

**REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER -
STEERING GROUP MEETING 10 am THURSDAY 15 DECEMBER 2005**

Venue: Rm 2H-55, Victoria Quay

In Attendance:

Miranda Marshall, City of Glasgow Council
Brian Stalker, East Lothian Council
Mark Wrightham, Scottish Natural Heritage
Hugh Crawford, Royal Incorporation of Architects in Scotland
Lily Linge, Historic Scotland
Jonathan Astwood, Scottish Building Standards Agency

Alan Prior, Heriot Watt University
Andrew Walters, Scott Wilson
Neil Collar, Brodies LLP

Sally Thomas, Scottish Executive Environment & Rural Affairs Department
Tim Barraclough, Scottish Executive Development Department
Alan Cameron, SEDD

Agenda:

10.00 - Welcome and Introductions. Introductory comments on the context and broad aims of the research project – **Alan Cameron**

10.15 – Outline of Approach to the Research – **Alan Prior**

10.45 – General questions on the project – Focussed nature of the project
New PDR e.g. microrenewables
Workshops
Options testing

11.30 – Coffee

11.45 – Householder Developments – Issues
Workshop
Survey of PD inquiries to planning authorities

12.30 – AOB and Date for next meeting

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER (GPDO) - STEERING GROUP

NOTE OF MEETING THURSDAY 15 DECEMBER 2005

Present: Miranda Marshall, City of Glasgow Council
Brian Stalker, East Lothian Council
Mark Wrightham, Scottish Natural Heritage
Hugh Crawford, Royal Incorporation of Architects in Scotland
Lily Linge, Historic Scotland
Jonathon Astwood, Scottish Building Standards Agency (SBSA)

Alan Prior, Heriot Watt University
Andrew Walters, Scott Wilson

Sally Thomas, Scottish Executive Environment & Rural Affairs Department
Tim Barraclough, Scottish Executive Development Department (SEDD)
Alan Cameron, SEDD
Tom Muir, SEDD

Apologies: Neil Collar, Brodies LLP
John McNairney, SEDD

1. Introduction

AC set out position re the finalised general and householder questionnaires. The general questionnaire is ready to issue. Comments from JA at SBSA are still to be fed into Option 4 of the householder questionnaire and it was indicated that this would be discussed separately at the end of the meeting.

TB gave a summary of the forthcoming modernisation proposals for the planning system, illustrating, in particular, how the review of the GPDO fits with planning hierarchy proposals and the associated need to reduce the number of “minor” applications being dealt with by planning authorities. It was made clear that permitted development is an issue that MSPs feel strongly about.

The rough timetable for the Bill was then set out: introduction pre-Christmas 2005, Stage 1 evidence gathering January-Easter 2006, Stage 1 debate April-May 2006, Stage 2 considerations pre and post Summer recess and Royal Assent for the Bill by the end of 2006. Again it was stressed that the review would need to provide robust reasoning to support the Bill and associated proposals through this process. It was clarified that the review of the GPDO was not simply about extending permitted development rights and that consideration would also be given to areas where rights should be “reined in”.

On the issue of the structure and format of the new GPDO it was made clear that this would be dependent on the outcome of the review, though in general terms the new GPDO should be clearer and easier to use.

2. Research Approach

AP outlined the approach to be taken by the research team. The first step will be to distribute both the general and householder questionnaires before Christmas, with responses due on both by 31 January 2006. Work which fed into the questionnaire design, including a review of previous work in the field, case law and related literature, is to be submitted shortly to AC.

In terms of the 31 January deadline, some concern was raised that this would not leave sufficient time for Local Authorities and Community Councils, in particular, to give a full response. It was explained that whilst there may be some flexibility with the general questionnaire, this could not be the case for the householder questionnaire, as the report on householder permitted development rights (PDRs) has a deadline of April 2006. To try and encourage a prompt response, steering group members were asked to go back to their contacts and flag up the questionnaires and the need for a swift response. It was noted that a letter from the Chief Planner would accompany the questionnaires and letters. JA asked for a copy of this letter to inform discussions with building control contacts at local authority level.

Once the responses have been collated for the householder questionnaire, there will be a workshop and a pulling together of related ODPM work. Based on this information the research team will prepare and run a paper/presentation past the steering group to inform preparations for their draft report. The final report is to be produced by April 2006.

Work on the results for the general questionnaire will be ongoing and will include a series of workshops and case studies. A selection of around thirty case studies on a range of issues (including Article 4 directions and prior notification) will be put in front of the steering group for comment to aid the selection of an appropriate mix of case studies for the final report. AP asked for information from the SE database on Article 4 directions, he needs to know, as a starting point, how many Article 4 directions there are in force and where. From this starting point AP will be able to consider appropriate case studies.

On the issue of targeted questionnaires it was indicated that these had been rejected in favour of the general questionnaire. It will be made clear to respondents that if they have views on certain issues and not others, then they need only fill in the relevant sections.

ACTION: AP to send AC research work completed prior to questionnaire design.

ACTION: AC to circulate electronic copy of questionnaires to Steering Group Members.

ACTION: AC to send JA copy of Jim Mackinnon letter.

ACTION: AC to send across information from Article 4 Database to AP.

3. Discussion of Research Approach

Having had the research approach outlined by AP, steering group members went on to discuss the following issues:

- HC asked if the research would include a look at other European Countries' practice. AP highlighted that the system of permitted development rights is not practiced elsewhere in Europe (outside UK & Ireland), but that a look at European mediation models may be included (as in ODPM research).
- Some concern was raised over how the public could be engaged fully in the review. Difficulties discussed of getting across the importance of the review to the general public, who still generally only consider the planning system when making their own application or when affected by a neighbour's.
- The importance of producing a clear and robust set of regulations was raised repeatedly. It was emphasised that the public would appreciate a user-friendly guide to the GPDO, possibly following the example of Ireland's Planning Design Manual or SBSA's small buildings/conservatory guides. Some concern was raised, however, that this approach could see a replication of design rather than the increase in varied and contemporary design desired by SE.
- The potential for introducing Local Development Orders, increasing PDRs in certain areas, was touched upon. BS suggested there may be problems with such Orders, as the implication may be that one area is perceived as "less important" than others. He favoured the traditional approach of having established PDRs in the GPDO with the potential to remove certain rights in particular areas using Article 4 directions. AP outlined that consideration would be given to the use of Article 4 directions and Local Development Orders in the review.
- There was considerable discussion around the question of "amenity" and the concerns of the public over the effect of PDRs on their "amenity". MM indicated the core issues of concern as being the effect on daylight into housing, sunlight into gardens and loss of privacy. Extending PDRs whilst giving consideration to these issues would be one of the challenges of the review.
- The issue of the extent to which the planning system addresses private as well as public interests and the extent to which the two overlap was raised. The scale and number of householder developments undermine any notion that public concerns about their neighbours developments can easily be dismissed as frivolous. Even something as simple as tarmac can have serious implications for amenity and drainage issues for example. There is also a lot of discussion surrounding human rights legislation in relation to the effect of developments on local people's quality of life.
- The nature of new housing developments and building in rights to extend dwellings was discussed. The use of development plans to set the layouts of estates to prevent the increasing size of houses in smaller garden spaces etc.

