



Projects you can do without **Planning Permission**

Starting at 7pm
Julia Riddle

BEFORE WE BEGIN

- If you can't see the Slides correctly, you may need to change the 'View Options' at the top of your Zoom screen.
- If you have a question about using Zoom please ask now and I'll try to help!
- Please ask questions at any time using the Q&A button at the bottom of the screen. I will answer some of these as I go.
- We will also have dedicated Q&A time at the end of the morning & afternoon sessions.



WELCOME

- Who are we?
- What do we do?
- Why might you use a planning consultant?

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AGENDA

Projects you can do without Planning Permission

- What are Permitted Development Rights?
- How do you know whether a site has PDR?
- What can you do in the context of these PDR?
- But should you use them?
- How do you use them alongside planning permission?



Section 1

What are Permitted Development Rights?

Where to start?



STATUTORY INSTRUMENTS

2021 No. 428

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021

Permitted Development Rights (GPDO)

Allow for changes of use and development without the need for planning permission

Range of categories



Where to start?

'Development' requires planning permission.

The categories of work that do not amount to 'development' are set out in s55(s) of the Town and Country Planning Act 1990.

These include, but are not limited to :

- Interior alterations (except mezzanine floors 200 sqm + in retail use)
- Building operations which do not materially affect the external appearance of a building. (No statutory definition of 'materially affect' - linked to the significance of the change which is made to a building's external appearance).
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.



Where to start?

Development does not in all instances require a planning application.

In some cases, development will be permitted under national permitted development rights.

To confirm this, an application for a certificate of lawful development can be made to a local planning authority (CLEUD/CLOPUD).



Where to start?

The local planning context may also enable the changes through a Local Development Order, a Development Order or Community Right to Build Order.

In all other cases it will be necessary to make a planning application to a local planning authority.



Where to start?

Extended Permitted Development Rights

2015

2016

2019

2020

2021...

2024...



Photo: Chris Snook

Where to start?

These changed what you can do to residential properties.

Brought in 'Prior Approval' process for the extended rights.

Biggest changes
in 2015 and 2020.

Further changes
Came into effect
May 2024



Photo: Simon Maxwell

Where to start?

Allow for a series of extended rights relating to other uses:

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Affected the GPDO

Transitional Arrangements in place from August 2021

Further changes
May 2024



Photo: Jeremy Phillips

Where to start?

The Town and Country Planning (Use Classes Order) 1987, as amended, groups common uses of land and buildings into classes.

The uses within each class are, for planning purposes, considered to be broadly similar to one another.



Where to start?

Part B (Schedule 1)

- Class B2 – General Industrial
- Class B8 – Storage and distribution

Part C (Schedule 1)

- Class C1 – Hotels
- Class C2 – Residential institutions
- Class C2A – Secure residential institutions
- Class C3 – Dwellinghouses
- Class C4 – Small Houses in multiple occupation

Part A (Schedule 2) Commercial, Business and Service

- Class E – Commercial, Business and Service

Part B (Schedule 2) Local Community and Learning

- Class F.1 Learning and non-residential institutions
- Class F.2 Local community



Where to start?

