

## New Permitted Development Rights—England

April 2015

New changes to the General Permitted Development Order (GDPO) will come into force on 15 April 2015.

**These changes only apply to England only.**

The legislation, the newly published Town and Country Planning (General Permitted Development Order) (England) 2015, includes the below notable changes.

### Fisher German Comment

Whilst the changes are positive and are welcomed, the regulations are complex and will, no doubt, be interpreted in different ways by different LPAs. The Fisher German Planning Team can help landowners/clients navigate the new system and provide detailed advice on your development. If you have any questions on the implications of the changes for you, please do contact a member of the Fisher German Planning Team on 01530 567 460.

|   | Permitted Development Rights Changes   |
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| Householder permitted development rights - will extend the current right for larger householder rear extensions for a further 3 year period until 30th May 2019 | <p><b>Part 1 Class A.1 (g)</b><br/> <b>The right to build a single storey residential extension between 4 - 8 metres (detached dwelling) or 3 - 6 metres (any other dwelling) has been extended until 30th May 2019</b></p> <ul style="list-style-type: none"> <li>Not applicable to buildings within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>The extension must not exceed 4 metres in height.</li> <li>The development must comply with all other clauses in Part 1, Class A of the Town and Country Planning (General Permitted Development Order) (England) 2015.</li> </ul>  |
| Shops (A1), financial and professional services (A2), betting offices, pay day loan shops and casinos (sui generis) to restaurants and cafés (A3)               | <p><b>Part 3 - Class C</b><br/> <b>Change of use of a building from shops (A1), financial and professional services (A2), betting offices, pay day loan shops and casinos (sui generis) to restaurants and cafés (A3) and building or other operations for the provision of facilities for ventilation and extraction (including the provision of an external flue) and the storage of rubbish reasonably necessary to use the building</b></p> <ul style="list-style-type: none"> <li>Cumulative change of use restricted to floorspace of 150m<sup>2</sup> in total.</li> <li>Not applicable to sites that form part of an SSSI, a safety hazard area, a military explosives storage area, contains a scheduled ancient monument, is a listed building or within the curtilage of a listed building.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>Before the commencement of development, apply to the LPA for a determination as to whether prior approval is required to assess: <ul style="list-style-type: none"> <li>Noise impacts of the development;</li> <li>Odour impacts of the development;</li> <li>Impacts of storage and handling of waste in relation to the development;</li> <li>Transport and highways impacts of the development;</li> <li>Whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) because of the impact of the change of use on adequate provision of services of the sort that may be provided by a shop (A1) and financial and professional services (A2) but only where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area, on the sustainability of that shopping area; and</li> <li>The siting, design or external appearance of the facilities (only applicable where building or other operations are to be made for the provision of facilities for ventilation and extraction and the storage of rubbish).</li> </ul> </li> <li>Approved development must be completed within three years from the prior approval date.</li> </ul> |

| Permitted Development Rights Changes   |  |
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| <b>Shops (A1) to financial and professional services (A2). Part 3 Class D</b>  | <p><b>Part 3 - Class D</b><br/> <b>Change of use of a building within its curtilage from shops (A1) to financial and professional services (A2)</b></p>  |
| <b>Shops (A1), financial and professional services (A2), betting offices, pay day loan shops to assembly and leisure uses (D2)</b> | <p><b>Part 3 - Class J</b><br/> <b>Change of use of a building from shops (A1), financial and professional services (A2), betting offices, pay day loan shops to assembly and leisure uses (D2)</b></p> <ul style="list-style-type: none"> <li>• Must have been used solely as a shop, financial and professional services, betting office or pay day loan shop on 5th December 2013 or as its last use.</li> <li>• If bought into use after 5th December 2013, it must have been used solely as a shop, financial and professional services, betting office or pay day loan shop for a period of at least 5 years.</li> <li>• Cumulative change of use restricted to floorspace of 200m<sup>2</sup> in total.</li> <li>• Not applicable to sites that are designated as a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>• Not application to sites that form part of an SSSI, a safety hazard area, a military explosives storage area, contains a scheduled ancient monument, is a listed building or within the curtilage of a listed building.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>• Before the commencement of development, apply to the LPA for a determination as to whether prior approval is required to assess: <ul style="list-style-type: none"> <li>• Noise impacts of the development;</li> <li>• Impacts of the hours of opening of the development;</li> <li>• Transport and highways impacts of the development; and</li> <li>• Whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) because of the impact of the change of use on adequate provision of services of the sort that may be provided by a shop (A1) or financial and professional services (A2) but only where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area, on the sustainability of that shopping area.</li> </ul> </li> <li>• Approved development must be completed within three years from the prior approval date unless an application in respect of associated operational development has been granted before the end of the three year period. In this case, the development under Class J must begin within the period of three years starting with the date that planning permission is granted.</li> </ul> |
| <b>Amusement arcades/ centres and casinos (sui generis) to residential (C3)</b>  | <p><b>Part 3 - Class N</b><br/> <b>Change of use of a building and any land within its curtilage from amusement/centres and casinos (sui generis) to residential (C3) and any building operations reasonably necessary to convert the building</b></p> <ul style="list-style-type: none"> <li>• Must have been used solely for an amusement arcade or centre or a casino on 19th March 2014 or as its last use.</li> <li>• Cumulative change of use restricted to floorspace of 150m<sup>2</sup> in total.</li> <li>• Only permits the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services reasonably necessary.</li> <li>• Allows for partial demolition reasonably necessary to carry out the above building operations.</li> <li>• Not applicable to buildings within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>• Not applicable to sites that form part of an SSSI, a safety hazard area, a military explosives storage area, contains a scheduled ancient monument, is a listed building or within the curtilage of a listed building.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>• Before the commencement of development, apply to the LPA for a determination as to whether prior approval is required to assess: <ul style="list-style-type: none"> <li>• Transport and highways impacts of the development,</li> <li>• Contamination risks in relation to the building,</li> <li>• Flooding risks in relation to the building, and</li> <li>• The design or external appearance of the building (only applicable where building operations are to be made).</li> </ul> </li> <li>• Approved development must be completed within three years from the prior approval date.</li> </ul>  |

