



Changes to Permitted Development

Whilst planning permission is often required for building projects, far more development is actually exempt from control. This is known as permitted development.

Parliament agreed far reaching changes to these rights only 2 weeks ago. These changes come into force on the 30th May 2013. I am afraid that the short notice period was dictated by Parliament, and local councils are all endeavoring to catch up.

This document is designed to give councillors, parish councils and local planning agents an insight into what has changed, and our initial views. Commentary as to how effective these changes will be in the current "growth agenda" will only come through hindsight.

Household Extensions

These changes only apply to houses outside the AONB and conservation areas but can be used on listed building; however, Listed Building consent will still be required.

I have provided a simple checklist (page 2) of the criteria to be fulfilled. Under this scheme the owner (now referred to as the developer) simply writes to the Council describes their proposal in words and provides a sketch of where the extension will go. They will also tell the Council who their neighbours are and undertake to finish the extension by 30 May 2016 (this date stays fixed, it is not 3 years hence).

The Council will write to the neighbours to ask if they object to the proposal. If no objections are raised by the neighbours within 21 days, the scheme is automatically permitted. Cllrs, parish councils nor my planning officers are not allowed to comment on the merits of the proposal.

If an objection is made, officers are allowed to consider if the neighbours amenities are being significantly compromised. If SDC doesn't permit or refuse within 42 days of submission, the works are automatically permitted. This means we cannot take these 'applications' to committee.

The developer has a right of appeal; and there is no fee for the 'application' or the appeal. The council tax takes the strain.

Changes to PD Rights now allows

- New right to build single storey extensions up to 8 metres in depth.
 - *Not in conservation areas or AONB*
 - *Only neighbours can object.*
 - *No objections = permit*
- 2 metre high fences to schools
- A change of use from offices to residential
- A change of use of offices and other buildings to a school.
- Any building to a school for one year.
- Farm buildings up to 500 m² can be converted to shops, offices, cafes, distribution or hotel.
- Flexible use of shops.
 - A shop, bank, cafe, pub, take-away, office or community building can be changed to:
 - A shop, bank, cafe or office.
 - It can change as often as it likes but
 - After 2 years must go back to the original use.
 - It can only have a flexible use once



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Household Extensions... continued

Stroud District is committed to keeping the planning system transparent, and unlike other councils, we will put all the information on the web, and include these type of notifications on Part 2 of the weekly list of applications.

Neighbours who under the current system may ask the parish or a ward councilors to take up their cause, will not be able to do so under this notification system. An objection from a councilor, parish or other resident (non-neighbour), even if made on behalf of a neighbour, cannot be taken into account. For valid objection, effectively only GE1 of the Stroud Local Plan can be considered (and relevant parts of the NPPF) The fact it may be ugly, is over development, exacerbates parking/highways are not relevant issues.

There is a requirement that the extension is of similar materials, except for conservatories, but there is nothing to prevent flat roofs. Similarly, no conditions can be attached.

Checklist for domestic extensions (notification not required if you can answer correctly)		
A	Is the extension to be single storey and at ground level.	YES
B	Is the property in a conservation area or the Cotswold AONB	NO
C	After the completion of your proposal, will more than 50% of the land within your boundaries be covered with buildings? (exclude the land the original house stands)	NO
D	Will the extension be higher than the highest part of the existing house? (exclude chimneys and aerials)	NO
E	Will the extension be higher than 4m at its tallest point?	NO
F	Will the eaves be higher than those on the existing house? (Eaves are where the gutters are)	NO
G	Will the extension be in front of or to the side of the original house? (The front is taken as the main elevation facing a road)	NO
H	On an attached building is less than 3m in depth or for detached less than 4m both measured from the rear of the original house. (if you answer yes to this, but all other answers match, you may not require permission at all)	NO
I	If any of the eaves are to exceed 3m in height, are they within 2m of any boundary? (Answer not applicable [N/A] if no eaves are higher than 3m)	NO Or N/A
J	Will the extension be to the side, or if to the rear, protrude to the side of the original building? (It cannot go to the side of the house or behind an existing side extension)	NO
K	It will involve a veranda, balcony or raised platform	NO
L	Materials used on the extension will match those used on the existing house? (Answer N/A if the extension is a conservatory. If the house is natural stone, you must use natural stone, if brick - use brick, if clay tiles – clay tiles, stone slate-stone slate etc...)	YES Or N/A

Pop-up Shops

Dame Mary Portas, star of 'Mary Queen of Shops', has advised the Coalition Government on the need for flexible uses for commercial properties. It is reported that many town centers are blighted by empty shops. As a result, the concept of pop-up shops has been created.