Class E



Photo: iStock / Alexey Fedoren

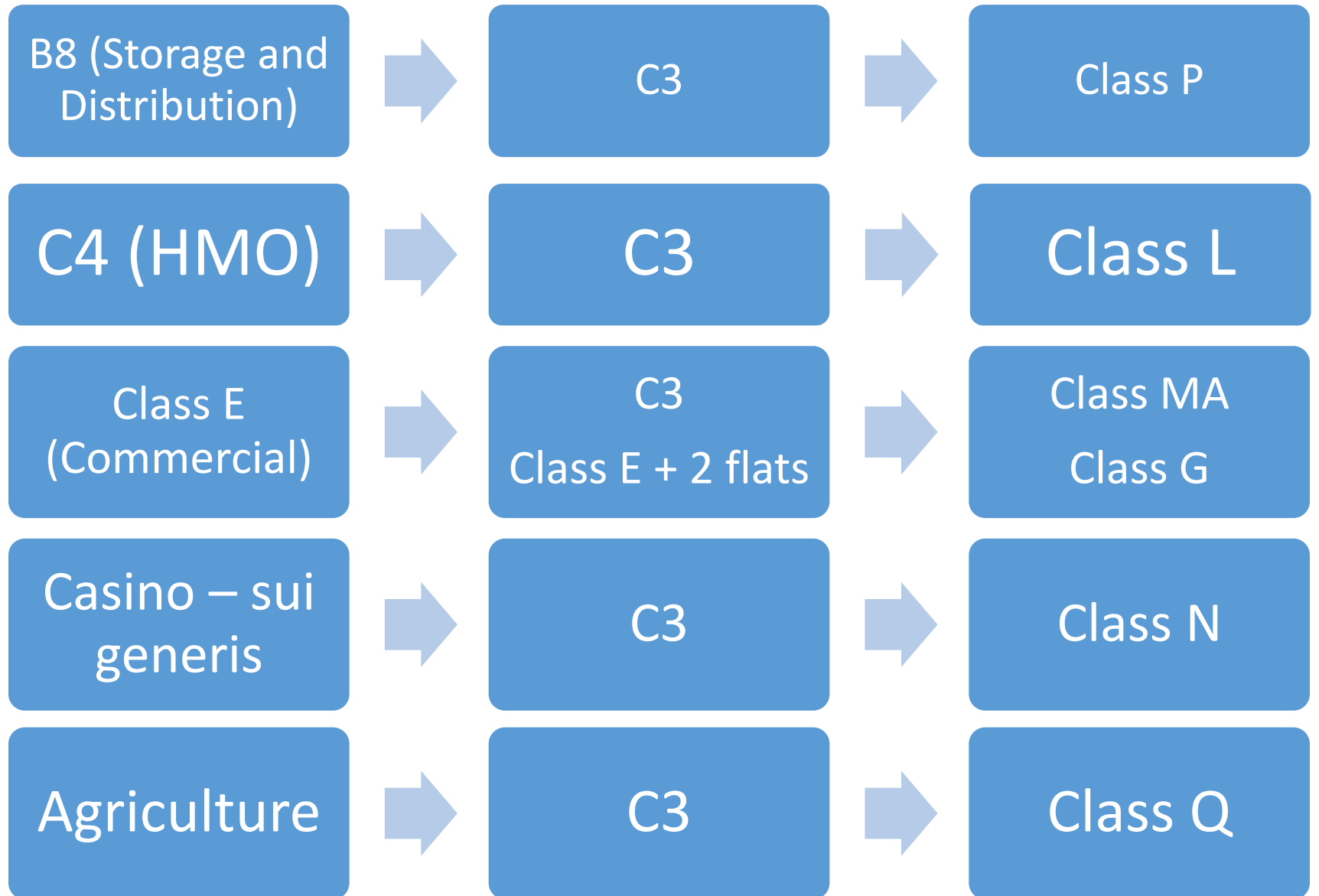
Where to start?

Commercial, Business and Service use class (E) includes:

- a broad and diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for a town centre area.
- Allows for a mix of uses which recognises that a building may be in several different uses concurrently or be used for different uses at different times of the day.
- Incorporates the whole of the previous shops (A1) (apart from those that now fall within scope of the F2 Local Community use class), financial and professional services (A2), restaurant and cafes (A3) and business (B1 including offices) use classes, and uses such as nurseries, health centres and gyms (previously in classes D1 non-residential institutions, and D2 assembly and leisure).



Where to start?



Where to start?

Photo: iStock / Georgeclerk



Whilst you can change within a use class without planning permission, most of these extended opportunities are more complex:

Need to be sought through Prior Approval process.

In the case of residential extensions, if it raises objection from neighbours, it essentially becomes a planning application.

Where to start?

However, there are cases where achieving changes can be more straightforward:



Where to start?

Planning permission may not be required to sub-divide a building where:

- sub-division does not involve physical works that amount to development;
- the use of any newly formed units after a building has been sub-divided falls within the same use class as the building's existing primary use before it was sub-divided, or there is a permitted development right allowing the new use; and/or
- the sub-division does not involve converting a single dwelling house to contain more than one residential unit.



Where to start?

& Building Control!



Where to start?

In summary:

Planning Permission is needed for 'development' (in s55 of TCPA), which includes:

- Building operations (eg structural alterations, construction, rebuilding, most demolition)
- Material change of use of land or buildings
- Engineering operations (eg groundworks);
- Mining operations;
- Other operations normally undertaken by a person carrying on a business as a builder.
- Subdivision of a building (including any part it) used as a dwellinghouse for use as 2 or more separate dwelling houses



Where to start?

It therefore certainly includes:

- Building a new house/ building where there was not one before.

BUT:

- There are many provisions for changes of use of buildings to a dwelling house without full planning permission.
- There are also many things you can do to an existing house in many circumstances without planning permission.



Section 2

How do you know if a house or site has PDR?



Do I have PDR?

But do you have PDR?

OR

Does the site you are looking to buy have PDR?



Where to start?

There are circumstances where PDR on a property may be constrained, for example:

- Conservation Areas
- Article 4 Direction
- New Planning permissions



Photo: Heather Gunn

Where to start?

How would you know?

- Ask the LPA?
- Check with vendor?



Where to start?

There are exclusions which apply to certain permitted development rights in England.

