

**Changes to the Planning System**  
Report by Head of Development Management

**Summary:** This report outlines proposed changes to the planning system, including changes to the permitted development rights regime.

**Recommendation:** That the report be noted.

## **1 Introduction**

- 1.1 As part of its modernisation agenda for the planning system and in order to promote economic recovery, the Government has consulted on various changes to the planning system. Some of these consultations are very specific, and some rather more general. The overall scale of change proposed is significant and the speed and frequency of announcement is high.
- 1.2 Of the proposed changes, not all are applicable to the Broads because it, together with the other National Parks, is often exempted due to its value as a protected landscape. This applies, for example, with the proposed changes to householder permitted development rights to allow householders to construct extensions of up to 8 metres in depth without the need for planning permission.
- 1.3 The announcements of proposed changes to the planning system are detailed on the website of the Communities and Local Government department (CLG) website at [www.gov.uk/government/organisations/departments-for-communities-and-local-government](http://www.gov.uk/government/organisations/departments-for-communities-and-local-government).
- 1.4 The purpose of this report is to bring to the attention of members some of the recent proposals and announcements.

## **2 Proposed Changes and Announcements**

- 2.1 On 31 January 2013 the Government launched the Red Tape Challenge covering planning administration. The purpose of this is to review and remove what are considered to be unnecessary technical regulations that are no longer needed. It is proposed that as a consequence of the review around 100 small housing and construction regulations will be removed or amended to make sensible changes to regulatory burdens.
- 2.2 The consultation covers four areas relating to planning – planning procedure, planning infrastructure and major projects, planning authorities and local

planning. It identifies the relevant regulations relating to each area and in respect of these asks:

Please tell us what you think should happen to these regulations and why, being specific where possible:

- Could their purpose be achieved in a non-regulatory way (eg through a voluntary code)? How?
- Could they be reformed, simplified or merged? How?
- Can we reduce their bureaucracy through better implementation? How?
- Can we make their enforcement less burdensome? How?
- Should we scrap them or leave them as they are? Which?

2.3 The range of Regulations covered by the review is extensive, including as follows:

- Planning Procedure: Compulsory Purchase procedures, procedures for dealing with Enforcement Appeals, Environmental Impact Assessment Regulations 2011, Ecclesiastical Exemption Orders and various Listed Building Orders.
- Planning Infrastructure and major projects: Regulations covering applications for nationally significant Infrastructure projects.
- Planning Authorities: Regulations covering the identification of 'County matter' applications, various regulations with a specific geographic focus, including Urban Development Corporations.
- Local Planning: Regulations covering plans making, including Neighbourhood Planning, and the Environmental Impact Assessment of plans Regulations.

2.4 Doubtless amongst the various documents identified for review there are many which are out of date or have otherwise been superseded, so there is some in principle support for a review. As with the Taylor report, however, the success of the review will depend on the detail and there is concern that useful regulation will be lost. It is also noted that some of the documents listed derive from European Directives and will be difficult to remove or amend.

2.5 The scale of the consultation is challenging, however there are potentially important issues within it. In recognition of this, ENPAA is preparing a response on behalf of the National Park family and will be responding on a document by document basis. This is welcomed.

2.6 On 24 January 2013 the Government announced its plans to extend permitted development rights to allow offices to be converted to residential use. The rights would be subject to a prior approval process covering significant transport and highway impacts, plus flood risk and land contamination. The

changes would apply for three years in the first instance with a review planned towards the end of the period and a decision made on whether to extend the right indefinitely. There is a provision within the regulations for an authority to seek an exemption to the permitted development rights to convert offices into homes if there are justified economic grounds. The Secretary of State will only grant an exemption in exceptional circumstances where it is demonstrated that this would lead to the loss of a nationally significant area of economic activity or there would be substantial adverse economic consequences which would not be offset by the positive benefits of the new rights.

- 2.7 At the same time, the Government also announced its plans to extend permitted development rights to allow buildings no longer suitable or needed for agricultural use to be converted to other uses which have an economic benefit in rural areas (for example shops, restaurants, small hotels and leisure facilities and offices) and for the conversion of town centre buildings to other uses including shops, offices, business start-ups and community projects. These changes would apply for a period of two years.
- 2.8 The proposed changes to permitted development rights, particularly those relating to offices to residential, have the potential to have a significant effect on a number of areas, both rural and urban. The provision for exemption is welcomed. Looking at the implications of the new rights for the Broads, however, it is not considered that the impacts will be especially significant. This is partly because the nature of the boundary is such that there are not large areas of office development, whilst existing office development is usually associated with another commercial operation – for example a boatyard or a holiday development – and would be treated as within that use class, meaning that it would not benefit from those new permitted development rights. On this basis, it is considered that there is no need to seek an exemption.
- 2.9 The proposed changes to allow the conversion of agricultural buildings is potentially more significant, however there is no provision for an exemption from this change.
- 2.10 On 3 January 2013 the Regional Spatial Strategy (RSS) for the East of England was abolished. This removes the centrally set targets for growth, including housing, and allows for these to be set locally.
- 2.11 Finally, on 10 January 2013, as part of his ‘Housing the Next Generation’ speech the Planning Minister, Nick Boles announced as an incentive to encourage communities to accept development, that neighbourhoods which accept new development will receive 15% of the Community Infrastructure Levy (CIL) charged in that area. In addition, where a community draws up a neighbourhood plan and has it approved by local people in a referendum it will receive 25% of the CIL revenues with no upper limit. The Government’s commitment to neighbourhood planning is noted. Currently, within the Broads, only Strumpshaw is preparing a Neighbourhood Plan.

### **3 Conclusion**

- 3.1 The scale and speed of change to the planning system is extensive. Members will continue to be appraised of the changes and the implications for the Broads as they are announced.

Background papers: Communities and Local Government website  
[www.gov.uk/government/organisations/department-for-communities-and-local-government](http://www.gov.uk/government/organisations/department-for-communities-and-local-government)  
<http://www.redtapechallenge.cabinetoffice.gov.uk/planning-procedure/>

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Appendices: None