

HOUSEHOLDER DEVELOPMENT CONSENTS: GENERAL

PROPOSALS TO CREATE A MORE EFFICIENT AND EFFECTIVE PLANNING SYSTEM

- Central Government considers existing system unnecessarily complex which causes delay and is wasteful in respect of Local Authority resources.
- Approach to improvement is to be based upon:
 - i) A reduced need for planning applications for minor developments
 - ii) A streamlining of the application process, and
 - iii) An improvement to appeals process.

i) Reduced need for planning permission for minor developments.

Detailed proposals have been published in respect of householder developments

Householder Developments are to be based upon an impact based approach.

The existing regime (General Permitted Development) Order is overly complex sometimes requiring the submission of a planning application where the impact on neighbours or the surrounding area is minimal, whilst also allowing some developments that do result in impacts on neighbours, etc.

The detailed proposals have been based on:-

- a) Developments with no or low impacts on neighbours or on the area outside the immediate site being permitted under the new Order, and
- b) Those developments considered to have more than a low impact on the wider neighbourhood and/or streetscene requiring specific planning permission. (See Appendix for detailed proposals).

This Impact Based Approach is proposed to be extended to other types of development – further consideration is to be given to this and Local Authorities are asked

“Which types of non-residential development offer the greatest potential for change to permitted development rights. What limitations might be appropriate for particular sorts of development and local circumstances”.

Agricultural - Provided not in relation to livestock / waste.

Industrial - When material change in appearance is proposed – subject no

Local Authority - Revised in respect of criterion re land in ownership and control.

Demolition - Following Shimizo case.

Article 4 Directions To Be Revised

To safeguard against inappropriate development the Government is considering what measures should be available to Local Authorities to protect areas where necessary.

It intends to review the procedures for improving Article 4 directions with possibly the removal of the need for approval of the Secretary of State and a review of the current compensation arrangements.

Neighbourhood Agreements

Consideration is to be given to the practicalities of introducing neighbourhood agreements whereby if there was an agreement between a developer and neighbours affected, in respect of small-scale development proposals, a full planning application would not be required. The Local Authority views are being sought on the matters.

“What is your view on the general principle of introducing a streamlined process for approval of minor development which does not have the benefit of permitted development rights and where the neighbours to the proposed development are in agreement?”

- *How to control visual impact on wider area*
- *Coercion*
- *Current regime considers impact on future occupants*
- *What effect would concerns from statutory consultees have – EHO's?*
- *Diminish role of Parish Councils.*

Proposals are still being considered in respect of extending permitted development rights to other buildings and land. A further consultation paper to be issued on this.

ii) **Streamlining the application process – Aim to minimise the burden placed upon those seeking planning permission for development.**

Proposals to include:

- a) Simplifying the planning application process through a review of the General Permitted Development Order.
- b) To allow minor amendments to be made to planning permissions,

Currently there is much confusion in respect of how an Authority should react to requests to accept minor changes to approved schemes. Often developers are required to submit a further full planning application for relatively small changes. This results in delay, uncertainty, costs to the developer and additional work for the Local Planning Authority.

The proposal is to allow minor changes at the discretion of the Local Planning Authority where it considers that the variation sought is not of a material change.

The government is to prepare guidance on this matter.

Question?

“Do you agree that it should be possible to allow minor amendments to be made to a planning permission?”

“Do you agree with the approach proposed?”

Yes – Guidance should be clear and unambiguous.

- c) Unification of Consent Regimes

The aim is to reduce the complexity of the existing system which often requires multiple consents.

Consideration is being given to replacing Listed Building Consent and Scheduled Monument Consent with a "Heritage Asset Consent" and merging Conservation Area Consent with Planning Permission.

d) Rationalising Tree Preservation Order rules

Often the rules relating to specific tree preservation orders differ according to the period in which the order was made (changes in legislation). These different rules make the system complex to administer and understand. A simplified, slimmer order is proposed.

e) Streamlining the Information Requirements for all Applications.

From 1 October 2007 a standard application form is to be used by all planning authorities in England.

Applications will be considered valid if a standard list of information is provided.

The Local Planning Authority has the ability to publish its own additional list if appropriate.

Consideration is also being given to raising the thresholds in respect of the need for Environmental Impact Assessments, in order to save both the applicants and local authority time and money.

f) Reducing Secretary of State Involvement in Casework

The proposal is to reduce the number of applications called in by ministers as currently very few of these are ultimately determined by the Secretary of State. A consultation paper is to be published later in 2007.

Whilst the majority of appeals are determined by Inspectors there are some categories which are still decided by the Secretary of State. It is proposed to transfer to Inspectors.

- Decisions on appeals relating to Listed Buildings in respect of Grant Aid.
- Enforcement appeals accompanied by Environmental Statements.
- Appeals against refusal of hazardous substances consent.
- Tree preservation order appeals.

iii) Improving The Appeal Process

The number of planning appeals in England has risen from 14K in 97-98 to >22K in 2005-6. The forecast is for 25K by 2010. Some hearings and inquiries are currently taking over a year to be determined.

