
SURREY PROPERTY EXCHANGE – PLANNING CLINIC

PLANNING SYSTEM - LEGISLATION UPDATE

BY

JAMES HUTCHISON BA MA MRTPI

13 July 2020



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

New Permitted Development Legislation :

Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

- *An additional two storeys to comprise of dwelling houses above the existing topmost residential storey on a building which is a purpose built, detached block of flats (including some facilitating works)*
- *Into the relevant sections of the existing GDPO permitted changes of use, the insertion of the wording:

“the provision of adequate natural light in all habitable rooms of the dwelling houses.”*
- *The requirement for a fee to be paid to the LPA for a larger rear extension*
- *A significant number of minor alterations to existing permitted development legislation*

Comes into force on 01 August 2020



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

New PD Legislation cont:

Class A, Part 20, Schedule 2 of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

Does not apply if:

- *The building is **less than 3 storeys** above ground level*
- *The building was constructed **before 01 July 1948 or after 05 March 2018***
- *The additional storeys are constructed **not on the principal part of the building***
- *Where the floor to ceiling heights are larger than those in the existing building, they **do not exceed 3m***
- *The new dwelling houses are **not flats***
- *The development **extends beyond the curtilage***
- *The development is **forward of the principal elevation or side elevation fronting a highway***
- *The building is within a **designated area** (e.g. conservation area), the building is listed or within the curtilage of a listed building, within a safety hazard area or military explosives storage area, or **within 3km of the perimeter of an aerodrome***



RTPI

Chartered Town Planner

Corbil 
Estates & Planning Ltd

PLANNING SYSTEM: LEGISLATION UPDATE

New PD Legislation cont:

Class A, Part 20, Schedule 2 of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

Prior Approval required for the following:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwelling houses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012([1](#)) issued by the Secretary of State



RTPI

Chartered Town Planner

Corbil 
Estates & Planning Ltd

PLANNING SYSTEM: LEGISLATION UPDATE

New PD Legislation cont:

Class A, Part 20, Schedule 2 of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

Benefits:

- *If everything complies with the relevant criteria, and there is little impact from the additional units / floors, then this could be a quick and effective means by which to secure consent for what is sometimes a problematic and sensitive form of development*
- *The resultant development would be free from having to comply with floor space standards and outside amenity standards*
- *The development could not be subject to s.106 obligations including the payment of affordable housing and other LPA generated requests for contributions (CIL would still be payable though)*



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

New PD Legislation cont:

Class A, Part 20, Schedule 2 of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

Draw-Backs:

- *Very limited application to a select few buildings and circumstances*
- *Even where the PD rights will apply, the prior approval process encapsulates matters such as external appearance and neighbouring amenity, all of which are subject to separate consideration just the same way as they would be under any full planning application – what is the difference?*
- *There are a number of consultations that the prior approval would be subject to and without a default approval date in place (such as under some current PD rights), the process could be no shorter or quicker than a full planning application*
- *Planning fees are still applicable and CIL is still payable*



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

New Fees Legislation :

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

Draw-Backs:

- *Introduces a fee of £ 334.00 per unit for Class A, Part 20 prior approval applications*
- *Introduces a 'free-go' for the second application under Class A, Part 20 where one is made within 12 months of the former refusal or withdrawal*



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

New 'Extension of Time Limit' Legislation :

Section 93A of the Town and Country Planning Act 1990

Extension of Time-Limits on Planning Permissions

- *Permissions which were going to expire from '28 days prior to Royal Assent' to 31 December 2020 are extended until 01 April 2021*
- *Also, permissions which expired between 23 March 2020 and '28 days prior to Royal Assent' are extended until 01 April 2021*

To be agreed in writing with the relevant Local Planning Authority



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

Future 'Permitted Development' Planning Legislation:

The "Build, Build, Build" Announcements of 30 June 2020

- *A wider relaxation of planning for commercial property to change use without planning permission*
- *A wider relaxation of retail units to change to cafes, offices, and other wider land uses*
- *A permitted development right to demolish and replace vacant residential and commercial buildings with new homes*
- *Extending Class A, Part 20 to other building types (subject to prior approval)*

All scheduled to come into force by September 2020

Also:

- *Wider policy paper to be commissioned into deeper and more radical changes to the planning system*
- *New funding for brownfield development and affordable housing*
- *A study into how best to manage land in public ownership*



RTPI

Chartered Town Planner

Corbil 
Estates & Planning Ltd

PLANNING SYSTEM: LEGISLATION UPDATE

The 2018-based ONS household forecasts:

The 2018-based ONS Household forecasts were published last week and these showed a slow-down in household growth in England over the next 25 years. This compounds a similar forecast in the 2016 based projections as follows:

2018:

16% increase from 2018 to 2043

2016:

17% increase from 2016 to 2041

The government's pro-housing policies, including the methodology for calculating housing land supply, is based on a 25% increase over the forecasted 25 year period.

It is likely therefore that many LPAs may now give greater weight to the emerging trend in the last two ONS forecasts, to the effect of undermining government housing policy.



RTPI

Chartered Town Planner

This is particularly in London and the South-East where the slow down in household formations is projected to be hardest hit.

Corbil 
Estates & Planning Ltd

PLANNING SYSTEM: LEGISLATION UPDATE

DISCLAIMER

The information contained within this presentation was correct at the time that the information was presented

Permitted development legislation and government guidance is subject to frequent review and changes, and there may be high court judgements that set precedents for new interpretations of the relevant legislation.

Your rights to carry out building works under permitted development do not affect other requirements of legislation such as those imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

No action should be taken on the basis of the aforementioned advice contained within this presentation without seeking prior professional advice in respect of your specific property, and at the appropriate time for when you will be looking to make an application and/or carry out works.



RTPI

Chartered Town Planner



PLANNING SYSTEM: LEGISLATION UPDATE

Contact Details:

Contact: James Hutchison

Telephone: 07517 980 401

E-Mail: james.hutchison@corbil.co.uk

Website: www.corbilplanning.co.uk

Office Address: Office 39, Bizspace, Courtwick Lane, Littlehampton, West Sussex, BN17 7TL

