

# Committee Report

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| <b>Body:</b>              | PLANNING COMMITTEE   |
| <b>Date:</b>              | Tuesday 21 <sup>st</sup> May 2013  |
| <b>Subject:</b>           | EXTENSION OF PERMITTED DEVELOPMENT RIGHTS  |
| <b>Report Of:</b>         | Lawyer to the Council  |
| <b>Ward(s)</b>            | All  |
| <b>Purpose</b>            | Information of Members   |
| <b>Recommendation(s):</b> | For Noting   |
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## 1.0 INTRODUCTION

- 1.1 On 9<sup>th</sup> May 2013 the Government announced that extensive amendments to the General Permitted Development Order were being laid before Parliament. The amendments will come into force on 30<sup>th</sup> May.
- 1.2 The provisions cover several significant areas of Permitted Development such as house extensions and changes of use. The main changes in each category are set out below.

## 2.0 CHANGES OF USE- OFFICE to RESIDENTIAL

- 2.1 There will be a general right to convert offices to residential use.

When this proposal was originally announced for consultation the Government invited authorities to apply for exemptions for areas considered to require special protection on commercial and other grounds. This Council applied for an exemption along with many other authorities. In the event only 17 authorities will benefit from an exemption; 11 of these are London Boroughs. Eastbourne's application was unsuccessful.

## 3.0 FLEXIBILITY WITHIN USE CLASSES

- 3.1 Buildings classified within use classes A1 (Retail) A2 (Financial Services) A3 (Restaurant /Café) A4 (Pub) A5 (Hot Food Take Away) B1 (Office) and D2 (Assembly and Leisure) will benefit from a temporary change of use for up to

2 years to A1, A2, A3 or B1. This relaxation is intended to create flexible accommodation for new and start-up businesses and to allow other businesses to adapt swiftly to changing conditions.

#### **4.0 CHANGE OF USE- INDUSTRIAL to STORAGE/DISTRIBUTION**

4.1 In order to provide more flexibility and growth in the business sector existing floor area limits for changes of uses from B1 (Office/Light Industrial) and B2 (General Industrial) to B8 (Storage/Distribution) are extended. The limit on floor area within the relaxation is increased from 235 sq. m to 500 sq. m.

#### **5.0 BUILDING EXTENSIONS**

5.1 For a 3 year period there will be a increase in the size limit for rear extensions to houses and business premises. For detached houses the increase is from 4 to 8 metres. For other houses the increase is from 3 to 6 m. For business premises the area limit is increased to 100 sq. m. and extensions can be built up to the property's boundary.

5.2 In order to protect the amenities of neighbouring properties there will be what the Government describes as a 'light touch' consultation procedure. It is understood that this will be in the form of a 28 day period for the receipt of objections following which, if no objections are received, consent will automatically be granted. In the event of objections being received the authority would have to decide whether the impact of the extension on neighbours' amenity is acceptable.

#### **6.0 SCHOOLS**

6.1 To assist the development of free schools and also to create more flexibility, properties within use classes B1 (Offices) C1 (Hotels) C2 (Residential Institutions) and D2 (Assembly/Leisure) can change permanently to a state funded school subject to prior approval of highway/transport impacts and noise. There is also a new connected right for ANY property to be used as a state funded school for one academic year.

#### **7.0 RESOURCE AND FINANCIAL IMPLICATIONS**

7.1 The potential staffing financial and resource implications for the Council are likely to be:

- A reduction in applications and associated fee income
- An increase in enquiries for information on the new provisions
- An increase in administrative work from implementing the new prior notification procedures

The overall effect will become clearer later in the year once the provisions have been in place for 3-4 months.

#### **8.0 HUMAN RIGHTS**

- 8.1 The significant relaxation of the limits on House Extensions could give rise to the additional engagement of Article 1 of Protocol 1 (Peaceful Enjoyment of Possessions) and Article 8 (Right of Privacy) of the Human Rights Convention.
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**VICTORIA SIMPSON  
LAWYER TO THE COUNCIL**

**Background Papers:**

The Background Papers used in compiling this report were as follows:

Information Bulletin from Department for Communities and Local Government Re. Extending Permitted Development Rights for Home Owners and Businesses – 9th May, 2013.