The current cost of administering the system is £56 million per year. It allows the parties to choose the method of appeal so that often a householder appeal is dealt with in the same way as that for large communal schemes.

28% of appeals are in respect of householder developments. The proposal is to introduce a quieter method for dealing with these, reducing the period for lodging an appeal from 6 months to 8 weeks. A reduced timetable for submission of statements and Inspector site visit will be introduced.

A similar shortened procedure is proposed for tree preservation order appeals.

Government is also considering allowing minor appeals to be determined within each Local Planning Authority by a board of Councillors known as Local Member Review Body.

It is proposed to require the Local Planning Authority to establish a scheme of delegation and it would be applications refused under such schemes that would be determined by the member Review Body. There would be no right of appeal to the Secretary of State in these cases, although an aggrieved party will still have the right of challenge in the High Court.

The choice of method of appeal is proposed to be given to the Inspectorate by applying a standard set of criteria.

To improve customer focus and efficiency the government is proposing a number of minor administrative procedures in the submission of appeal information and the conducting of the appeal process.

Consideration is also to be given to reducing the public burden of financing the appeal process by introducing either a fixed rate fee or one based on a percentage of the planning application fee.

IMPROVING THE APPEAL PROCESS IN THE PLANNING SYSTEM

Aim - To speed up the appeals process with greater efficiency whilst achieving better value for money for the tax payer.

Proposals

- a) To Fast Track Householder and Tree Preservation Order Appeals.
 - i. Intention is to reduce time for lodging an appeal from 6 months to 8 weeks.
 - ii. Householder appeals to be via written representations only.
 - iii. To compress the appeal timetable so Inspector would undertake site visit within 8 weeks. No material change in circumstances would be expected between application and appeal stages under such a timetable.

During the application process, consultees and any respondents to be advised that their comments would be copied to the Inspectorate should an appeal be lodged. This would save duplication of information.

A similar system for tree preservation appeals is proposed with the 28 day period for lodging appeal retained. The system would be administered by the Planning Inspectorate with the visiting Inspector to make ultimate determination of appeal.

b) Local Member Review Bodies (LMRB)

The Government is considering allowing minor appeals to be dealt with at a local level to be determined by a board of Councillors to be known as Local Member Review Body. These Members would have had no previous involvement in the case.

The type of appeal proposed to be determined by the LMRB would be of a minor nature and those determined under delegated powers. The fast tracked process would apply to these appeals.

The body to comprise 3-5 elected Councillors who would be expected to undertake training on planning and arboricultural matters. It could, if necessary, seek advice from independent experts to include experienced planners or arboriculturalists from neighbouring authorities.

The Review Body would be subjected to the scrutiny of the Local Government Ombudsman if it was considered that the appellant had been treated unfairly or not applied the law properly.

In circumstances where an appeal is lodged for non-determination in respect of delegated proposals, the Government is suggesting that the LMRB determine the application afresh (with ultimate right of appeal to the Secretary of State) or the application go straight to the Planning Inspectorate as is the current procedure.

c) Determining the Appeal Method.

Aim: To ensure the procedure used is best matched to the complexity of the case.

- i) Secretary of State to be empowered to apply a set of Ministerially approved criteria to determine the method of appeal.

Such system is considered to be fair, impartial and consistent. It would ensure all appellants receive the same service and that vulnerable groups would not be disadvantaged.

APPEAL PROCESS – DETAILED PROPOSALS

- More advice is to be given on appeal forms in respect of what evidence is helpful and what is not.
- To prescribe the nature of material to be submitted.
- To impose a word limit on appeal documents.
- To place responsibility on the appellants and Local Planning Authority to send copies of all documents to each other and to the Inspectorate. Parties who fail or abuse this system could be liable for costs.
- The Secretary of State to have the power to refuse to consider any change to the scheme or evidence available to the Local Planning Authority at the time of determination.
- To offer two inquiry or hearing dates one of which is to be agreed by both parties within 5 days. If failure to agree then an alternative date to be imposed.
- A Statement of Common Ground to be prepared jointly by appellant and Local Planning Authority within 6 weeks of the start of the appeal process.
- To remove the '9 week' stage for final comments to be submitted.
- To allow the Secretary of State to issue a 'Correction Notice' to an appeal decision without consent of appellant/landowners.
- To update the 'costs' circular.
- To reduce the time limit for appealing a planning decision from 6 months to 28 days where the same or substantially the same development is the subject of an Enforcement Notice. In the circumstance where a planning application is lodged after the serving of an Enforcement Notice, the planning appeal to be lodged no later than week 12 of the Enforcement appeal.
- To impose a time limit for lodging lawful development certificate appeals and introduce written representations regulations for these appeals.
- To provide the power to decline repeat applications where within the last 2 years the Secretary of State has refused a similar application arising from an Enforcement Notice.
- To have the full fee for enforcement appeal paid to the Local Planning Authority rather than 50% as at present.
- To introduce either (i) a fixed administrative fee applied across appeal types or (ii) a proportionate fee based on a percentage of the planning fee with a minimum of say £50.

