
Meeting: Executive
Date: 4 December 2012
Subject: New Permitted Development Rights for Domestic Properties
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities - Strategic Planning and Economic Development
Summary: To enable the Executive to respond to the Government's proposals to relax permitted development rights and the negative consequences of this action.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Richard Fox, Head of Development Planning
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision No
**Reason for urgency/
exemption from call-in
(if appropriate)** Limited period to respond to Government consultation

CORPORATE IMPLICATIONS

Council Priorities:

Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.

Financial:

1. The Council will lose planning application fee income from a reduction in planning applications for residential extensions. Further more the Council will still be required to carry out checks to ensure that new development complies with the rules. There is no income chargeable for this work. Should the Council seek to use Article 4 Directions to remove these permitted rights they will become liable to potential compensation claims associated with the use of this power.

Legal:

2. The Council could serve an Article 4 Direction to remove the Permitted Development Rights that the Government is proposing to allow.

Sustainability:

3. The widening of Permitted Development Rights could have adverse environmental consequences.

RECOMMENDATION(S):**Executive are recommended to:**

1. endorse the motion set out below:

This Council notes the Government's intention to extend permitted development rights for householder extension applications as announced by the Secretary of State on 6 September 2012.

This Council believes that this change is unnecessary and dilutes the democratic control of sustainable and suitable development in our local area.

This Council states that democratically elected and accountable councillors are best placed to make the right decisions on development and evidence shows that councils across the country have a demonstrable record of achieving the correct balance between promoting sustainable and suitable development while having proper regard for residents' objections.

This Council resolves to write to the Planning Minister and our local MP(s) to highlight our concerns on this issue and also to propose that the Government uses the Growth and Infrastructure Bill to give councils the powers to set out permitted development rights locally, thereby allowing local policies to boost small scale development or facilitate change of use to stimulate growth in a way that caters to local needs and is accountable to local people.

Reason for Recommendations: The relaxation of permitted development rights will lead to loss of planning fee income, unsightly and obtrusive development and neighbour disputes.

Executive Summary

4. This report outlines the Government's proposals to relax permitted development rights and the negative consequences of this action.

Background

5. Permitted Development Rights allow various types of development to take place without the need for planning permission. There are complex rules governing these rights for both businesses and residents. These are set out in the Town and Country Planning (General Permitted Development) Order 1995 as amended. For householders these rights allow the extension of their property (with further restrictions in conservation areas and for listed buildings) by certain limits.
6. In an attempt to promote construction activity the Government is proposing for a time limited period to relax the rules governing permitted development. The principal proposal is to allow residents to extend their property to the rear at ground floor. It is proposed to increase permitted size limits for the depth of single storey extensions from 4m to 8m for detached houses and from 3m to 6m for all other houses.
7. There are a number of reasons why this proposal has generated local Government opposition. Firstly, the proposals will lead to obtrusive and visually intrusive inappropriate development which will have a lasting detrimental impact on neighbourhoods. The unrestricted extensions could lead to increased flood risk and ecological damage and undermine the design controls put in place by Authorities to protect the local distinctiveness of areas.
8. The extension of permitted development rights is unnecessary since councils already accept over 90% of householder planning applications. The measures could prove counter-productive because removing the opportunity for neighbourhoods to comment upon planning applications and the mitigation role that councils play is likely to lead to tensions and neighbourhood disputes. It removes the ability of Authorities to impose suitable conditions on permissions which serve, amongst other things, to regulate the use of materials used in construction of these substantial developments and control the position of features such as windows to protect amenity.
9. Finally, the economic case for relaxing permitted development rights is unproven. The planning application fee is inconsequential in the overall cost of a development of this scale. The need for plans and the cost associated with their creation is unlikely to be removed by this proposal as there will still be a need to the submission of details for Building Regulation purposes. These plans tend to be submitted for the purpose of achieving planning permission anyway. There is no guarantee that other measures, such as a relaxation of VAT on extensions, would not have an equal if not more beneficial impact on the construction industry.

Conclusion and Next Steps

10. Executive is asked to consider the model resolution proposed by the Local Government Association which has cross party opposition to the measures and respond to the Government consultation, contact Central Bedfordshire's MPs and the Planning Minister to express the concerns set out above.