



Department for  
Communities and  
Local Government

## Response Form

### Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

#### **How to respond:**

**The closing date for responses is 5pm, 24 December 2012.**

This response form is saved separately on the DCLG website.

Responses should be sent to: [PlanningImprovements@communities.gsi.gov.uk](mailto:PlanningImprovements@communities.gsi.gov.uk)

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

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## About you

i) Your details:

Name:	Charles Wagner
Position:	Head of Planning and Urban Advice
Name of organisation (if applicable):	English Heritage
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**ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational response

Personal views

**iii) Please tick the box which best describes you or your organisation:**

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish/community council

Non-Departmental Public Body

Planner

Professional trade association

Land owner

Private developer/house builder

Developer association

Residents association

- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?  
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	Responding formally on behalf of English Heritage
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**Would you be happy for us to contact you again in relation to this questionnaire?**

Yes  No

**ii) Questions**

Please refer to the relevant parts of the consultation document for narrative relating to each question.

**Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?**

Yes  No

## Comments

Whilst we do not object to the principle of the proposed changes, we believe there is an issue with the estimated 80,000 sites of non-designated archaeology of national importance that have been identified but not formally designated because presently they are protected under the planning system and NPPF Paras 135 & 139. If planning permission is sought, excavation can be covered under planning conditions requiring an archaeological watching brief. We have concerns that the larger extensions will require more extensive and deeper foundations than the small extensions allowed under permitted development at present.

The areas that cause particular concern are Roman suburbs and cemeteries and also Saxon cemeteries, which were located well outside the historic core of settlements, but have been subsequently built over in modern times, and so are unlikely to be under protected areas such as conservation areas.

The proper treatment of human remains could become an issue without the trigger of a planning application to alert the local authority archaeological specialists to the development proposals.

There is no one obvious way of dealing with this issue and we would welcome discussion with DCLG and DCMS to see if there was a way of dealing with this issue.

One way, if these sites and their boundaries are identifiable, would be to have them included as Areas of Archaeological Interest on the Local Plan proposals map and for the local planning authority to apply Article 4 Directions to the properties within the identified area to remove extended permitted development.

### **Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?**

Yes  No

## Comments

We have no comments

### **Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

Comments

The same comments as made for Question 1 apply to this question

**Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?**

Yes  No

Comments

The exception should be extended from just residential to “where the boundary is with a residential property and/or a designated heritage asset (as defined in the NPPF)”  
This would help ensure the maintained protection of the setting of and fabric of any listed building and scheduled monument immediately adjacent, in accordance with policies in the NPPF paras 129, 131-135

**Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

Comments

The same comments as made for Question 1 apply to this question

**Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m<sup>2</sup> should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

Comments

The same comments as made for Question 1 apply to this question

**Question 7: Do you agree these permitted development rights should be in place for a period of three years?**

Yes  No

Comments

We support the proposal for these extended permitted development rights to be in place for a set period. We would recommend that a review of the impact be undertaken after two years. This would then supply the evidence on which the Government could then determine whether the extended rights had been a success and had not caused significant environmental damage that would have been avoided had the rights not been changed.

**Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?**

Yes  No

Comments

We agree that this would reduce future disputes as to whether works had been completed within the three year period.

**Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?**

Yes  No

Comments

Yes, we support definition of protected areas being Article 1(5) land and SSSIs in paragraph 34. We support this exclusion on the grounds that it is important to use planning permission for larger extensions to ensure that the tenets of the NPPF are met and that the development is sustainable in terms of protection of the natural and historic environment as well as achieving social and economic goals.

**Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?**

Yes  No

Comments

We are concerned with the proposals to withdraw the requirement of prior approval for communications fixed installations in Article 1(5) land for a period of five years. We support the programme of installation of a high speed Broadband network throughout England, but we believe that it can be achieved without reducing the safeguards introduced in 2001 to ensure that communications equipment was installed sensitively in areas of environmental sensitivity as defined by Article 1 (5) land. This could be done by streamlining the Prior Approval system to just allow negotiation on the most sensitive sites in any local authority area.

If prior approval is removed and good practice guidance introduced, this needs to be signed up to by operators, their contractors and local authorities. It also needs to be linked to the Electronic Communications Code so that the performance of the operators can be monitored by OFCOM.

Given that the timetable for the delivery of Superfast Broadband is the end of 2013, we believe that a three year period of removal of prior approval should be applied. This would coincide with the time period of Extended Permitted Development.

During the three years a review of the impact of the removal and use of the good practice approach could be undertaken to see if the time period should be extended.

**Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)**

Yes  No

Comments

The case for the removal of prior approval in Article 1 (5) land is not made in terms of the benefit of the broadband equipment being installed without delay outweighing the potential damage to the natural and historic environment as envisaged by the NPPF. Nowhere in *Delivery of Superfast Broadband* paragraphs 35-39, or in *Benefits and Impacts from our proposals* paragraphs 40-43, or the Impact Assessment is the effect on the environment mentioned. In the Impact Assessment the Cost-Benefit analysis sets out the costs of a prior approval application without assessing what the prior approval system delivers in terms of ensuring that communications equipment is installed to minimise the impact on the environment. There is research available from the Scottish Executive published in 2004 assessing the effects of the removal of permitted development rights for telecommunications development.

**Thank you for your comments.**



If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

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