For instance, there are protected areas known as article 2 (3 and 4) land, which cover:

- Conservation Areas
- Areas of Outstanding Natural Beauty (AONB)
- National Parks (and land beyond)
- The Broads
- World Heritage Sites



Where to start?

Permitted development rights can be removed by the local planning authority, either by:

- Condition on a planning permission, or
- Article 4 Direction.

The restrictions imposed will vary on a case by case basis and the specific wording of the conditions or directions.



Where to start?

- Condition on a planning permission, or



Where to start?

An Article 4 direction is a direction under article 4 of the GPDO

Enables the SoS or LPA to withdraw specified permitted development rights across a defined area.

Cannot be used to restrict changes between uses in the same use class of the Use Classes Order.

Provided that there is justification for both its purpose and extent, an article 4 direction can:

- remove specified permitted development rights related to operational development or change of use
- remove permitted development rights with temporary or permanent effect



Where to start?

However:

Permitted development rights can also be expanded via Local Development Order or Development Order...



Photo: Self build homes at Graven Hill

Where to start?

But do check on other reasons for restrictions that prevent development:

- Through deeds or covenants?
- Land ownership, including any restrictions that may be associated with land - not a planning matter.

An appropriate legal professional will be able to provide further advice on this if necessary.



Section 3

What can you do in the context of PDR?

What can you do?

What can you do to an existing house?



What can you do?



1. Internal Works

- Existing houses, flats and maisonettes
- Not new build
- Listed buildings and building regulations

What can you do?

2. Loft Conversion

Internal work

Dormers (rear or side)

50 cubic metres

Roof lights



Photo: Katy Donaldson

What can you do?

3. Insulation

Internal Work

Externally – cladding (provided similar)



Photo: iStock/ronstik

What can you do?

4. Windows

Like-for-like

New window openings

Materials

Side windows



Photo: Building Narratives

What can you do?

5. Single Storey Extensions

Rear detached house – 4 metres/ 8 metres with PA

Rear other houses – 3 metres/ 6 metres with PA

Side - Half width, not facing road or protected areas



Photo: David Barbour

What can you do?

6. Two Storey Extensions

Rear – 3 metres depth,

7 metres from rear boundary, 2 metres from side boundary

Height – 3 metres to eaves, no higher than existing at ridge



Photo: William Goddard

What can you do?



7. Solar

On house or flats – maximum 200mm

Outbuildings

Stand-alone – 4 metres high, 9 square metres

Restrictions on listed buildings & protected areas

What can you do?

8. Decking

300mm above ground

50% of garden

Not in front

Restrictions on listed buildings & protected areas



Photo: David Barbour

What can you do?



Photo: Philip Vile

9. Paving

No coverage restriction

Between front wall of house and road – must be permeable

What can you do?

10. Outbuildings

What is the 'curtilage'

Use – 'incidental'

Single storey / 4
metre ridge

50% of garden
maximum

Not to the front

Restrictions in protected
areas



Photo: David Barbour

What can you do?

From August 2020:

Upward Extensions

Adding up to two storeys without the need for planning permission.

To:

- Detached commercial buildings
- Detached houses (to build new flats)
- Houses (if the new storeys are to extend a home)
- Terraced/ semi-detached commercial buildings
- Terraced/ semi-detached (to build new flats)
- Detached, purpose-built blocks



What can you do?

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 also introduces a new Class AA –

'Development within the curtilage of a dwellinghouse' – within Part 1 of Schedule 2 of the GPDO.

This enables homeowners to extend existing homes by:

- up to two additional storeys on a two, or more, storey home; and
- one additional storey on a one storey home.

The rights are subject to detailed conditions and limitations.



What can you do?

Some common conditions which apply to all five classes:

- The new dwellinghouses that are constructed must be flats
- The new rights only apply to buildings constructed between 1 July 1948 and 5 March 2018.
- The rights will not apply to buildings in Conservation Areas or Listed Buildings.
- Engineering operations within the existing curtilage of the building to strengthen existing walls and foundations and to install services are permitted, along with replacement or installation of additional plant, construction of safe access and egress and construction of ancillary facilities if needed.

...



What can you do?

- Before development begins the developer must provide the local planning authority with a report for the management of the construction which sets out proposed construction hours and how adverse impacts of noise, dust, vibration and traffic on occupiers and adjoining owners will be mitigated.
- The development must be completed within a period of three years starting with the date 'prior approval' is granted, and;
- Every dwellinghouse in the building must remain in use as a dwellinghouse and for no other purpose, although uses which are ancillary to the primary use as a dwellinghouse will be permitted.



Where to start?

Most of the May 2024 changes relate to agricultural buildings:

Barn conversions now include:

- a building that is part of an established agricultural unit and any land within that building's curtilage, or
- a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage.

