



Changes to Householder Permitted Development Rights

The **Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Regulations 2008** came into force on **1 October 2008**.

The amendments follow a long period of consultation by the Government and centre on what is considered to be 'permitted development' (PD) for householders.

PD rights enable certain development to be undertaken (provided the development complies with certain criteria) without the need to obtain express planning permission from the local planning authority.

The PD regime has long been criticised for being complicated to understand and hindering householders from undertaking simple development. The Government therefore began consulting on amendments to the regime in May 2007

The Order substitutes a new Part 1 of Schedule 2 to the General Permitted Development Order which confers permitted development rights for certain categories of development within the curtilage of a dwellinghouse. The new classes of Part 1 are:

- Class A - the enlargement, improvement or alteration of a dwellinghouse
- Class B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof
- Class C - any other alteration to the roof a dwellinghouse
- Class D – the erection or construction of a porch
- Class E - the provision within the curtilage of any building, enclosure, pool or container
- Class F - the provision within the curtilage of a hard surface
- Class G - the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- Class H - the installation, alteration or replacement of a microwave antenna

The majority of the classes have been amended, for example greater control has been imposed in respect of the provision of hard surfaces within the

curtilage in an attempt to overcome flood risk, although classes D and H remain unchanged from the previous version. Class G is entirely new.

The 1995 Order also provides further restrictions on PD rights within certain areas which, due to their special status, require additional protection. The 2008 Order adds World Heritage Sites (WHS) to the list of such sites thereby restricting permitted development rights for certain types of development which can have a detrimental effect on WHS. This amendment has the effect of equating WHS with other protected areas such as National Parks and Areas of Outstanding Natural Beauty.

Whilst the Government's professed aim of the amended Order was to make life easier for householders to improve their homes, concerns have already been expressed by local authorities and planning consultants and solicitors as to the proper interpretation of the Order in the absence of certain express definitions. It would therefore be prudent for anyone considering undertaking development in reliance on PD rights to obtain a Certificate of Lawfulness of Proposed Development from their local planning authority before undertaking any works.

Further Information

For further information on this topic or any local government law related matter please contact:

Louise Humphreys on **01252 617119** or email **louise.humphreys@peytolaw.com**

This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.