

LEGISLATIVE CHANGES EFFECTIVE 6 APRIL 2010

DESIGN AND ACCESS STATEMENTS

From 6th April the requirements for applications to be accompanied by a Design and Access statement will change quite significantly and such a statement will not be required for:

- permission to develop land without compliance with conditions previously attached, (s73 application)
- the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 100 square metres and where no part of the building or the development is within a conservation area
- the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure where—
 - (i) as a result of the development, the height of the gate, fence, wall or means of enclosure does not exceed its former height, or two metres above ground level, whichever is the greater; and
 - (ii) it does not involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding a listed building; and where no part of the development is within a conservation area
- development on operational land consisting of the erection of a building where
 - (i) the cubic content of the development does not exceed 100 cubic metres; and
 - (ii) as a result of the development, the height of the building does not exceed 15 metres above ground level, or its former height, whichever is the greater; and where no part of the development is within a conservation area
- the alteration of an existing building where the alteration does not increase the size of the building and where no part of the building is within a conservation area
- the erection, alteration or replacement of plant or machinery where, as a result of the development, the height of the plant or machinery does not exceed 15 metres above ground level, or its former height, whichever is the greater, and where no part of the development is within a conservation area.

Revised policy and guidance on submitting planning applications has also been produced by DCLG and can be viewed in a document [‘Guidance on Information Requirements and Validation’](#).

APPEALS

The time limits have been shortened on appeals where an enforcement notice has been served on the same or substantially the same land and development. The new time limit is :

- **28 days** from the date of the refusal or expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the application is submitted, or where the enforcement notice is served before the application has been decided or before the expiry of the period which the LPA had to determine the application;
- or **28 days** from the date the enforcement notice is served, where the notice is served after the decision or expiry of the period which the LPA has to reach a decision, unless

the effect would be to extend the period beyond the usual limit for cases not involving an enforcement notice.

Further details relating to the design and access statement and appeal changes are contained in [Statutory Instrument 2010 No. 567](#).

HOUSES IN MULTIPLE OCCUPATION (HMO)

The Town and Country Planning (Use Classes) Order 1987 has been further amended to provide a specific definition of an HMO as use of a dwellinghouse by not more than six residents, now known as Class C4. Planning permission will then be required, where a material change of use has occurred to the new use class. At the same time, amendments have been made to the Town and Country Planning (General Permitted Development) Order 1995 so that movement from the new HMO Use Class back to the C3 class (dwelling house) will be a permitted development. For clarity and consistency, the definition of HMO in planning legislation will be aligned with that in section 254 of the Housing Act 2004.

This is contained in [Statutory Instrument 2010 No. 653](#).

OTHER CHANGES TO PERMITTED DEVELOPMENT

There have been some amendments to Permitted Development. These include amendments to existing classes relating to Changes of Use (Part 3), Industrial and Warehouse development (Part 8), Schools, Colleges, Universities and Hospitals (Part 32) and there are two new classes for Offices (Part 41) and A1/A2 uses (Part 42).

Information on these changes is contained in [Statutory Instrument 2010 No. 654](#).