



Planning's Cheat Codes

Permitted Development and
Prior Notification



Who is Jon McDermott

18 Years experience

Chartered Town Planner

Active planning consultant (30+ active cases)

Teaches Planning with property education partners

Writes for YPN, YPN Bitesize and Property Investor News

Runs Property Expert Network Online

Doing some Development...not much...small stuff!



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Principal Town Planner

Who is Jon McDermott?



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I am lucky to have an amazing team!

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RTPI

Chartered Town Planner

Debunking some myths



- There is no revolutionary new way to look at the planning system.
- As the Government has now admitted the only way to revolutionize planning is to give developers lost and lots of Permitted Development allowances! There is no Magic Fix to the Planning System!
- What I will be talking about however is THE LAW and how the Permitted Development Allowances are expressed today!
- This presentation relates to England (Scotland, Wales and Northern Ireland have their own systems).

A Different way of doing things



- Tonight I will tell you how it is based on actual examples and real world experience. None of what I am about to say is theoretical!
- I know that I present at the speed of light so recording this or asking for the slides might be a positive career move.
- It is impossible to squeeze a three year undergraduate degree, three year post graduate degree and 18 years of experience into the time we have. This is just a few ideas to get you going.
- I will not use BBC2 Language - Those of a more nervous disposition can cover their ears or hum the theme tune to The Archers

Permitted Development for V.I.C.T.O.R.Y



V - Verify - Are you doing something that is allowed by national or local legislation

I - Intelligence - History of the application site

C - Comparables, does the development stack - has it been done before

T - Team - assemble your power team

O - Options - Where is your escape, have more than 1

R - Reality - what can the site actually deliver

Y - You - Make sure you are passionate and proud of what you are doing



Some History

1947 Town and Country
Planning Act

1990 Town and Country
Planning Act

1990 Listed Building and
Conservation Areas Act

**2015 General Permitted
Development Order**

1987 Use Classes Order

1800's Britain

Pre-War problems driving the planning system



1950's Britain

Post War Planning in Overdrive



Not one system

The UK Planning System has grown from the original Act as need arises.

A Typical Planning Department reflects this



Permitted Development?

Permitted development is not an immunity from planning control but a PLANNING PERMISSION in its own right granted unilaterally by a development order.

A Deemed Planning Permission!

S57(3) Town and Country Planning Act 1990

Development permitted by the Secretary of State.

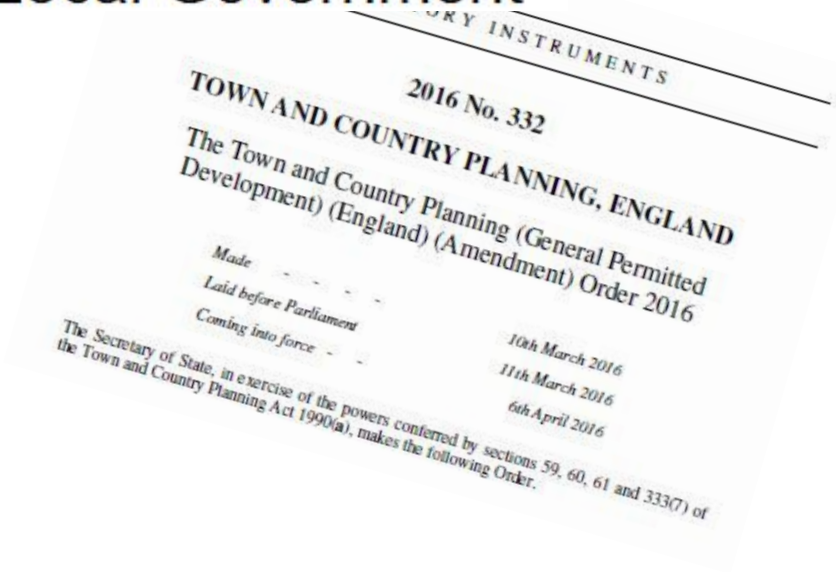
Various uses have different allowances

Can involve building work

Can involve a change of use



Ministry of Housing, Communities & Local Government



Some restrictions

Generally doesn't apply in National Parks, Conservation Areas, Listed Buildings, SSSI's or Explosive Hazard Areas although there are exceptions!

No one permitted development allowance is similar

Councils can remove rights through Article 4 Directions

Council's can remove rights on properties through planning conditions





New Forest District Council v. Secretary of State for the Environment and Shorefield Holidays Limited [1996] JPL 935

“You argued that if the appeal proposals do not go ahead, the hotel permission would be completed and that this ‘fall back’ situation is a material consideration in the appeal.”

The extant permission represented a realistic fall-back and was a material consideration of significance in the appeal.

Important Differences

A straight permitted development right does not require you to notify the Council

A Prior Notification permitted development right includes a condition requiring the PN process

Prior Notification = Before you start work/Change the use

What is a change of Use?

56 Time when development begun.

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

Permitted Development Allowances for Houses (Not Flats), HMO's and Large HMO's

Classes A to E of Part 1 Schedule 2 GPDO 2015

- A = Extensions
- B = Roof Alterations
- C = Velux Windows
- D = Porches
- E = Outbuildings



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Permitted Development Allowances Commercial Buildings (Part 3 Schedule 2 General Permitted Development Order 2015)

Class A - G - L

Class A – A3, A5 to A1 or A2

Class G – up to 2 flats above A1 or A2

Class L – House to HMO (C4) (And Back Again!)



