

Changes to Permitted Development Rights Briefing Note

15/03/2016
Ref No : 232

On 11th March 2016 Parliament passed new legislation which makes a number of significant amendments to permitted development rights. The new Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 comes into force on 6th April 2016.

Changes to Class O (offices to dwellinghouses)

The former deadline of 30th May 2016 for bringing a prior approval development under Part 3, Class O into use has been removed.

Development permitted under Class O (B1(a) offices to C3 dwellinghouses) is now subject to a condition that it must be completed within 3 years of the prior approval date.

Of note, this applies not just to future prior approvals, but also existing prior approvals issued prior to 6th April 2016, even where the 30th May 2016 deadline is specified on the local planning authority's decision letter.

Alongside transport and highways impacts, contamination risks and flooding risks, the legislation now requires the LPA to also determine whether prior approval is required in respect of noise impact from commercial premises on the intended occupiers of the development.

Applications for prior approval under Class O are now required to specify the number of residential units proposed. This also applies to permitted development under Classes M, N, P, PA and Q.

Launderettes added to Class M (retail and specified sui generis uses to dwellinghouses)

Part 3, Class M has been amended to include launderettes as one of the specified sui generis uses (in addition to betting shops and pay day loan shops) which may change use to a Class C3 use (dwellinghouses) under permitted development rights. The existing provisions requiring the developer to apply for prior approval to the local planning authority still apply.

New permitted development rights to change of use of light industrial uses to dwellinghouses

A new temporary permitted development right has been introduced (Part 3, Schedule 2, Class PA) which permits the change of use of a building and any land within its curtilage within Class B1(c) (light industrial) to a Class C3 use (dwellinghouses).

Prior approval should be sought from the local planning authority in respect of a number of matters. However, development is not permitted if the application is received on or before 30th September 2017, or the approval date falls on or after 1st October 2020. The gross floor space of the existing building should not exceed 500m².

A number of other restrictions apply to Class PA, including that the building must have been used solely for a light industrial use on 19th March 2014, or if the building was not in use on that date, when it was last in use.

Amendments in relation to temporary uses of buildings or land for film-making purposes

Part 4, Class B (temporary use of land) has been amended removing the restriction on permitted development rights in respect of the temporary use of land for film-making (permitted elsewhere in Class E).

Amendments to minerals permitted development

Two new permitted development rights have been added in respect of the use of land for petroleum exploration.

Class JA permits the temporary use of land (up to 28 days) for certain operations in preparation to potential petroleum exploration or provision of associated structures. Class KA permits the use of land for certain operations in respect of petroleum exploration.

A number of restrictions and conditions apply to both new classes, including the notification of various bodies.

If you would like further details or to discuss the implications of these changes on your land interests, please contact a member of our team.



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