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| <p><b>Storage or distribution buildings (B8) to residential (C3)</b></p>   | <p><b>Part 3 - Class P</b><br/> <b>Change of use of storage or distribution buildings (B8) to residential (C3)</b></p> <ul style="list-style-type: none"> <li>• Must have been used solely for storage or distribution centre use on 19th March 2014 or as its last use.</li> <li>• Must have been used solely for storage or distribution centre use for a period of at least 4 years.</li> <li>• The approved development must take place before 15th April 2018.</li> <li>• Cumulative change of use restricted to gross floorspace of 500m<sup>2</sup> in total.</li> <li>• Not applicable to sites occupied under an agricultural tenancy unless express consent of both the landlord and the tenant has been obtained.</li> <li>• Not applicable to sites where less than one year before the date the change of use occurs, an agricultural tenancy over the site was terminated <u>and</u> the termination was for the purpose of carrying out the change of use to residential.</li> <li>• Not applicable to buildings within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>• Not applicable to sites that form part of an SSSI, a safety hazard area, a military explosives storage area, contains a scheduled ancient monument, is a listed building or within the curtilage of a listed building.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>• Before the commencement of development, apply to the LPA for a determination as to whether prior approval is required to assess: <ul style="list-style-type: none"> <li>• Impacts of air quality on the intended occupiers of the development,</li> <li>• Transport and highways impacts of the development,</li> <li>• Contamination risks in relation to the building,</li> <li>• Flooding risks in relation to the building,</li> <li>• Noise impacts of the development, and</li> <li>• Where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.</li> </ul> </li> </ul> |
| <p><b>Temporary filming and the associated operational development for the sole purpose of commercial filmmaking</b></p> | <p><b>Part 4 - Class E</b><br/> <b>Temporary use of buildings or land for film-making purposes for a period not exceeding 9 months in any 27 month period and the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.</b></p> <ul style="list-style-type: none"> <li>• Not applicable where the land in question, or the land on which the building in questions is situated, is more than 1.5 hectares.</li> <li>• Not applicable where the use of the land is for overnight accommodation.</li> <li>• The height of any temporary structure, works, plant or machinery must not exceed 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land.</li> <li>• Not applicable to sites that are designated as a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>• Not application to sites that form part of an SSSI, a safety hazard area, a military explosives storage area, contains a scheduled ancient monument, is a listed building or within the curtilage of a listed building.</li> <li>• Any structures, works, plant or machinery must be removed from the land as soon as practicable after the end of each filming period.</li> <li>• The land on which any development has been carried out must be reinstated to its condition before that development was carried out, as soon as reasonably practicable after the end of the filming period.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>• Before the start of each new filming period, apply to the LPA for a determination as to whether prior approval is required as to: <ul style="list-style-type: none"> <li>• The schedule of dates which make up the filming period in question and the hours of operation;</li> <li>• Transport and highways impacts of the development;</li> <li>• Noise impacts of the development;</li> <li>• Light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used; and</li> <li>• Flooding risks on the site.</li> </ul> </li> </ul>  |

