
Planning Update: Changes to Permitted Development (PD) and other legislation

Coronavirus Regulations 2020

Key changes include:

- Two storeys upwards extensions to flats
 - New Part 20, Class A of General Permitted Development Order (GPDO)
 - Up to 2 storeys upwards extensions to flats
 - Freestanding
 - Purpose built flats
 - At least 3 storeys
 - Built 1 July 1948- 5 March 2018
 - Increase no more than 7m
 - No higher than 30m in total
 - Must comply with Building Regulations
 - Not in Conservation Areas
 - Not on Listed Buildings
 - Cannot seek affordable housing
 - Requires prior approval subject to public consultation



- Consider natural light under Prior Approval
 - Following concern about sub-standard housing through PD process, consideration of natural light has been added to the criteria under existing prior approval processes
- Local authority PD Rights
 - able to hold a market in response to Coronavirus situation

Read the legislation

[Coronavirus Regulations 2020](#)

Amendment to GPDO No. 2

Key changes include:

- Upwards extensions to houses and other buildings
 - Up to two storeys upwards
 - Applies to mixed use as well as houses
 - Can be detached or terraced
 - Built 1 July 1948 - 29 October 2018
 - Not in Conservation Areas
 - Not on Listed Buildings
 - No higher than 18 metres
 - Definition of existing storey does not include rooms in the roofspace or below ground level
 - In a terrace its height cannot be more than 3.5 metres higher than the next tallest house in the terrace
 - To prevent overlooking, a window cannot be installed in a wall or roof slope of a side elevation of an additional storey built under this right
 - Cannot seek affordable housing
 - Requires prior approval subject to public consultation



Under prior approval we can consider the following matters:

- Amenity of neighbours – Overlooking/Privacy/Overshadowing
- Design - architectural features of the principal elevation / any side elevation which fronts a highway
- Part 1
 - Class AA: Up to two extra storeys on an existing dwellinghouse comprising two storeys or more, or one extra storey on a bungalow.
- Part 20
 - Class AA: Up to two extra storeys of flats immediately above existing premises that are not less than three storeys in height used within Use Classes A1, A2, A3, B1(a), betting office, launderette, or mixed use as a dwellinghouse or dwellinghouses (Class C3) together with one of those uses. (old use classes continue to apply)
 - Class AB: Construction of up to two extra storeys of flats on an existing terrace building of two or more storeys, used in the same way as described above, or one extra storey on such a building that currently comprises only one storey.
 - Class AC: Construction of up to two extra storeys of flats above a single C3 dwellinghouse of two or more storeys in a terrace, or one extra storey on such a dwellinghouse that currently comprises only one storey in a terrace.
 - Class AD: Construction of up to two extra storeys of [an unspecified number of] flats above a single detached C3 dwellinghouse of two or more storeys, or one extra storey on such a dwellinghouse that currently comprises only one storey

Read the legislation

[Amendment to GPDO No. 2](#)

Amendment to GPDO No. 3

Key changes include:

- New Class ZA introduces an ability for certain buildings to be demolished and replaced with housing under Permitted Development
 - o Free-standing properties
 - o Vacant for at least six months
 - o Existing uses – office, Research & Development, industrial or flats
 - o Built before 1 January 1990
 - o Limited to the footprint of existing structure
 - o Must not exceed 1000sqm
 - o Up to seven metres higher, two extra storeys
 - o Max height of 18m
 - o Does not apply in Conservation Areas or listed buildings
 - o Construction management plan required
 - o Must comply with building regulations
 - o Cannot seek affordable housing
 - o Prior approval subject to public consultation



Under prior approval we can consider the following matters:

- the transport and highways impacts,
- contamination and flooding risks,
- the impact of noise on the future residents,
- design and external appearance of the new building,
- the adequacy of natural light in all habitable rooms of each new dwellinghouse,
- the impact of the introduction of residential use into an area,
- the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light.

Read the legislation

[Amendment to GPDO No. 3](#)

Changes to Use Classes Order

The aim is to help bring about the recovery of our high streets by giving businesses an incredible amount of flexibility to change between uses without the need for planning permission. Key changes include revoking many of the existing Use Classes and creating new Use Classes:

- Class E - A new 'Commercial, Business and Service' Use Class where the use is principally to visiting members of the public
- Class F1 – A new "Learning and Non-Residential Institutions" Use Class which will include a number of D1 and D2 uses

- Class F2 – A new “Local Community” Use Class which will include some A1 and D2 uses
- Sui generis - The list of uses which cannot be included in any specified use in a Use Class (known as “sui generis”) is expanded which means that they need planning permission to change use.

Existing permitted development rights will remain in effect until 31 July 2021

[See the changes to Use Classes on the Planning Portal](#)

[See changes of use that do not require planning permission](#)

Read the legislation

[Amendment to GPDO No. 3](#)

Business and Planning Act 2020

Key changes include:

- Appeals can be mix of procedures
 - written, hearing and inquiry – to provide greater flexibility and speed up decisions
- Pavement licensing
 - To allow food and drink to be served outside, temporary no longer than 30 September 2021. Environmental Health co-ordinating. Only 7 days to determine.
- Construction site working hours
 - Fast-track process to temporarily vary conditions on working hours. 14 days to respond, otherwise deemed approval.
- Extended Permissions
 - Unimplemented permissions extended to 1 May 2021
 - Applies to permission which expire between 23 March (start of lockdown) and 31 December 2020
 - Expiry 23 March - 19 August 20
 - Subject to Additional Environmental Approval being granted.
 - Any change to EIA or HRA
 - 28 days to confirm, otherwise deemed approval
 - Expiry 19 August – 31 December 20
 - No need to apply or send new decision notice

Read the legislation

[Business and Planning Act 2020](#)