



Wendy Lane
Assistant Director (Planning)

Strategic Environment Cabinet Committee

21 June 2021

What are PD rights?



The Government's Permitted development (PD) rights allow certain building works and changes of use to be carried out without having to make a planning application to the Council.

They are subject to certain criteria being met in order to control impacts and to protect local amenity. they do not apply in all protected areas e.g. Conservation Areas and AONB.

Is it necessary to contact the Council before carrying out work under PD rights?



Where works are covered by PD rights, contact with the local planning authority is generally only necessary before carrying out permitted development where:

- prior approval is required in advance of development
- the neighbour consultation scheme applies
- the permitted development rights require the developer to notify the Council of a change of use

IMPORTANT – Building Control Regulations, the Party Wall Act, continue to apply.

Can PD rights be removed?



- Yes - either by means of a condition on a planning permission, or by means of an article 4 direction.
- The restrictions depend on the specific wording of the condition or direction.
- However, the Government has made it clear they do not support PD rights being restricted in this way.

PD rights for householders – Key questions



Is the property a HOUSE?

(Part 1 of the GPDO applies to C3 houses, *might* apply to C4 "small" HMOs* and sui generis "large" HMOs*, but does **not** apply to flats (including maisonettes)).

Is the property a LISTED building?

(For a listed building, Class E doesn't apply, and most PD works will still require listed building consent (which is a separate requirement)).

Is the property on ARTICLE 2(3) land (Conservation Area, AONB, National Park, Broads, WHS)?

(On article 2(3) land, Classes AA and B don't apply, and Classes A, E, G, and H become more restrictive).

Have PD rights been removed by an ARTICLE 4 direction?

(An article 4 direction may remove some or all of the property's PD rights).

Have PD rights been removed (or affected) by a CONDITION on a previous planning permission?

(This could be an issue if the property was built, or converted from another use, from 1948 onwards, or even if the property has been extended since 1948).

Has the property PREVIOUSLY been extended?

(Some of the PD limitations and conditions are affected by existing extensions, particularly if the new extension would be attached to an existing extension).

Office to residential conversions (May 2013)



Made permanent in April 2016:

- Subject to LPA Prior Approval
- LPAs to consider the "impacts of noise from commercial premises on the intended occupiers of the development" (agent of change principle).
- any office to residential change of use would have to be completed within 3 years of the developer getting prior approval.
- Sept 2020 – Gov. announcement that requirements for natural light and national space standards will apply

Office to residential conversions - Watford



- 15 flats ranging from 16.5sq metres to 22sq metres in size
- Seven of the flats had no windows
- Appeal allowed



Changes in force from August 2020



- Class ZA - Subject to prior approval allows for the demolition and rebuilding of “vacant and redundant” free-standing / detached:
 - single, purpose-built block of flats; or
 - single building established for office use, research and development use, industrial use or a combination, in each case falling within Class B1 of the Use Classes Order.
- Prior approval can consider traffic and highway matters, contamination risks, flood risk, the external appearance of the building, provision natural light, impact on amenity
- The new building can be seven metres higher / two additional storeys

Class ZA restrictions



There are a number of restrictions on this right and of particular note, where the above Class ZA development will not apply, are the following:

- If the old building was constructed after 31 December 1989;
- If the building is listed;
- If the footprint of the building exceeds 1,000 square meters; and
- Unless the old building has been vacant for at least 6 months immediately prior to the application for prior approval.