- There was a brief discussion around the PDRs granted for Agriculture and Telecommunications where there might be pressure for increased planning controls, which would be controversial within those sectors. The review is not charged with looking at any fundamental review of Telecommunications issues, but would look for any improvements in clarity of the PDR.

- HC indicated his support for Option 6 of the Householder survey. He felt that having “certified verifiers” with a code of conduct would remove some of the burden on Planning Authorities in determining whether or not development constitutes permitted development.

- AP asked for suggestions from steering group members on the stakeholder distribution list. It was indicated that Historic Environment Advisory Council for Scotland (HEACS) should be added to the list.

ACTION: AP to add HEACS to stakeholder distribution list.

ACTION: AC to circulate to members the ODPM review of Householder PDR, once published.

4. Further Meetings

It was agreed that the next meeting of the steering group would be provisionally arranged for the end of February 2006, to review the work of the research team prior to their production of a draft report on the householder review. A meeting in mid-March to discuss the draft was also pencilled in.

5. Post-meeting Discussion

At the post-meeting discussion it was agreed that AP would e-mail a revised version of Option 4 to JA for comment, copying in AC. This would allow completion of the householder questionnaire and distribution by Monday 19 December 2005.

ACTION: AP to send updated Option 4 to JA for comment by 12pm Friday 16 December 2005.

Tom Muir
DD: Planning 1

16 December 2005



SCOTTISH EXECUTIVE

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Our ref: PGH/1/91

December 2005

Dear Sir / Madam

THE REVIEW OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (SCOTLAND) ORDER 1992

The Scottish Executive is involved in a programme of modernisation of the planning system in Scotland. The White Paper: *Modernising the Planning System*, published in June 2005, set out the Executive's proposals in this regard which include a review of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. As part of that review a team led by Professor Alan Prior of Heriot Watt University has been commissioned to carry out research to consider possible changes to permitted development rights and, in particular, how the planning system should deal with householder developments.

The review of permitted development rights and householder developments are key issues in our programme of modernisation. I cannot emphasise enough how important it is, therefore, that you take the time to consider the issues in the enclosed questionnaire and engage fully with this research project. If we are to succeed in developing a planning system that is genuinely fit for purpose it is vital that we modernise the legislation around permitted development so that planning controls are only exercised where they are necessary or appropriate.

Thank you for taking the time to contribute to this exercise.

Yours faithfully

JAMES G MACKINNON
Chief Planner



Review of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992

discussion paper & questionnaire

December 2005

Heriot-Watt University + Brodies LLP + Scott Wilson
REVIEW OF GENERAL PERMITTED DEVELOPMENT ORDER 1992
HOUSEHOLDER DEVELOPMENT

1 Background

1.1 As part of the research on the General Permitted Development Order 1992, the consultants to the Scottish Executive are seeking views on alternative approaches to managing householder developments. This paper outlines some broad options for addressing householder developments within the overall objectives for the research which include:

- I. consider the potential for deregulation in relation to householder developments under Part 1 of Schedule 1 to the GPDO;
- II. explore alternative methods of control that might be applied to those householder developments which may not have permitted development rights, but would not necessarily warrant a full planning application.

1.2 Please complete the short questionnaire at the end and return it:

By mail to: Professor Alan Prior School of the Built Environment Heriot-Watt University Edinburgh EH14 4AS	By fax to: Professor Alan Prior 0131 451 4617	By email attachment to: a.prior@hw.ac.uk
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1.3 Currently, householders wishing to develop their properties must obtain planning permission prior to undertaking development, unless the development is allowed under the General Permitted Development Order.

1.4 The Executive's priorities for modernization of the Scottish planning system include ways by which the burden of householder development applications might be reduced by, amongst other things, 'achieving a better match between permitted

development rights and the aspirations, and obligations of householders'¹. Extension of permitted development rights for householders, or managing householder developments in other ways, must 'also ensure that adequate controls remain to deal with developments which might unduly affect the environment or amenity of the area'². The thrust is therefore to:

- a) differentiate between those types of householder development that usually raise narrow, private interest issues involving neighbour disputes, and those which raise wider public interest issues because they impact on overall residential amenity;
- b) find ways of removing the former from development management without significant detriment to the wider residential amenity.

¹ Review of the General Permitted Development Order, Research Specification, para 5.1.5.

² Op cit

2 Householder development: key issues

What is “householder development” ?

2.1 Householder development can be defined as those developments covered by Part 1 of the GPDO, ie development within the curtilage of a dwellinghouse³, as specified in Schedule 1:

- I. The enlargement, improvement or other alteration of a dwellinghouse;
- II. Any alteration to the roof of a dwellinghouse including the enlargement of a dwellinghouse by way of an addition or alteration to its roof;
- III. The provision within the curtilage⁴ of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration of such a building or enclosure;
- IV. The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse;
- V. The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil or liquefied petroleum gas;
- VI. The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

2.2 And, in relevant circumstances, Class 7⁵:

- VII. The erection, construction, maintenance or alteration of a gate, fence, wall, or other means of enclosure.

Why is it “development” ?

2.3 It is a building operation within the terms of s26(1) of the Town and Country Planning (Scotland) Act 1997.

Why is it an issue for the planning system?

2.4 A principal concern of planning authorities about householder development is its impact on residential amenity. Some of the amenity considerations relate to avoiding negative impacts of householder developments on the outlook, privacy and overshadowing of neighbouring arising from:

³ The definition of a dwelling in Article 2 of the GPDO excludes flatted dwellings. Consequently the permitted development rights contained within Part 1 of the GPDO do not extend to flats.

