

## Further Planning Measures Aimed at Encouraging Economic Growth!

Blink and you would have missed it, but hot on the heels of last month's 'Growth and Infrastructure Act' the Government has unveiled its new 'permitted development rights' designed to help stimulate economic growth. These changes, which sit alongside the widely publicised increases to householder extensions, are designed to enable vacant offices to be converted into homes; provide a temporary amnesty for certain changes of use; and to enable larger commercial extensions. The new rules come into force on 30 May.

### High Street Changes

The Government has accepted many of the proposals set out in 'Mary Portas High Street Review', designed to reduce 'change of use' red tape.

The new rules introduce a 2 year period for allowing certain buildings to be used for other uses. Premises that are 150 sqm (or below) and are used as shops (A1), financial services (A2), restaurants (A3), drinking establishments (A4), takeaways (A5), offices (B1), non-residential institutions (D1) and leisure and assembly uses (D2) can now temporarily change to uses in Class A1, A2, A3 and B1 for a single period of up to two years. The only requirement being that the developer notifies the Local Authority of the date the use commenced. However, after this two year period expires, the property reverts to its previous lawful use, and planning permission is then required.

This proposed change is designed to help new businesses, start-up ideas and pop-up ventures, enabling them to occupy units more quickly without the costly delays

associated with having to secure a change of use planning permission.

This temporary change of use amnesty doesn't apply to listed buildings and there remains a requirement for alterations to the appearance of the building (including shop fronts) and/or advertisements to secure planning permission and advertisement consent respectively.

### Conversion from Offices to Residential

In an attempt to bring underused buildings back into use and increase housing supply, the new rules provide a three year window (expiring on 30 May 2016) to convert offices to residential, without having to apply for planning permission. The key caveats being that the office floorspace is vacant, the building is not 'listed' and, before the development starts, prior approval is sought from the Local Authority where the conversion could have significant transport/highways, flood risk and land contamination impacts

This prior approval process involves providing the Council with a written description of the proposed development, together with plans indicating the site and the proposed development. This process can take anything up to 8 weeks for the Council's approval (including a possible 21 day consultation period). Where Council's consider the conversion could give rise to impacts, they can request further information from the developer regarding the impacts and how these can be mitigated.

Despite removing the need for a change of use application, planning permission will still

be required for external alterations to the building.

To add further confusion to this permitted development right, 17 Council's have been given "exception" status from these permitted changes!

### **Commercial Extensions**

The new regime increases the permitted development thresholds for extending certain commercial buildings. The new changes allow industrial and warehouse premises to be extended by 50% or 200 sqm (whichever is the lesser); office buildings by 50% or 100 sqm; and shops or catering, financial or professional services establishments by 50% or 100 sqm. These new permitted development rights are in place until 30 May 2016, and are subject to certain caveats.

### **Agricultural Changes**

In an attempt to encourage rural diversity the new permitted development rights allow existing agricultural buildings (under 500 sqm, together with land within their curtilage), to convert to a range of uses including shops (A1), financial and professional services (A2), restaurants and cafes (A3), offices (B1), storage and distribution (B8), hotels (C1) and assembly and leisure (D2). However, to keep matters in check a new prior approval procedure is being introduced.

### **Recap on Homeowner Changes**

You would be forgiven for not noticing these commercial permitted development changes as the press coverage in recent months has focussed on the increase in householder permitted development rights. To recap, from 30 May 2013 homeowners are able to increase the size of single-storey rear extensions which can be built under permitted development for a period of three years, expiring on 30 May 2016. However,

these larger extensions will be subject to a neighbour consultation scheme.

### **Help or Hindrance?**

Whilst, on the face of it, the latest changes appear to cut down on some of red tape that exists within the planning system, in reality most businesses are unlikely to benefit from them (partly due to the limitations on the scale of floorspace they apply to). Those that are able to benefit from the new rules are likely to encounter new red tape in the form of the 'prior approval' process which, where impacts need testing, has the potential to introduce similar timescales to the existing planning application process.

The most likely outcome of the changes will be that under-resourced Local Authorities will be faced with a greater admin burden, which they will have to accommodate without associated charges, potentially resulting in delays to larger scale planning applications.

Those that are lucky enough to benefit from the changes may find themselves so confused with what they need to do (not helped by the number of caveats), not to mention worried about what to do at the end of the temporary change of use period, that many may simply not bother!!

***Contour Planning is ready to help guide you through this web of confusion!***

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