On 9 May 2013, secondary legislation was laid before Parliament which will increase the size of single-storey rear extensions which can be built under permitted development, and will bring into force the associated neighbour consultation scheme. This draft guidance is issued to provide initial information on how the scheme will work. The Householder Permitted Development: Technical Guidance will be fully updated once the secondary legislation has been approved by Parliament and has come into force.

For a period of three years, between 30 May 2013 and 30 May 2016¹, 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 process².

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:

¹ See paragraph A.1(ea) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as inserted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, available at legislation.gov.uk.

² See paragraph A.4 of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as inserted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, available at legislation.gov.uk.



- 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.