⁴ Planning legislation does not define ‘curtilage’, but is taken to mean ‘any land or building used for its comfortable enjoyment or serving the purpose of the building in some necessary or reasonable way, although not marked off or enclosed in any way’ (Collar N [1999] Planning, W Green/Sweet and Maxwell, 2nd edition, p72-3) usually comprising the garden ground of a typical dwelling.

⁵ Class 7 developments are not exclusive to householder developments

- a) raising the overall height of a dwelling;
- b) proximity of extensions to common boundaries;
- c) proximity of extensions to public roads and footpaths;
- d) cumulative erosion of local character by poor designs of extensions and other alterations to dwellings;
- e) overdevelopment of the residential curtilage;
- f) development on prominent elevations.

3 Householder development: options

3.1 The following is a discussion of a range of possible options, in principle, to reduce or remove the need for an application for planning permission for householder development. It should be emphasised that none of these are proposals, but help to define the potential range of alternative arrangements for managing householder development. Each option is considered against the impacts on:

3.2 *development management*: the system whereby planning authorities register, consult on, determine and notify decisions on applications for development permission, and the associated enforcement and appeals systems. A key issue for the system of development management is the annual growth in the number of planning applications submitted for householder development, to the point where such applications comprise more than half of all applications for development permission. Additionally, appeals against refusal of permission for householder developments make up a significant proportion of all planning appeals.

3.3 *environment/amenity*: amenity is hard to define. Thomas⁶ defines it as “quality of pleasantness”; planning law defines what might be injurious to residential amenity by virtue of the impacts of noise, soot, dust, grit, dirt, litter, vibration, smell, fumes, privacy, vehicle movement, and aesthetics/unsightliness. Amenity also infers access to a high quality residential environment, including open space, public views, privacy, car parking.

3.4 *inclusion/participation*: ‘inclusion’ refers to the involvement of groups in society; ‘participation’ to the scope to have a say and influence decisions, by raising relevant planning issues arising from any development. Planning modernisation aims to achieve more effective inclusion and participation by more effective development plan processes. This suggests refocusing public involvement towards policy making and plan shaping, and away from detailed development proposals that already accord with the development plan⁷.

⁶ Thomas K (1997), *Development Control: Principles and Practice*, London, UCL Press Ltd

⁷ ‘We want to see all people in Scotland have their say in the decisions that affect them, irrespective of age, sex, ability or cultural background’. Scottish Executive Development Department (2001) *Getting Involved in Planning*, Consultation paper, p2.

Option 1: extend permitted development rights to all householder development

3.5 This would extend the permitted development rights currently enjoyed under Part 1 of Schedule 1 of the GPDO to all development within the curtilage of a dwellinghouse. This would mean that potentially all alterations, extensions and other building operations within the curtilage of a dwellinghouse, and incidental to its enjoyment, would be granted planning permission. In effect, the existing limitations in Part 1 would be removed.

3.6 In order to ensure safeguards in sensitive environments, such developments could be excluded in specified designated areas, and in proximity to Listed Buildings. There would be scope for planning authorities to claw back a level of control considered appropriate in local contexts by seeking a Direction under Article 4 of the GPDO.

3.7 There may need to be standard conditions or other limitations attached to such a wide ranging planning permission, limiting such developments in relation to: existing roof heights; a proportion of the plot area of the existing dwellinghouse; proximity to common boundaries and to roads and footpaths.

3.8 The positive impact of granting a general planning permission to all householder development would be to reduce significantly the volume of planning applications submitted to planning authorities, thus minimising bureaucracy and reducing burdens on planning authorities, enabling them to focus on more significant developments in the public interest, speeding up the planning process for such developments. There would nevertheless continue to be scope for planning authorities to reduce the level of permitted development rights.

3.9 The negative impact of such an extensive planning permission would be to remove neighbour notification rights and hence ability by neighbours, who deem their amenity to have been adversely affected, to challenge or otherwise influence householder developments. This option therefore gives greater weight to addressing the problems of development management, rather than to social inclusion/participation, or to environment/amenity. However, it would give planning authorities the discretion to increase controls over such developments through Article 4 Directions, or justification in an up to date adopted development plan which had been open to effective public consultation and independent scrutiny at a Public Local Inquiry.

3.10 Therefore the characteristic of this option is full deregulation and minimisation of bureaucracy, but with the scope to claw back a level of planning control as deemed appropriate by planning authorities, and justified in the development plan.

Option 2: grant 'deemed approval' to all householder development

3.11 All householder development would be permitted, as in Option 1, but householders would be required to notify neighbours in advance of the start of building work. In the event of valid objections, the planning authority could require a planning application by "call-in". This option acknowledges that the public interest cannot always be identified in advance. It retains current rights of neighbours to be notified, and to make objections. But it remains the discretion of the planning authority to decide whether to require a planning application.

3.12 Whilst all householder development would be permitted, Article 4 Directions could still be applied to restrict permitted development rights, in areas to be specified in the development plan (and thus could apply outside designated Conservation Areas). In this way, any restriction of householder development rights would have to be justified in an adopted development plan, which had been open to public objection and subject to independent scrutiny at a Public Local Inquiry. The period of any Direction would be contemporaneous with an up to date development plan (ie it would not apply *ad infinitum*, as at present, and would require further justification in a subsequent development plan review).

3.13 This might be a more balanced approach to deregulation/inclusion/amenity. The likely outcome of this option is that the extent of householder freedom from planning control would vary by Council area (and perhaps geographically within a Council area), and could result in an increase in householder developments where planning authorities enthusiastically deployed the power of call-in. This might be offset by national policy guidance in a revised SPP1, or new dedicated policy guidance for householder development.

3.14 Overall, it leaves the planning authority to balance the level of deregulation of householder development in relation to local planning issues and the deployment of planning resources, within a general framework of deregulated householder development. However, in principle, all householder development would have deemed approval, subject to prior neighbour notification and local authority call-in.

Option 3: relax some or all of the existing limitations on householder permitted development

3.15 Under this option, the present limitations and exclusions in Part 1 of Schedule 1 would be relaxed, by raising thresholds to enable a greater proportion of householder development to proceed without the need for a planning application (but not all, as in Options 1 and 2). The impact of this option on development management workloads would require to be assessed through research. Subject to availability of data, variations in development thresholds could be modelled to determine how far PD thresholds would have to be modified to deliver a given percentage reduction in householder development applications (for example: floor area maxima could be increased from 20% to 40% of the original dwelling, up to 50 sq m (rather than the current 30 sq m); proximity of any extension to a road could be reduced from 20m to 10m; total curtilage cover could be increased from 30% to 50%).

