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Our Ref: 16/030174/08

16 January 2009

Statutory Instrument 2008 No. 2362

Dear Dr Shrank,

Thank you for your letters of 11 October and 17 December to the Secretary of State expressing concern over the effect of changes to householder permitted development rights in protected areas. I have been asked to reply. I am sorry you have not received an earlier response.

Statutory Instrument 2008 No.2362 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, which came into effect on 1 October last year amends Statutory Instrument 1995 No. 418 The Town and Country Planning (General Permitted Development) Order 1995.

The new permitted development rights, introduced after public consultation, replaced the old system which we believed was not only unclear and confusing, but, by using a somewhat arbitrary size and volume-based approach, was anomalous in terms of what was and was not permitted. They are based on the concept that permitted development rights should be informed primarily by the potential impact on others. They aim to strike a balance between giving freedoms to individual householders to make the most of their property, without having an adverse effect on the wider neighbourhood. They also aim to relieve local councils of processing an excessive amount of unnecessary planning applications.

The Order does not remove any of the original five types of Article 1(5) land defined in Schedule 1 Part 2 of Statutory Instrument 1995 No. 418 The Town and Country Planning (general permitted Development) Order 1995: the Order continues to apply to conservation areas and areas and the Wildlife and Countryside Act 1981 as defined in Section (c) and (d) respectively.

Although restrictions on permitted development rights which may take place on Article 1(5) are only explicitly applied to classes A,B,E and H, development in all eight classes in the Order are subject to restrictions as set out in either or both the headings *Development is not permitted* or *Conditions*.

The protection afforded to conservation areas covered by Article 4 directions is also unaffected. To make it easier for planning authorities to make these directions, the Government has made provision in the Planning Bill to enable them to be made without compensation being payable, subject to 12 months' notice being given of the intention to withdraw permitted development rights. The Planning Bill also removes the requirement for certain article 4 directions to be approved by the Secretary of State.

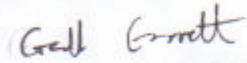
Let me reassure you that the new Order does not affect the protection already given to listed buildings. Any alterations continue to require listed building consent.

As a result of the public consultation undertaken in connection with the Order, following consideration of the responses received it was considered necessary to add swimming pools and fuel storage containers to the other curtilage developments set out (in Class E).

I hope this is helpful.

Yours sincerely,

Geoff Garrett



Thank you for your letter of 11 October and 17 December in relation to the proposed changes to the definition of permitted development rights in protected areas. I have been asked to reply to you and to other respondents.

The new permitted development rights introduced allow public consultation, which was not part of the original system, but by doing so we have taken account of your views and other respondents' views. The new permitted development rights are based on the concept that permitted development should be limited primarily by the potential impact on others. They aim to strike a balance between giving freedom to individual households to make the most of their property without having an adverse effect on the wider neighbourhood. They also aim to reduce the amount of unnecessary planning applications.

The Order does not remove any of the original five types of article 4(2) land defined in Schedule 1 Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1987. The Order contains provisions to apply to conservation areas and areas and the Wildlife and Countryside Act 1981 as defined in section 40 and 41 respectively.

Although restrictions on permitted development rights which may have been on article 4(2) are only applied to classes A, B, C, and H, development in all other classes in the Order are subject to restrictions as set out in order to both the restrictions Development is not permitted or Condition.