

Permitted Development: Latest Changes!

Following on from the previous rounds of legislative updates, the Government has just announced yet more changes to the ever evolving 'General Permitted Development Order'!

These changes represent further attempts to support growth in the economy and to make it easier for businesses to make the best use of their premises, add further support for the diversification of the Country's High Streets and to deliver more homes. The key changes that are coming into force on the 15th April 2015 are as follows:

Delivering More Homes

Storage & Distribution (B8) to Residential (C3)

This is a temporary 3 year right which allows up to 500 m² of storage or distribution buildings (B8) to change use to residential (C3).

As now the norm, this permitted change is subject to a 'Prior Approval Process' covering transport and highways, air quality impacts on intended occupiers, noise impacts of the development, risks of contamination, flooding, and the impact the change of use would have on existing industrial uses and on storage or distribution uses.

The right only applies to buildings that were last used or were in use as storage or distribution (B8) on or before 19th March 2014 and the building must have been in B8 use for a period of at least 4 years before the date development begins.

Amusement Arcades/Casinos (Sui Generis) to Residential (C3)

This right allows up to 150 m² of amusement arcades/centres and casinos floor space to change use to residential (C3) and to carry out associated building works that are reasonably necessary to make this change.

Again this is subject to a 'Prior Approval Process' covering transport and highways, flooding, contamination and, where building works are to be carried out under the permitted development right, design. However, the usual permitted development rights for private dwelling houses will not apply if the change to residential use is achieved in this way.

Further Flexibility for High Streets

Shops (A1) to Financial & Professional (A2)

The existing permitted development to convert a shop to a deposit-taker is replaced by a wider right to convert a shop to a premises providing financial and professional services.

Whilst betting offices and pay day loan shops are to be removed from the A2 use class and to become Sui Generis, they will still benefit from the right to change to A2 use without planning permission.

Changes in Use for certain Small Scale (up to 150 m²) High Street Premises

Shops (A1), financial and professional services (A2), betting offices (Sui Generis), pay day loan shops and casinos of up to 150 m² (both of which are also Sui Generis) would be permitted to change their use to that falling within Class A3 (restaurants and cafés) without having to apply for a change of use.

Helpfully for operators, this right also allows for limited building works to allow the installation of extraction and ventilation units, and for waste storage and management.

Again, the right is subject to a 'Prior Approval Process' covering noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities.

This latter prior approval 'test' is particularly interesting, as it is the first time that shopping impacts will be assessed (under the Prior Approval Process) in relation to the effect of a development on the sustainability of key shopping centres and the provision of services.

A1 / A2 Uses (up to 200 m²) to D2 (Assembly & Leisure)

This right applies to premises that were in A1 or A2 use on 5th December 2013. The right is subject to a 'Prior Approval Process' covering transport and highways, hours of opening, noise impacts of the development and again, undesirable impacts on shopping facilities. Interestingly, this is the only new PD right which is not applicable within Conservation Areas.

Making the Best Use of Existing Premises

Further permitted development rights have been introduced aimed at removing planning red tape and allowing existing businesses to make the best use of their premises. These include:

- Right to allow retailers to erect click and collect facilities within the curtilage of their existing shop, for example, on car parks. One facility per retail premises may be erected. Buildings will be limited to 4 metres in height and a gross floor space of up to 20 m². Prior approval is also required covering the impact of development in respect of design, siting, and external appearance of the new structure. The right excludes buildings in Conservation Areas.
- Right to allow retailers to modify the size of their existing shop loading bay by up to 20% in any direction. Excludes buildings in conservation areas and listed buildings and requires materials to be of a similar appearance to existing.
- Right to allow for temporary filming and the associated operational development for the sole purpose of commercial filmmaking. The new right allows filming inside existing buildings and outside on sites of up to 1.5 ha and also allows for the construction and removal of associated sets. Use of the land or buildings can not exceed 9 months in any 27 month rolling period. Prior Approval is required for each filming period in relation to transport and highways, noise, filming dates, hours of working, flooding and the impact of light on neighbouring land.
- Right to allow installation, alteration or replacement of Solar Photovoltaics (PV) on the roofs of non-domestic buildings, up to a capacity of 1 Megawatt, subject to certain limitations. Prior approval is required to consider the design of the solar panels and, particularly, any affects from glare on occupiers of neighbouring land. Excludes buildings in conservation areas.
- Right to allow waste operators for “sui generis” waste management facilities to replace any plant or machinery and buildings on land within the curtilage of a waste management facility, and which is ancillary to the main waste management operations.
- Right to allow sewerage undertakers to install a pumping station, valve house, control panel housing or switch-gear house in a sewerage system.

Please Note: All of the above changes to the GPDO are subject to detailed caveats and none of the above are applicable to Listed Buildings or within AONBs and in some instances, conservation areas and other protected areas.

Other Changes

In addition the Order makes the following changes:

- The date for the expiry of the time-limited permitted development right for larger home extensions has been extended, now expiring in May 2019.
- The previously time-limited permitted development rights for extensions to non-domestic premises (offices, shops, industrial buildings and schools etc.) have been made permanent (subject to dimension limits and previous caveats including the exclusion of buildings in conservation areas and listed buildings).

Our Comments

Interestingly, the ability to convert offices (B1a) to residential (C3) has not been made permanent. Consequently, as it currently stands, this permitted development right will cease to exist if the building is not in residential use by 30th May 2016. Could the Government be regretting allowing this particular temporary change given the effect it has already had on the availability of employment land in certain locations?

No doubt many users of the planning system will be asking themselves the question “why bother trying to justify the principle of a new development when a conversion technically only needs ‘rubber stamping’”? However, the reality is that a similar amount of work is required by the developer to support a prior approval application as would be for a planning application.

Furthermore, some of the new prior approval issues, such as the impact of development on shopping centres and the provision of services and on existing industrial uses will clearly involve more than just a tick-box exercise, with Council’s being able to make judgements on these factors based on their planning policies and site specific circumstances.

Given the extent of changes made to permitted development rights during the last two years, perhaps the Government should give serious consideration to renaming the ‘Planning System’ the ‘Prior Approval System’!

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Contour Planning (or should that be ‘Contour Prior Approval’) is ready to help you understand how these changes could affect your business.