3.16 The positive impact of this option would be to extend permitted development rights and reduce the number of planning applications, but not for all householder developments. It acknowledges the risks inherent in Option 1, and to some extent in Option 2 (which leaves to the discretion of the planning authority whether to call in a proposed householder development). The negative impact would be the reduction in neighbour notification rights and the potential consequences for local residential amenity. There could be scope for local extension of householder development rights

through Local Development Orders⁸, promoted by the planning authority, following justification in the development plan.

3.17 Overall, it would be a cautious, pragmatic solution to reducing the number of applications by raising some of the current thresholds for permitted development, and allowing local authorities to extend further PD rights in accordance with the development plan.

Option 4: bring planning permission for householder development in line with building regulations

3.18 The attraction of this option is the scope to offer the applicant a one-stop-shop for small works. The Building Regulations are enforced through the building standards system established by the Building (Scotland) Act 2003. The system is designed to ensure that new 'buildings' and 'works' achieve the objectives of the Act for health, safety, welfare, convenience, conservation of fuel and power, and sustainable development. The duty to comply with the regulations lies with the owner for the work. Before work begins, a building warrant must be obtained. For simpler works, a warrant is not required, but the regulations still apply. The role of issuing warrants and accepting completion certificates (certifying that the works have been constructed in accordance with the warrant and the regulations) rests with 'verifiers', enforcement is by local authorities, and the system is overseen by the Building Standards Agency, which answers directly to Ministers. Verification does not absolve the owner from the responsibility of ensuring that the required quality of work has been achieved.

3.19 The system is based on functional standards, backed up by detailed guidance (in Technical Handbooks) to provide a flexible system of control. The need for a formal relaxation of standards (as under the superseded Regulations) is reduced because meeting the full details of given solutions is no longer mandatory. The professional judgement of the verifier, assisted by guidance, decides whether a standard is met.

3.20 Regulation 3 and Schedule 1 set out what buildings and work are *exempted* from the building regulations. This includes buildings or works with so small an impact on the public interest that there is no need to seek to enforce the regulations. In relation to householder development, this includes buildings ancillary to dwellings such as:

- (i) A detached single story building ancillary to and within the curtilage of a house, but not exceeding 8 sq m in area, at least 1 m from a boundary of a house, and not containing a flue, fixed combustion appliance or sanitary fitting, nor comprising a wall or fence;
- (ii) a porch or conservatory, but with the same limitations as for 1;
- (iii) a greenhouse, car port or covered area, not exceeding 30 sq m in area, and other limitations as for 1 and 2
- (iv) a paved or hardstanding area not exceeding 200 sq m in area, or forming part of an access.

⁸ LDOs would provide local authorities with power to extend the PD rights granted in a General Development Order, and thereby an additional degree of local flexibility to the present power only to restrict national PD rights through an Article 4 Direction approved centrally.

3.21 Regulation 5 and Schedule 3 specify what work can be done without the need for a warrant, including:

- (i) any work to or in a house, unless increasing the floor area, demolition or alteration of a roof, external walls or structural elements, or separating wall, or specific types of work to a house having a storey or creating a storey of more than 4.5m in height;
- (ii) any work associated with refillable LPG storage cylinders supplying, via a fixed pipework installation, combustion appliances used for space heating, water heating or cooking;
- (iii) a wall not exceeding 1.2m in height or a fence not exceeding 2m in height;
- (iv) any work associated with open raised external decking not exceeding 1.2m in height that does not form part of the accessible entrance to the building;
- (v) construction of a ramp not exceeding 5m in length.

3.22 The scope for using these Regulations as a proxy for householder development approval depends on how closely they match Classes 1-5 and Class 7 of the GPDO. In general, the exemptions and limitations within Regulations 3 and 5 fall within the thresholds and limitations of the corresponding PD Classes: in other words, the PD Classes at present permit larger works than do the Building Regulations.

3.23 It follows that changing the PD Classes to match the Building Regulations would reduce PD rights and therefore increase planning applications. This is contrary to the objectives in para 1.4. The alternative alignment, requiring householder development only to require Building Regulations approval would comply with these objectives, but at the loss of any assessment of the amenity impacts caused by some householder developments: the building standards regime is essentially concerned with objective assessment of compliance with technical standards; the planning regime is essentially concerned with more subjective assessment about environmental impacts.

3.24 So, bringing planning permission for householder development in line with building regulations would require specification of some additional "technical standards" for householder developments (eg building height, building line, plot ratio). Assessment of compliance with these standards could be a separate administrative task within the local authority, undertaken in parallel with validation of the warrant application. Thus, building warrant applications that did not comply with any of these "standards" (which could be set nationally or locally) would require a planning application. Effectively such applications would be "screened" for planning permission. The question remains as to who within the local authority should carry out this assessment.

Option 5: delegate to community councils decisions on some or all householder development

3.25 Community councils are statutory consultees on all planning applications within their areas, and Planning Aid Scotland has provided planning training to community councillors. Therefore there may be scope to delegate decision making on some or all householder developments to community councils. It could be left to the decision of planning authorities whether, within the community council scheme for their area, they delegate decisions on all or specified categories of householder development. This might be done in a context of establishing Best Value indicators for community councils

operating such delegated power, and extending the local government code of conduct to community councillors.

3.26 The advantages of this option are that it would help free up planning resources of local authorities, and assist the aim of reducing householder development burdens on planning authorities by transferring all or part of this to community councils, while maintaining local involvement in small scale development. Delegation schemes could be prescribed in Regulations and/or require the approval of Ministers.

3.27 The disadvantages are that community councils are not always representative of their local areas, with many councillors returned unopposed, and the risk of a level of parochialism in decision making. Also community councillors would not have ready access to professional expertise, unless held within their ranks. There is therefore a risk that decisions could be made on non-material grounds, resulting in an increase in appeals, or legal challenges on human rights grounds. This option would not reduce the bureaucracy of householder development, but transfer it to another body with: no previous expertise in making planning decisions; no guarantees that decisions would be made speedily and impartially; and the risk of an increase in planning appeals and legal challenges.

3.28 One way of mitigating this would be for each community council to operate a regular Local Development Forum, where householder applications would be deliberated, and at which a planning officer could provide professional guidance. Consequently, there would remain some demand for professional development management input, but to the benefit of locally robust decisions.

Option 6: transfer to 'licensed practitioners' decisions on some or all householder developments

3.29 This would remove the monopoly of the planning authority as the decision maker, by enabling licensed practitioners to certify the appropriateness of all householder developments that do not enjoy permitted development rights. They would include private sector professionals. Whilst there would be no reduction in the number of householder applications, the burden of determining them would be more widely shared.