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| Increased permitted development rights (introduced in May 2013) for extensions to shops, offices, industrial and warehouse buildings – to be made permanent | <p><b>Part 7 Class A</b><br/>The right to extend or alter a shop of financial or professional services establishment has been made permanent.</p> <ul style="list-style-type: none"> <li>The development must comply with all other clauses in Part 7, Class A of the Town and Country Planning (General Permitted Development Order) (England) 2015.</li> </ul> <p><b>Part 7 Class F</b><br/>The right to extend or alter an office building</p> <ul style="list-style-type: none"> <li>The development must comply with all other clauses in Part 7, Class E of the Town and Country Planning (General Permitted Development Order) (England) 2015.</li> </ul>  |
| Retailers to erect click and collect facilities within the curtilage of their existing shop   | <p><b>Part 7 - Class C</b><br/>Development consisting of the erection or construction of a collection facility within the curtilage of a shop.</p> <ul style="list-style-type: none"> <li>Provision limited to one collection facility per shop.</li> <li>Gross floorspace limited to 20 square metres.</li> <li>Only applicable to buildings or structures that do not exceed four metres in height.</li> <li>Not applicable where any part of the development is within two metres of any boundary of the curtilage.</li> <li>Not applicable where any part of the development is between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres.</li> <li>Not applicable to sites that are designated as a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>Not applicable to sites that form part of an SSSI or within the curtilage of a listed building or a scheduled monument.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>Before the commencement of development, apply to the LPA for a determination as to whether prior approval is required as to the siting, design and external appearance of the development.</li> </ul>   |
| Retailers to modify the size of their existing shop loading bay by up to 20% in any dimension   | <p><b>Part 7 - Class D</b><br/>Development consisting of modifications of a loading bay of a shop.</p> <ul style="list-style-type: none"> <li>Not applicable where the size of the original loading bay, when measured in any dimension, would be increased by more than 20%.</li> <li>Not applicable to sites that are designated as a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>Not applicable to sites that form part of an SSSI or within the curtilage of a listed building or a scheduled monument.</li> <li>The materials used must be of a similar appearance to those used in the construction of the exterior of the shop.</li> </ul>   |
| Development at waste management facilities  | <p><b>Part 7 - Class L</b><br/>The extension or alteration of a building and the installation of replacement plant or machinery on land used for the purposes of a waste management facility.</p> <ul style="list-style-type: none"> <li>Gross floorspace occupied by the replacement plant or machinery limited to 15% of the gross floorspace of the plant and machinery it replaced.</li> <li>Cumulative total area occupied by buildings, plant or machinery on the site must not exceed 50% or 100 square metres, whichever is the lesser.</li> <li>The height of any building as extended or altered must not exceed the height of the building being extended or altered or 15 metres (whichever is lesser). If within 10 metres of a boundary of the curtilage of the site, the height should not exceed 5 metres.</li> <li>The height of any replacement plant or machinery must not exceed 15 metres. If within 10 metres of a boundary of the curtilage of the site, the height should not exceed 5 metres.</li> <li>No development should take place within 5 metres of any boundary of the curtilage of the site.</li> <li>Not applicable where the development would lead to a reduction in the space available for the parking or turning of vehicles.</li> <li>Not applicable to sites that are designated as a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>Not applicable to sites that form part of an SSSI or within the curtilage of a listed building or a scheduled monument.</li> <li>The building as extended or altered must only be used as part of, or for a purpose incidental to, the use of the site as a waste management facility.</li> </ul> |

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| Sewerage undertakers to install a pumping station, valve house, control panel housing or switch-gear house in a sewerage system | <p><b>Part 13 - Class B (d)</b><br/> <b>The installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house.</b></p> <ul style="list-style-type: none"> <li>Not applicable to the installation of a station or house exceeding 29 cubic metres in capacity, where they are installed at or above ground level or under a highway used by vehicular traffic.</li> </ul>  |
| Installation, alteration or replacement of solar equipment on non-domestic premises   | <p><b>Part 14 - Class J</b><br/> <b>The installation, alteration or replacement of microgeneration solar thermal equipment on a building; microgeneration solar PV equipment on a building; or other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats.</b></p> <ul style="list-style-type: none"> <li>Not applicable where the solar PV equipment or solar thermal equipment protrudes more than 0.2 metres beyond the plane of the pitched roof slope when measured from the perpendicular with the external surface of the roof slope.</li> <li>Not applicable where the highest part of the solar PV equipment or solar thermal equipment is more than 1 metre above the highest part of the flat roof (excluding the chimney).</li> <li>Not applicable where the solar PV equipment or solar thermal equipment is installed within one metre of the external edge of the roof.</li> <li>Not applicable where the solar PV equipment or solar thermal equipment is installed on a roof slope which fronts a highway, within a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (a), the Broads, a National Park or a World Heritage Site.</li> <li>Not applicable where the solar PV equipment or solar thermal equipment is installed on a site designated as a scheduled monument or on a listed building or on a building within the curtilage of a listed building.</li> <li>Specifically for the installation, alteration or replacement of microgeneration solar thermal equipment on a building or microgeneration solar PV equipment on a building the following apply: <ul style="list-style-type: none"> <li>Not applicable where the solar PV equipment or solar thermal equipment is installed on a wall and protrudes more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall.</li> <li>Not applicable where the solar PV equipment or solar thermal equipment is installed on a wall and within one metre of a junction of that wall with another wall or with the roof of the building.</li> </ul> </li> <li>Limited to the installation of solar PV equipment to generate electricity where the capacity exceeds one megawatt.</li> <li>The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area.</li> <li>The solar PV equipment or solar thermal equipment must be removed as soon as reasonably practicable when no longer needed.</li> </ul> <p><u>Actions required:</u></p> <ul style="list-style-type: none"> <li>Before the start of each new filming period, apply to the LPA for a determination as to whether prior approval is required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.</li> </ul> |