Upward extension restrictions

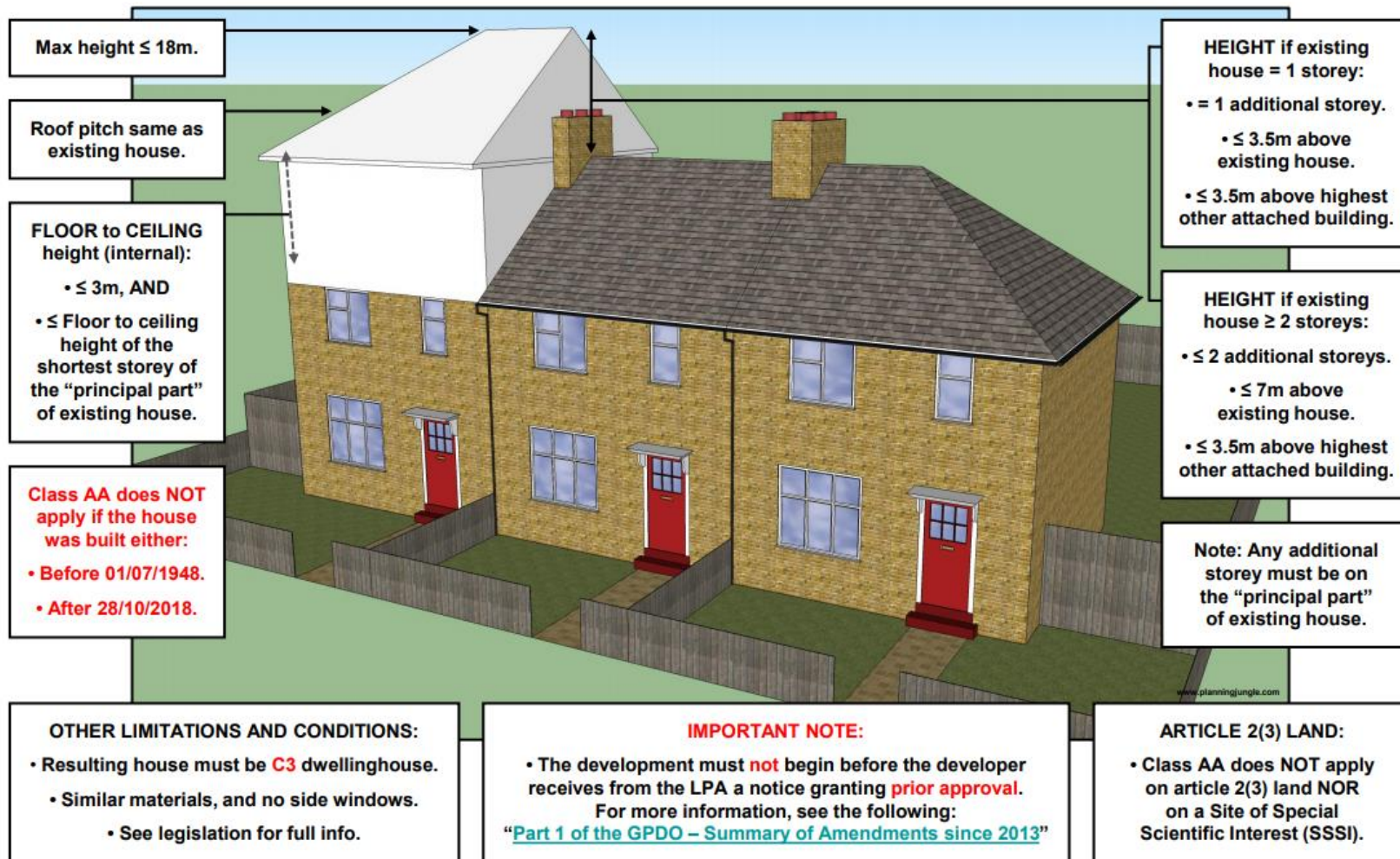


- The house was constructed before 1 July 1948 or after 28 October 2018;
- Additional storeys have already been added to the original house, whether by operation of this right or otherwise;
- Following the development, the height of the highest part of the roof does not exceed 18 metres.

Class AA – additional storeys (from 31/08/2020 onwards)



“The enlargement of a dwellinghouse consisting of the construction of [up to two additional storeys / one additional storey] ...”





Subject to Prior Approval (from 1 August 2021)

- New Class MA has been added to allow buildings and land within the recently created Class E (commercial, business and service) to be converted into dwellings
- Class O: offices into residential ends 31 July 2021

Class MA restrictions



- subject to a size limit of 1,500 sq m of floorspace changing use (Benson For Beds Unit C Imperial Retail Park was approx. 1,350 sq m)
- apply to buildings that have been in Commercial, Business and Service uses for two years, including time in former uses now within that class
- apply to buildings that have been vacant for at least three continuous months
- apply in Conservation areas
- prior approval – assessed in respect to flooding, transport impacts, contamination, noise , natural light, local amenity, loss of health centres and registered children’s nurseries
- will also be additional prior approval in relation to the fire safety of the building’s changing use
- attract a fee of £100 per dwellinghouse