3.30 The householder would be free to seek certification from a 'licensed practitioner'. Transferring this judgement to professionals in the private sector would be on the basis that such persons subscribed to a professional code of ethics. Additionally, there could be a specified statutory procedure to which such practitioners would be required to conform, or risk court challenge or even prosecution, to ensure that eg neighbours were notified, that issues raised were resolved, that a written judgement was produced, and that appropriate conditions for approval were specified.

3.31 This option would reduce or totally remove householder applications submitted to planning authorities, depending on whether some or all householder developments falling outside permitted development maxima were included within the 'independent verifier' scheme. The role of the licensed practitioner would include mediation in neighbour disputes over householder developments, so they would require mediation skills.

3.32 The licensing scheme could be administered by central or local government. Householder development approvals would not be led by planning authority policies, but instead licensed practitioners would be required to ensure compliance with specified technical and environmental standards, which could be defined centrally and uniformly by government, or left to local authorities to define, reflecting local circumstances. There could be a requirement for advance neighbour notification (as in Option 2), but it would be for the independent licensed practitioner to seek to resolve neighbour disputes or other objections. There would thus continue to be a right of neighbours to be notified, and to raise objections, but not to a publicly accountable body, though there could be a right of administrative and/or legal challenge to a verifier's judgement.

4 Summary

4.1 Householder developments impose a significant burden on the planning system, stretching a system of scarce professional resources to deal efficiently with the need for up to date development plans and the speedy determination of major development proposals that have much wider social and economic impacts. The vast majority of such developments are granted planning permission.

4.2 There is wide scope for innovative reform of the way householder development is managed, with different emphases. These seek to streamline development management whilst safeguarding amenity and participation. The options discussed are not exhaustive, but help to map out some of the territory for reform. These options encompass:

- a) partial or complete deregulation of householder permitted development rights (options 1, 2 and 3);
- b) transfer of regulation to a substitute compliance regime (option 4);
- c) delegation of regulation to other bodies (options 5 and 6).

Please assist us in developing ideas for alternative treatment of householder development by completing and returning the following short questionnaire.

**REVIEW OF GENERAL PERMITTED DEVELOPMENT ORDER
HOUSEHOLDER DEVELOPMENT KEY QUESTIONS**

**If you would prefer to complete an e-version of this questionnaire,
please contact a.prior@hw.ac.uk**

1. Do you agree with the definition of householder development in paras 2.1 and 2.2 ?

Yes

No

2. If NO, how should it be amended ? Please give your reasons:

3. Do you agree that para 2.4 (a-f) identifies the major concerns about householder development ?

Yes

No

4. If NO, what other major concerns are raised by householder developments ?

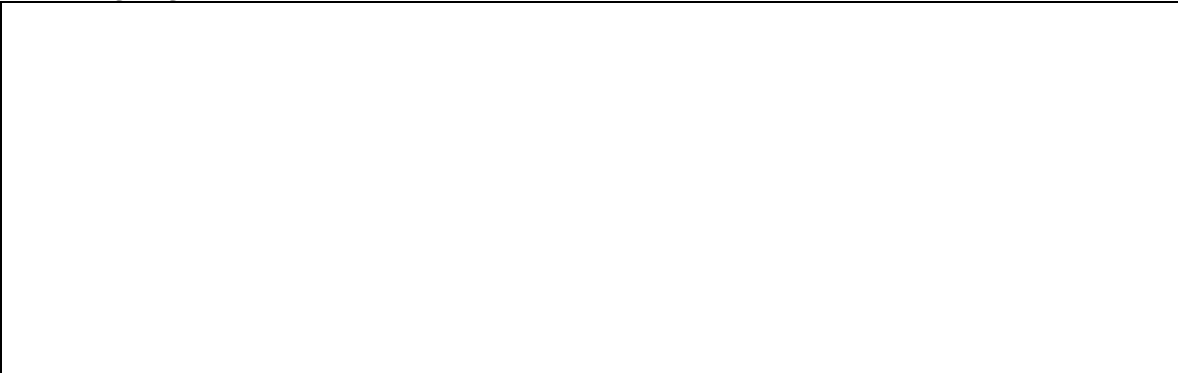
5. For each of the 6 options discussed in section 3, and listed below, please state whether you broadly support or do not support, and why.

Option 1: extend permitted development rights to all householder development

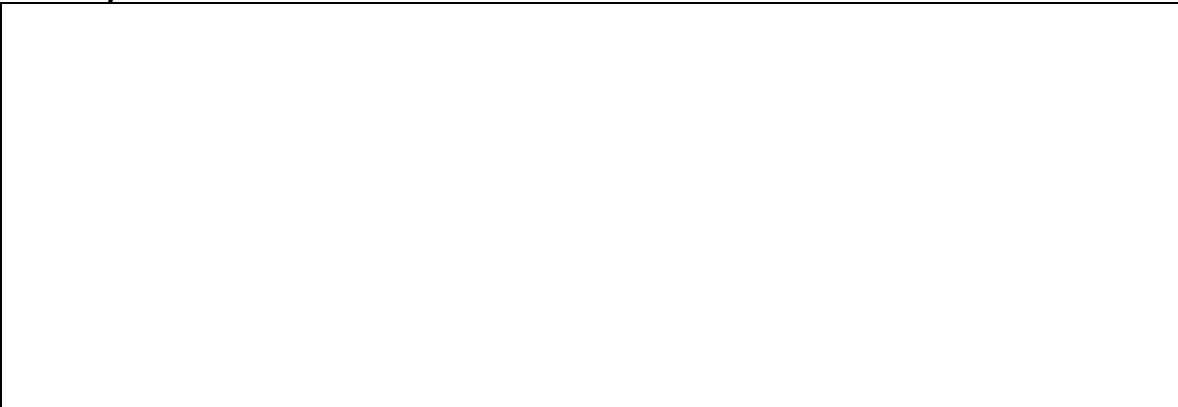
Option 2: grant 'deemed approval' to all householder development

Option 3: relax some or all of the existing limitations on householder permitted development

Option 4: bring planning permission for householder development in line with building regulations

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Option 5: delegate to community councils decisions on some or all householder development

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Option 6: transfer to 'licensed practitioners' decisions on some or all householder developments

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6. Please list below any other options for householder developments you consider should be explored, and why:

--

Please provide your contact details:

Name	
Organisation	
Contact address	
Telephone	
email	

Thank you for completing this questionnaire

Closing date for return of completed questionnaires: 31 January 2006

SCHEDULE 1

CLASSES OF PERMITTED DEVELOPMENT

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1.—(1) The enlargement, improvement or other alteration of a dwellinghouse.

