



**PERMITTED
DEVELOPMENT RIGHTS
FOR MICROGENERATION
DEVELOPMENT
CONSULTATION PAPER
RESPONSE FORM**

Once you have completed this form please
return to

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria STREET
Belfast
BT2 7BN

by fax (marked 'Planning Microgeneration PD
Consultation Response') to:
028 9041 6960

Or by e-mail to:
Planning.microgenpd@doeni.gov.uk

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation’s name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual’s name and address.

1. Name/Organisation

Organisation Name

Community Places

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

[Redacted]

Forename

[Redacted]

2. Postal Address

[Redacted]

Postcode:

[Redacted]

Phone:

[Redacted]

Email:

[Redacted]

3. Are you responding:

As an individual

On behalf of a group / organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other Please state:

Voluntary Organisation

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested



Response to Consultation Papers on the Review of Permitted Development Rights

We welcome many of the changes proposed in these documents. Our comments on some of the key issues and proposals in each of the three papers are set out below.

Review of Non-Householder Permitted Development Rights Consultation Paper

- **Making Permitted Development Legislation More User Friendly**

We welcome proposals to simplify the General Development Order and to make it easier to interpret. We agree that one piece of consolidated legislation setting out all permitted development rights as well as topic based guidance would make the General Development Order easier to understand and interpret. Awareness raising about permitted development rights would also be welcomed.

However, the proposed changes would still result in a complex set of regulations. There may be opportunities to further simplify the regulations in addition to the proposed changes, for example, by wording the legislation in a more straight forward way, avoiding the use of double negatives, which can be difficult to interpret. Ensuring that clear definitions of the terms used in the legislation are provided would also help avoid ambiguity. For example, terms such as, “curtilage” should be clearly defined. The legislation should also be self-contained, with no need to refer to additional legislation such as the Caravan Act.

- **Prior Approval**

We agree with the view presented in the consultation paper that a prior approval system, similar to the system that currently operates in England and Wales, would add unnecessary complexity to our current planning system.

- **Removal/Extension of Permitted Development Rights by Local Authorities in Certain Areas**

We support proposals contained in the consultation paper that would allow permitted development rights to be removed or extended by local authorities in certain areas both through Article 4 directions and through the introduction of Local Development Orders. This would allow local authorities to introduce permitted development rights which are appropriate to specific areas such as conservation areas, areas of townscape character or areas where they want to encourage certain types of development.

- **Disability Discrimination Act**

We support proposals that would enable service providers to alter their premises to comply with the Disability Discrimination Act without planning permission.

- **Extended PD Rights for Industry and Research and Development**

Currently a building used for industry or research and development can be extended by up to 750 square metres without planning permission (subject to restrictions). We have some concerns about proposals to increase this to allow extensions of up to 1,000 square metres, up to a maximum of 25% extra floor space, without planning permission. Allowing extensions of this size could result in adverse impacts on the character of the areas in which they are situated and on the amenity of residential properties in the surrounding area. For example, additional noise and disturbance could be generated by a premises that is 25% larger than the original, and this impact should be properly assessed through a planning application.

- **Extended Permitted Development Rights for Waste Management/Landfill Sites/Waste Processing**

We have concerns about the impact that some of these developments might have on the amenity of neighbouring residential properties and the visual impacts that some of these developments would have. For example, proposals to allow the storage of topsoil on landfill sites without the need to apply for planning permission could potentially be damaging to the amenity of neighbouring properties. Proposals to allow extensions and new storage bays for waste management facilities could also be potentially damaging to residential amenity.

- **Introduction of Permitted Development Rights for Commercial and Retail Properties**

Currently commercial and retail properties do not benefit from any permitted development rights. This paper proposes a new section in the General Development Order which would grant permitted development rights for retail and town centre uses, including offices. For example, small extensions of up to 50 square meters would be permitted without planning permission in both cases. We have concerns about the visual impact that these developments would have in particular on town centres, and the cumulative impact that a number of small extensions might have on an area. We therefore do not support this proposal.

- **Permitted Development Rights in Rural Areas**

Proposals to extend permitted development rights for rural areas, in particular, proposals to allow farm buildings to be used for making products from farm produce, selling of products/produce from the farm and storage distribution uses without planning permission are welcome.

- **Changes to Permitted Development Rights for Caravans**

The consultation proposes bringing permitted development rights for caravans into line with the UK and Wales. This could also be an opportunity to set out more clearly the circumstances in which caravans are considered to be permitted development. The General Development Order currently makes reference to the Caravans Act 1974. This current format is not easily understandable and the Caravans Act 1974 is not readily available to the public. As mentioned above, if the legislation was self contained, this would be more user friendly. Further clarity on permitted development rights for caravans would be welcomed.

- **Extended Permitted Development Rights for Schools, Leisure and Community Facilities**

We welcome proposals that would allow extensions, new build and alterations up to 50 square metres floor space without planning permission, subject to conditions.

Householder Permitted Development Rights Consultation Paper

- **Impact Based Approach**

We agree with the impact based approach taken in formulating these proposals, which links the granting of permitted development rights with impacts such as the overlooking, overshadowing, overbearing and disturbance that the development would cause.

- **Dimension Based Criteria**

We agree that the introduction of dimension based i.e. control on length and height rather than having to calculate volume is a more user friendly method of calculating the size of permitted development.

Further clarification is required about how the regulations will apply when more than one extension or development takes place within the curtilage of a dwelling house. For example, it appears that it would be possible for a house to add a side extension, a rear extension, a shed, some decking and a roof extension and that all these developments would be permitted development provided that 50% of the curtilage of the original dwelling house is not covered (along with other conditions). The way in which such multiple developments will be dealt with needs to be made more explicit to avoid ambiguity.

- **Pigeon Lofts**

We agree that pigeon lofts should remain subject to planning control.

- **User Guide on the General Development Order**

We would welcome the introduction of a comprehensive user guide which clearly sets out permitted development rights, in particular for householders.

- **Wording of General Development Order**

The changes proposed would still result in a complex set of regulations. There may be opportunities to further simplify the regulations. (See comments on Non-Householder Development Consultation Paper above.)

- **Definitions**

Further clarification is required about some of the definitions used in the legislation which can cause confusion, in particular, what is meant by the “curtilage” of the dwelling house and the “original dwelling house”. (See comments on Non-Householder Development Consultation Paper above.)

- **Permitted Development Rights for Flats**

Permitted development rights for householder development currently do not apply to blocks of flats, tenements, bed sits, caravans or other mobile or temporary structures. There may be a case for extending some rights for household development to flats, for example, allowing a shed etc. to be constructed without planning permission, provided it meets certain criteria.

Permitted Development Rights for Micro Generation Development Consultation Paper

We support these proposals which mean that in many cases, homeowners, businesses and developers would be able to install on-site wind turbines, solar panels and other energy generating devices without planning permission.

We note that in England, new proposals would allow councils and electric car drivers to install charger points without planning permission and would welcome similar proposals here.

January 2010