In essence, a landlord or owner will be able to notify (tell) the district council that for two years they intend to use the premises for another use. The owner can then change the use of the building as many times as they like, but after two years it should return to the original use.

The sizes are limited to buildings or parts of buildings less than 150m², but uses remain wide ranging. Simply, the following changes are permitted.

FROM—Shop (any kind, clothes, butcher, baker etc), Financial or professional (bank, pay-day loan, insurance, estate agents), Restaurants, Cafes, Public Houses, Social Clubs, Hot Food Takeaway, Church Halls, Health Centres, Library, Doctors Surgeries, Sports Halls, Leisure Centres, General Offices, Light Industry and such like.

TO- Shop (any kind, clothes, butcher, baker etc), Financial or professional (bank, pay-day loan, insurance, estate agents), Restaurants, Cafes, General Offices and Light Industry.



You will see that this will change the dynamics of many high streets and even village facilities. From one side it will allow village shops to pop-up, proving a need and viability. On the other side it will allow vacant shops to be used for pay-day loans, coffee shops and even light engineering.

Most shops do not have opening hour limits, and this would not normally be an issue. These changes however will **not** be a planning application, and as such no conditions on opening can be imposed. Owners will still have to comply with other legislation such as licensing and environmental health, however, both systems have often relied on the lower burden of proof in planning legislation to provide restrictions. Planning deals with possible harm, other legislation deals with actual harm; this will need to be demonstrated before action.

There is nothing to prevent a shop or office been converted to a restaurant with extended opening hours for a period of up to 2 years. After that point they may make a planning application to retain the use. It would be difficult to show planning harm to the viability of a high street from a single loss of a shop after the event. Change are likely to be piecemeal, not constrained by the current local plan policies.

These will be on the weekly list part 2 and website. We will not be updating the website with flip/flopping use changes as it is currently not able to display this information.

Change of use of an Office to House/Flat(s)

The regulations allow any office building to be converted to a house or flat(s) without planning permission. The owners only have to get agreement of the highways authority and the Environment Agency (flooding) and prove it is not contaminated. As this is not an application the planners cannot comment on the merits of the change, and it cannot go to Development Control Committee (DCC)

The building must already be used as offices (these are not estate agent types of office use) so cannot include office blocks currently being built, or never occupied. There is not constraint AONB or conservation area, but cannot include listed buildings. It is possible that a farm office (separate from the farm house) could be converted without permission.



Change of use of Buildings to Schools

The regulations will allow offices, industrial units, hotels, nursing homes, hospitals, church halls, village halls, leisure centres, and alike, to be used as a school. This will allow free schools to find property without having to go through planning permission.

These cannot 'pop-up' in a listed building but there are no constraints on AONB or conservation areas. All they need is a sign-off from the highways authority, a noise impact agreed with environmental health and checking for contaminated land. The planning team have no rights to dispute the ruling of these consultees. Again these applications cannot be called to DCC because of the limited time periods.



There is no provision for community consultation. These will be on part 2 of the weekly list and the website for information. If the school fails, the building can go back to its original use.

Agricultural Change of Use

Of particular importance to rural communities will be the new allowance for farms and agricultural land. From 30 May any building (or group of buildings) up to 500m² (30' x 150') can be converted to: a shop, bank, pay-day-loan, estate agent, café, restaurant, offices, commercial storage and distribution, hotel, motel, leisure centre, village hall, concert hall, public entertainment venue or such like.

Again the building cannot be listed, but there are no controls over the AONB and conservation areas. The building must have been used for agricultural purposes before 3rd of July 2012. This allowance appears to be permanent as it goes on to say for buildings built after that date, they must be used for agriculture for 10 years (2022).

If the building, or group of buildings, to be changed is over 150m² (45' x 30') the owner will have to get clearance from county highways, environmental health for noise and contamination, and from the Environment Agency regarding flooding. The owner can flip-flop the uses so long as it tells the Council first. As before, the planning authority cannot dispute the views of the statutory consultees.



These changes will make it difficult for the Local Planning Authority (LPA) to prevent other developments on the grounds of sustainability, but it is hoped that the Planning Inspectorate will be pragmatic and help LPAs to restrict inappropriate development in rural areas. There is nothing to prevent a farmer converting a barn to a shop, and then use their other permitted development rights to build a new barn.

Again we will include these on Part 2 of the weekly list and on the website for information.

The lists of uses in this document are not comprehensive and are merely a few of the many uses that fit the various criteria.