(2) Development is not permitted by this class if—

- (a) the floor area of the resulting building would exceed the floor area of the original dwellinghouse—
 - (i) in the case of a terrace house or of a dwellinghouse in a conservation area or within the curtilage of a listed building by more than 16 square metres or 10%, whichever is the greater;
 - (ii) in any other case, by more than 24 square metres or 20%, whichever is the greater;
 - (iii) in any case by more than 30 square metres;
- (b) the height of the resulting building would exceed the height of the highest part of the roof of the original dwellinghouse;
- (c) (i) in the case of a dwellinghouse within a conservation area any part of that development would extend beyond the building line of the original dwellinghouse on any side of the house where its curtilage is bounded by a road;
- (ii) in any other case any part of that development would be both less than 20 metres from any road which bounds its curtilage and would be nearer to the road than the part of the original dwellinghouse nearest to it;
- (d) any part of the development which would be within 2 metres of the boundary of the curtilage of the dwellinghouse—
 - (i) would be increased in height as a result of the development; and
 - (ii) would exceed 4 metres in height;
- (e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 30% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (f) it would consist of or include the installation, alteration or replacement of a satellite antenna;
- (g) it would consist of or include the erection of a building within the curtilage of a listed building;
- (h) it would consist of or include any alteration to the roof of the original dwellinghouse; or

⁹ as amended.

- (i) in the case of a dwellinghouse in a conservation area the development would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles or any other material.

(3) For the purposes of this class—

- (a) the erection within the curtilage of a dwellinghouse of any building with a floor area greater than 4 square metres and within 5 metres of any part of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes;
- (b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the floor area;
- (c) "resulting building" means the dwellinghouse as enlarged, improved or altered, taking into account any previous enlargement, improvement or alteration to the original dwellinghouse, whether permitted by classes 1 to 6 or not;
"terrace house" means a dwellinghouse—
 - (i) situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and
 - (ii) having a mutual wall with, or having a main wall adjoining the main wall of, the dwelling house (or building designed for use as a dwellinghouse) on either side of it,but includes the dwellinghouses at each end of such a row of buildings as is referred to.

Class 2.—(1) Any alteration to the roof of a dwellinghouse including the enlargement of a dwellinghouse by way of an addition or alteration to its roof.

(2) Development is not permitted by this class if—

- (a) any part of the dwellinghouse would as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend 10 centimetres beyond the plane of any existing roof slope;
- (c) the roof area of the enlargement exceeds 10% of the roof area of the dwelling house before development;
- (d) any roofing material used would materially affect the external appearance of the dwellinghouse;
- (e) the dwelling house is in a conservation area.

Class 3.—(1) The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration of such a building or enclosure.

(2) Development is not permitted by this class if—

- (a) it consists of a dwelling or a satellite antenna;
- (b) it consists of the provision, improvement or other alteration of a building or enclosure where as a result any part of such building or enclosure which is to be provided, improved

or otherwise altered would be both less than 20 metres from any road which bounds the curtilage and nearer to the road than the part of the original dwellinghouse nearest to it;

(c) it consists of the provision, improvement or other alteration of a building where the building to be provided, improved or otherwise altered would have a floor area greater than 4 square metres and any part of it would be within 5 metres of any part of the dwellinghouse;

(d) the height of that building or enclosure would exceed—

(i) 4 metres, in the case of a building with a ridged roof; or

(ii) 3 metres, in any other case;

(e) the total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 30% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); or

(f) in the case of any land in a conservation area or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a floor area greater than 4 square metres.

(3) For the purposes of this class "purpose incidental to the enjoyment of the dwellinghouse" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Class 4.—(1) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.

(2) Development is not permitted by this class within a conservation area or within the curtilage of a listed building.

Class 5. — (1) The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil or liquified petroleum gas.

(2) Development is not permitted by this class if—

(a) it would be within a conservation area or within the curtilage of a listed building;

(b) the capacity of the container would exceed 3500 litres;

(c) any part of the container would be more than 3 metres above ground level;

(d) any part of the container would be both less than 20 metres from any road which bounds its curtilage and would be nearer to the road than the part of the original dwellinghouse nearest to it;

(e) it would result in more than one container within the curtilage of a dwellinghouse.

Class 6.—(1) The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

- (2) Development is not permitted by this class if it would result in—
- (a) more than one satellite antenna on the dwellinghouse or within its curtilage;
 - (b) the size of the satellite antenna (excluding any projecting feed element) when measured in any dimension exceeding 90 centimetres;
 - (c) the highest part of any antenna to be installed on a dwellinghouse being higher than the highest part of the roof on which it would be installed; or
 - (d) the satellite antenna being installed in a conservation area or national scenic area on any part of a dwellinghouse which faces on to a road.
- (3) Development is permitted by this class subject to the condition that the antenna shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed.

PART 2: SUNDRY MINOR OPERATIONS

Class 7. — (1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

- (2) Development is not permitted by this class if—
- (a) the height of any gate, fence, wall or other means of enclosure to be erected or constructed within 20 metres of a road would, after the carrying out of the development, exceed one metre above ground level;
 - (b) the height of any other gate, fence, wall or other means of enclosure to be erected or constructed would exceed two metres above ground level;
 - (c) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
 - (d) it would involve development within the curtilage of, or in respect of a gate, fence, wall or other means of enclosure surrounding, a listed building.

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

The *Modernising the Planning System White Paper* included a commitment to review the 1992 GPDO. The School of the Built Environment at Heriot-Watt University, in association with Brodies LLP and Scott Wilson Consulting, have been commissioned by the Scottish Executive to review the appropriateness of the planning permissions set out in the Order, to recommend changes to simplify it and bring it up to date.

The purpose of this questionnaire is to elicit views on the operation and effectiveness of the GPDO as presently framed, and to identify need for any *reduced* or *additional* planning controls for specific developments.

Please complete those sections of the questionnaire that are relevant to your concerns, and return it **by 31 January 2006.**

If you would prefer to complete an e-version of this questionnaire, please contact a.prior@hw.ac.uk

Your contact details

Name.....

Organization

Address.....

Email.....