Class G - Two flats above a shop is **AMAZING**

No restriction on the Town Centre

No Restriction in a Conservation Area

No restriction on a Listed Building

No time code! You can change use into it and BUILD into it



Class G

84 Queens Road
Aldershot

Class A – Used to
include Class A4

Broke the
anti-pub
conversion policy



Prior Approval for new Dwellings

-

The Updated Menu

Class M – Retail Uses and Hot
Food Takeaway to dwellings

Class N – specified sui generis
uses to dwellinghouses

Class O – Offices to dwellings

**Class PA – premises in light
industrial use to
dwellinghouses**

Class Q – agricultural buildings
to dwellinghouses



Class M - A1, A2 and A5 to C3

Flood Risk, Contamination, Highway Safety

Use as of 20th March 2013

150 square metres;

No extensions

Partial Demolition Allowed

Alterations Allowed

Not in a CA/Listed Building

NOT ON A HIGH STREET



Class N - an amusement arcade or centre, or a casino

Flood Risk, Contamination, Highway Safety

Use as of 19th March 2014

150 square metres;

Alterations Allowed

Not in a CA/Listed Building

NOT ON THE HIGH STREET





Class O - B1(a) to C3

Flood Risk, Contamination, Highway Safety, Noise

Use as of 29th May 2013,

No external alterations

No Demolition

Not on a Listed Building

End of the protection of Article 2(5) Land on 31
May 2019





Class PA - B1(c) to C3

Flood Risk, Contamination, Highway Safety, Noise,
Air Quality

In use on 19th March 2014

Time limited to 1st October 2020;

Building must not exceed 500 square metres;

Not on a Listed Building

Completed in 3 Years

Not in an industrial estate!





Class Q - Agriculture to C3

Flood Risk, Contamination, Highway Safety

Use on 20th March 2013

Up to 465 square metres;

Up to 3 larger dwellings (above 100sqm each);
and/or 5 Smaller dwellings (below 100sqm each)

No extensions

Alterations Allowed

Building must be structurally sound

Not in a CA/Listed Building



After Prior Approval

Shell Application for External Alterations

Apply for planning permission for the external works needed to carry out the conversion.

No CIL (unless your extending)

No Affordable Housing

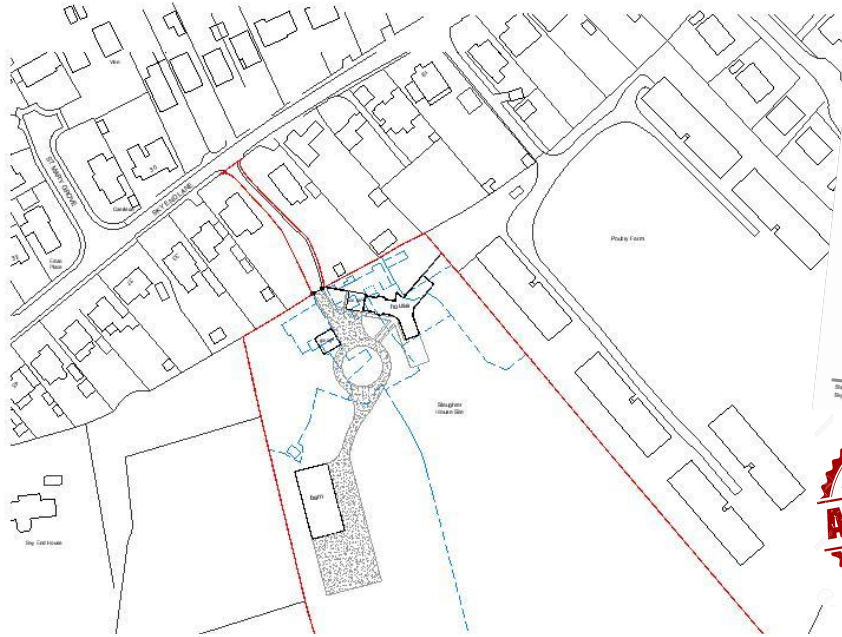


Class M and G



Class O

Sky End Lane Hordle





Commercial Allowances – The Menu

Electric Vehicle Charging

Part 2 Class E. This allowance is amended to increase the height of thought to 2.3m to allow for the new batch of Tesla Superchargers so long as it is not within the land associated with a block of flats or a house.

Retail and other uses to Office

Part 3 Class JA (Because there really are not enough letters in the alphabet) is a new class that attempts to diversify the high street in order to save it. This new Class allows a change of use from any of A1, A2, A5, "betting office", "pay day loan shop", or "laundrette" to B1(a).

State Funded Schools

Part 4 Class D: This Class, which allows a change of use from any of A1, A2, A3, A5, B1, D1, D2, "betting office", or "pay day loan shop" to a temporary "flexible use" (i.e. A1, A2, A3, or B1) for a single continuous period of up to 2 years. This Class is however amended to include uses in Class D(a), (d), (e), (f) and (g), And, to increase the period of time to 3 years.

Important Lessons Learned

Be clear on the starting use -
Get a Planning Permission or a
Certificate of Lawful Use if
unclear

Know the Rules - Read the
GPDO and look for the
differences

Watch the Clock - Max of 56
Days, the Council will not tell
you when their time is up and
they are not allowed to extend
it!!!



The Future of PD Summer 2020

**Airspace above commercial
buildings**

**Airspace above purpose built
blocks of flats**

**Demolition of Commercial and
rebuild as residential**

Questions?

Get in touch



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