As well as...

- the extension of the building being converted (within certain parameters); and
- building operations reasonably necessary to convert the building to a residential use or to extend the building.

No more than 10 dwellings and/or 1,000 sqm of total floorspace, with a maximum permitted floorspace of 150 sqm per dwelling.



Where to start?

Further consultation on changes ran February to April 2024
Potential to extend rights for extensions:

From 4m to 5m for single storey rear extensions to detached dwellings.

From 3m to 4m for other single storey extensions.

From 3m to 4m for two storey extensions.

Removal of 7m from boundary rule.

Removal of 50% coverage rule.

Potential change to requirement for use of similar materials.

Potential to include 'wrap around' extensions.

Removal of 40/50 cubic m rule for loft conversions.

Removal of requirement for 20cm set back from eaves.

Allow for ridge height increase?

Potential pd for bike or bin stores to front of houses.

PD for EV charging and air source heat pumps.



Where to start?

Heat Pumps

Class G allows you to install, alter or replace an air source heat pump (ASHP) on a residential property without planning permission.

You are permitted to install it either on the property itself or within the curtilage.

29th May 2025: Class G altered to relax the rules around Air Source Heat Pumps - applies to any units installed on or after this date.

Can now have up to two ASHP on a detached house or bungalow

One on a semi or terraced property or a block of flats.

For a house: up to 1.5 cubic metres in size.

For flats: up to 0.6 cubic metres.

Any air source heat pump needs to be 1m away from the edge if on a flat roof, but no limit as to how close to the boundary.

Can be a combined heating and cooling unit. Previously the unit had to be heating only.



What can you do?



Mechanic's garage converted. Photo: Dave Burton

What about commercial buildings and uses?

- Other than the PD which allows for change of use, the works and approach is different.
- There is no PDR for works - These have to be sought through a planning application process.
- Upwards extensions and change of use possible.

Where to start?

BUT be aware:

Even if a planning application is not needed, other consents may be required under other regimes, eg:

- Works to protected trees
- Advertisement consent
- Listed Building Consent
- Hazardous Substances Consent
- Environmental Permits/ Licenses

& Building Control!



What can you do?

What information might be required for Prior Approval process?

(Class Q etc)

Different types of Prior Approval require different levels of detail, eg:

- Design and external appearance.
- Transport Impact
- Flooding information.
- Technical dimensions (height, width, length, or area)
- Noise Impact Assessment
- Air Quality Impact Assessment



What can you do?

So be aware of:

- What can be done under PD
- What can be done under Prior Approval

And therefore:

- What would need Planning Permission (and or other consents e.g. Listed Building consent)

Each will have very different impacts in terms of information required and therefore potentially time and complexity.



Q&A



Section 4

But should you use PDR?

Should you use PDR?

Many positive reasons for using PDR:

Allows for extensive changes
Minimises time in planning

But, there can be complexity & variation in interpretations of what is allowed.

Discuss with planning officer/ get professional advice



Should you use PDR?

But should you always use PDR?

Yes:

- If it gets you what you really want.
- Particularly where it gets you the space more easily than seeking planning permission would.

No

- If you are using it as a compromise for what you want – don't be constrained by it!



Should you use PDR?

BUT

Work out what your PDR is so it can be used as a fall-back position if required.



Should you use PDR?

AND

Do seek a Certificate of Lawfulness to confirm that what you are doing does fall under these parameters...

If it is not clear whether works are covered by permitted development rights, it is possible to apply for a lawful development certificate for a legally binding decision from the local planning authority.

Preferably BEFORE works!!

Benefits: certainty, confidence, sale of property/ site



Should you use PDR?

Contact with the LPA only necessary before carrying out permitted development where:

- prior approval from the local planning authority is required in advance of development
- The neighbour consultation scheme applies (Prior Approval)
- The LPA has a Community Infrastructure Levy (CIL) in place which requires developers to contact the local planning authority before carrying out works, and/or
- The permitted development rights require the developer to notify the local planning authority of a change of use.



Should you use PDR?

If you need to submit a prior approval notification, establish what is needed for this, as it may vary depending on the location and type of PA required.



Should you use PDR?

If development is carried out without the necessary planning permission, this may lead to enforcement action.



Section 5

How should you use PDR alongside PP?

What can you do?

YES!

There may be cases where you use PDR alongside a planning application.

For Example:

- Establish the PD option
- Draw up your preferred scheme
- Take the preferred scheme through pre-app to judge feedback
- Split out elements and do part as PD and part as application as appropriate/ strategic.



What can you do?

- Understand the opportunities
- Use the processes available.
- Get professional advice!



Q&A



Thank You

For further advice or specific input, please
contact:

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(All further advice will be subject to Castle
Planning's standard fees, terms and conditions)





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