Tel

Fax

Please return your completed questionnaire to:

Professor Alan Prior

School of the Built Environment, Heriot-Watt University, Edinburgh EH14 4AS

Email a.prior@hw.ac.uk

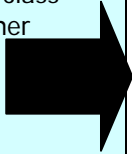
Tel 0131 451 4404

Fax 0131 451 4617

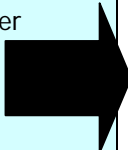
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION A: KEY PERMITTED DEVELOPMENT RIGHTS REQUIRING REVIEW

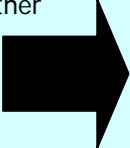
This section identifies those parts of the GPDO which previous research indicates are problematic, and seeks your suggestions on how they might be tackled. If necessary, please refer to the actual wording of the GPDO, which can be accessed at http://www.opsi.gov.uk/si/si1992/Uksi_19920223_en_1.htm. Section B deals with other parts of the GPDO which are generally regarded as being less problematic.

<p>Part 1 Development within the curtilage of a dwellinghouse (Classes 1-6)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ 30% limit of size in relation to the original floor area can allow for very large structures ○ Cumulative effects of improvements to dwellinghouses erode general residential amenity ○ Alterations to garden ground levels ○ Lack of clarity on the meaning of terms eg adjacent to a highway, ground level, original building, resulting building, curtilage, purpose incidental to enjoyment ○ Extensions and ancillary buildings can result in detrimental impacts on the amenities of adjoining residents, eg overlooking, scale ○ decking ○ Lack of rights for occupiers of flatted houses
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
<p>By reducing permitted development rights</p>	
<p>By other action</p>	

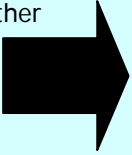
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 2 Sundry minor operations (Classes 7-9)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ No front building line limitation ○ problems with corner sites ○ restrictions on fences in rear gardens that have no effect on neighbours, views or roads ○ 20m limitation on fences above 1m is widely misinterpreted and excessive ○ Adverse impacts on the character of areas from paving of front gardens and removal of walls/fences ○ Difficulties arising from changes in ground level and sloping ground, when determining heights of walls and other enclosures ○ Visual impacts in rural areas of use of non-traditional materials to form a means of enclosure (eg large earth embankments, old car tyres) ○ Visual impact of extensive deer fence construction.
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
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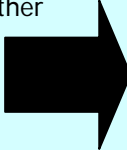
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 4 Temporary buildings and uses (Classes 14-15)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Too vague about temporary buildings associated with construction works ○ Scope for abuse eg by extended temporary occupation of a building whilst slowly implementing a planning permission, resulting in subsequent claim for a certificate of lawfulness for an established use ○ No limit on period of time allowed for construction works ○ No protection for temporary uses in sensitive areas ○ Nuisance from temporary uses such as motor sports, war games, car boot sales, quad biking, paintballing ○ Significant traffic implications of some temporary uses ○ Difficulties in local authorities monitoring the actual number of days that land is occupied by a temporary use
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
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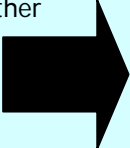
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 5 Caravan sites (Classes 16-17)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Permanent sites require planning permission, yet caravans or mobile homes on them do not have permitted development rights ○ Definition of a caravan is now too loosely interpreted, and can include large mobile homes. ○ Confusion is caused by cross-reference to the 1960 Act (ie the rights in Part 5 are not actually specified)
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
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<p>By other action</p>	

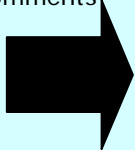
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 6 Agricultural buildings and operations (Classes 18-21)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Inconsistency with government policies for sustainable development, safeguarding the character of the countryside, Green Belt, development on flood plains, access, and waste strategy ○ Difficulty of planning authority determining whether the development granted by this class is 'reasonably necessary for the purposes of agriculture', including the problem of multi-purpose tracks. ○ Can result in very substantial buildings of poor design quality ○ Implementation can lead to other harmful environmental effects eg loss of trees, hedges, damage to walls etc. ○ PD rights have not been sufficiently updated to reflect modern farming methods ○ Visual, ecological and archaeological impact of farm tracks ○ Ecological and hydrological impact of land drainage and river engineering works ○ Visual impact of polytunnels, equestrian developments, and uncertainties over whether these are permitted development or not
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
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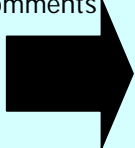
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 7 Forestry buildings and operations (Class 22)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ No height or size restrictions on forestry buildings, except in relation to nearby aerodromes (in contrast to farm buildings) ○ Large size of buildings erected for forestry purposes ○ Scope for creation of large vehicle tracks which can have significant visual and archaeological impact in remote areas ○ Visual, ecological and archaeological impact of forestry tracks ○ Difficulty of determining whether a track is for forestry purposes
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
<p>By reducing permitted development rights</p>	
<p>By other action</p>	


REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 8 Industrial and warehouse development (Classes 24-26)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Difficulties in establishing the extent of original buildings for large complex industrial sites where much development has taken place over time. ○ Interpretation of 'materially affect external appearance' ○ Potential impacts in mixed use areas
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments.</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
<p>By reducing permitted development rights</p>	
<p>By other action</p>	


REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 9 Repairs to private roads and private ways (Class 27)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Tracks becoming tarmac drives, changing the character of an area from rural to suburban ○ Tipping of waste or imported rubble onto tracks, to improve the surface, and/or to avoid landfill fees and tax, leading to adverse visual impact on area character, especially in sensitive areas, and potential for impact on drainage and water quality ○ Visual, ecological and archaeological impact of repair to private roads and ways in sensitive rural landscapes
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
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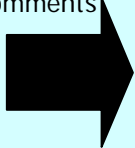
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 11 Development under local or private Acts or Orders (Class 29)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Impact of such works on streetscape and street clutter ○ Not clear if these rights apply to sub-contractors ○ Size limits are too small to be of use
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
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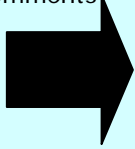
REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 13 Development by statutory undertakers (Classes 34-43)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Generally lower level of restrictions applying to statutory undertakers, compared with other users, without controls on siting, design, scale etc ○ Uncertainty as to meaning of 'railway undertaker' ○ Inadequate definition of 'operational land' and 'wholly within a station' ○ Lack of accountability of railway undertakers ○ Whether new railway sidings constitute permitted development ○ Insufficient control of non-port uses within ports ○ Impact on residential amenity of storage of materials ○ Insufficient control over scale and siting of buildings close to residential properties, especially as docklands are redeveloped for residences ○ Raised manholes above ground level on non-operational land are not permitted development ○ Lack of permitted development rights for contractors' compounds located some distance from the works. ○ Visual impact of overhead electricity lines in countryside areas. ○ Impact of road maintenance and other works on archaeological interests
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
<p>By reducing permitted development rights</p>	
<p>By other action</p>	