HOUSEHOLDER PERMITTED DEVELOPMENT

Proposed Changes to Permitted Development

Introduction

Aim: To create a more permissive regime than currently exists, thereby reducing number of applications.

- To be based on an impact approach. Not only what the development is but where it is i.e. not only its positioning on the property but also in terms of the area in which it sits.

PROPOSALS

- Do not intend to relax existing protections in Conservation Areas, AONB's etc – also to include World Heritage Sites but not areas of ecological/habitat designations.
- No special additional safeguards for Listed Buildings as they are subject to Listed Building Consent.
- Further consultation proposed in respect of Basements and flats.
- Consideration is being given to 'Local Development Orders' extending pd rights to designated localities. Further work is said to be needed on this.
- Compensation to be payable for a period of 12 months from introduction of new system, should previously permitted works/additions be refused or granted subject to conditions if application is required under new regime.
- Consideration is being given to extending LA's ability to improve Article 4's without SOS consent. Issue of compensation is being considered.
- Articles 4's to be reviewed every 5 years.
- Consideration also being given to a 'Prior approval approach to certain types of development' to protect against inappropriate development. Reference is made to a range of larger scale permitted development.

The Government considers such an approach would provide a more simplified procedure where applicant has to provide less information. Local Authorities would then be allowed to exercise some control over what is allowed locally. Considerations is to be given to the type of development that could benefit from such.

Householder Permitted Development

Suggestion is to have a separate order for householders i.e. HPDO.

DETAILED PROPOSALS

Extensions

No extension to come forward of principal elevation of dwelling or side elevation facing a highway.

Single storey extensions to 'main rear wall' – 4m max (attached)
- 5m (detached)

Over 1 storey (or 4m high) - 3m (attached)
- 4m (detached)

Within 2m of any boundary – max eaves height 3m and overall height 3m with flat roof or 4m pitched.

Max eaves height of an extension not to exceed that of existing dwelling.

Extensions to sides of dwelling – Single storey only, no higher than 4m, no wider than ½ width of dwelling (original dwelling).

2 storey extensions – no closer than 7m to any boundary or existing rear wall if this is closer than 7m.

Roof pitches of extensions higher than single storey (4m) to match existing house.

Side facing windows on extensions higher than single storey (4m) to be non-opening and obscured.

Materials to match!

No raised terraces, verandas or balconies, including railings walls or balustrades.

Max coverage 50% (including outbuildings) of private garden area.

- In designated areas – side extensions to require pp.
- In designated areas – all forms of cladding to require pp.

Roof extensions – aim is to reduce visual impact of large box dormers.

No roof extension to come forward of any roof plane of principle elevation or any side elevation.

Roof extension to be 1m (min) above eaves, 1m below ridge, 1m from side verge and where applicable 1m from party wall, where hipped roof min 0.5 from hip.

Materials to match.

No raised terraces, verandas or balconies inc railings, walls or balustrades can be added.

Any side facing windows to be non-opening and obscured.

In designated areas all roof extensions require pp.

Roof Alterations – Aimed at control/promotion of solar panels

Maximum 150mm upstand.

No maximum of % roof coverage.

In designated areas – no alteration of roof plane of principal elevation.

Curtilage Development – Outbuildings, Swimming Pools, Garages etc

No outbuilding, garage or swimming pool to come forward of principal elevation of dwellinghouse or a side elevation facing a highway.

Outbuildings and garages – single storey only.

Max eaves height 2.5m max overall height 4m (with dual pitched roof) 3m with monopitched roof.

Overall height limited to 2.5m if within 2m of boundary.

Max area covered by all garages/outbuildings to be 30 m² (if garden exceeds 100m²) or 20m² if less.

No raised terraces, verandas or balconies including railings, walls or balustrades to be added to dwellinghouse.

Maximum coverage of private garage to be 50% (to include extensions).

Max height of decking to be 0.3m.

In national parks, areas of outstanding natural beauty and world heritage sites – max area to be covered by outbuildings, garages and swimming pools located more than 20m from host dwelling to be limited to 10m².

In other designated areas outbuildings located at the side of properties to require pp.

Within curtilage of Listed Buildings any outbuilding with coverage of over 3m² will require planning permission.

Hard Surfaces, porch size, means of enclosure, painting of exterior or dwelling – no change to existing regime.

Creation of access remains unrestricted except onto trunk or classified roads are also proposed not to be changed other than the removal of the requirement that it must be required in connection with another class of development.