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

<p>Part 20 Development by telecommunications code system operators (Class 67)</p>	<p>PROBLEMS</p> <ul style="list-style-type: none"> ○ Complexity and difficulty of applying to practical situations
<p>Please add any other issues about this PD class that you consider to be problematic, or other comments</p> 	
<p>WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?</p>	
<p>By extending permitted development rights</p>	
<p>By reducing permitted development rights</p>	
<p>By other action</p>	

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

Part 23 Demolition of buildings (Class 70)	PROBLEMS <ul style="list-style-type: none"> ○ Loss of front garden walls/enclosures within Conservation Areas ○ Bring all demolitions within statutory definition of development
Please add any other issues about this PD class that you consider to be problematic, or other comments. 	
WHAT ACTIONS COULD BE TAKEN TO IMPROVE THE EFFECT OF THE PLANNING PERMISSIONS GRANTED?	
By extending permitted development rights	
By reducing permitted development rights	
By other action	

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION B: OTHER PARTS OF THE GPDO

Section A has sought views on the scope for change to address those parts of the GPDO which previous research has indicated raise significant issues. This section lists the other Parts of the Order that have not raised significant issues. Please add any comments you might wish to make. Please note that the research specifically excludes Part 3 (changes of use), which would be covered by research on the Use Classes order

Part 10 Repairs to services (Class 28)	Please include here any comments you wish to make about any of these parts of the GPDO
Part 12 development by local authorities (Classes 30-33)	
Part 14 Aviation development (Classes 44-52)	
Part 15 Mineral Exploration (Classes 53-54)	
Part 16 Development ancillary to mining operations (Classes 55-57)	
Part 17 Coal mining development by the Coal Authority etc (Classes 58-62)	
Part 18 Waste tipping at a mine (Classes 63-64)	
Part 19 Removal of material from mineral working deposits (Classes 65-66)	
Part 21 other telecommunications Development (Class 68)	
Part 22 Development at amusement parks (Class 69)	
Part 24 Toll road facilities (Class 71)	
Part 25 Closed circuit television cameras (Class 72)	

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION C: DEVELOPMENTS CURRENTLY INCLUDED IN THE GPDO THAT SHOULD REQUIRE A PLANNING APPLICATION

Please list below in the left hand column those Permitted Developments that you consider should be the subject of a formal application for planning permission. Please give reasons for each category of development in the right hand column.

GPDO Class and description	Reasons for removing/amending these PD rights
1	
2	
3	
4	
5	

For at least one of the Classes of development that you list above, please give an example to illustrate what the current problem is and what the benefits would be of removal of PD rights. Try to be as specific as possible, as we may wish to select this example for detailed follow-up.

EXAMPLE

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION D: DEVELOPMENTS NOT PERMITTED THAT SHOULD BE

Recent research has suggested that there should be a new class of permitted development for developments required as a consequence of variations to a Waste Management License, Pollution Prevention Control, or Pollution Act consent. Do you agree ?

YES

NO

Please give reasons for your answer

Other recent suggestions for new permitted development rights include the following. Please indicate whether you see any problems with introducing PD for any of these types of development.

Type of development	Problems, or limitations that might be applied
Minor modifications/ developments to waste management operations	
Small scale wind turbines	
Solar and photovoltaic installations	

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

Please list below, in the left hand column, any other developments that you consider should have permitted development rights, and explain why.

Type of development	Reasons why this type of development should be permitted development
1	
2	
3	

Please give at least one example of a development you have listed above as meriting permitted development rights, explaining briefly what the current problem is and what the benefits would be of making it permitted development. Try to be as specific as possible, as we may wish to follow this up in more detail later.

EXAMPLE

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION E: INTERPRETATION

Listed below are the terms explained in Article 2 of the General Permitted Development Order.

aerodrome	floor area	plant or machinery
aqueduct	historic garden or designed landscape	private way
associated apparatus	industrial process	Procedure Order
building	licensed premises	road
caravan	listed building	satellite antenna
caravan site	local authority	scheduled monument
category A listed building	microwave antenna	sewerage authority
classified road	mine	site of archaeological interest
conservation area	minerals	site of special scientific interest
contravention of previous planning control	mining operations	statutory undertaker
cubic content	National Park	terrestrial antenna
dwellinghouse	national scenic area	trunk road
electronic communication	notifiable pipe-line	Use Classes Order
European site	Notification Regulations	
flat	original	

Identify in the box below any terms used in the Order which you find problematic, and explain why.

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION F: DESIGNATED AREAS

In some classes of permitted development, rights are removed or restricted within designated areas. Listed below are the designations referred to in the General Permitted Development Order. Please identify in the right hand column any classes of permitted development that you consider are problematic for safeguarding these designations, and please explain why.

Designation	Permitted developments that are problematic for this designation, and why
Conservation Area	
European Site	
Historic Garden or Designed Landscape	
Listed Building	
National Park	
National Scenic Area	
Natural Heritage Area	
Scheduled Monument	
Site of Special Scientific Interest	

Please give at least one example illustrating why a particular class of PD (or limitation) is problematic within a specific designated area, and how the problem might be addressed. Try to be as specific as possible, as we may wish to follow this up in more detail later

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REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

SECTION G: BAD NEIGHBOUR DEVELOPMENTS

Consider the following “bad neighbour” uses listed in Schedule 2 of the Order. Which of these terms might need updating, and how?

Bad neighbour use	Need for updating (Y/N)	If Y, please suggest how
Public convenience		
Cesspool		
Slaughterhouse		
Knacker's yard		
Bingo hall		
Dancehall		
Gymnasium		
Hot food shop		
Licensed premises		
Music hall		
Skating rink		
Swimming pool		
Theatre		
Turkish or other vapour or foam bath		

Please list any other uses that you consider should be included in Schedule 2, with a brief explanation of why

Use	Reasons

REVIEW OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1992

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE

Please use this page to raise any other issues about the GPDO that are of concern to you.

Please return your completed questionnaire **by 31 January 2006**

By mail to: Professor Alan Prior School of the Built Environment Heriot-Watt University Edinburgh EH14 4AS	By fax to: Professor Alan Prior 0131 451 4617	By email attachment to: a.prior@hw.ac.uk
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