

Report To:	PLANNING COMMITTEE
Date:	12TH JUNE 2024
Heading:	ENFORCEMENT & AGRICULTURAL PERMITTED DEVELOPMENT CHANGES
Executive Lead Member:	EXECUTIVE LEAD MEMBER FOR GROWTH, REGENERATION AND LOCAL PLANNING
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To summarise the recent changes to the planning system, specifically changes to Planning Enforcement, and to permitted development (PD) rights relating to agricultural developments.

Recommendation(s)

To note the content of the report.

Reasons for Recommendation(s)

For information in relation to changes to the planning system

Alternative Options Considered

None

Detailed Information

Enforcement Changes:

From Thursday 25 April, changes to enforcement and lawful development certificate (LDC) appeals came into effect as a result of the Levelling Up and Regeneration Act (LURA). The main changes are summarised below.

Time Limits:

- The four-year time limit for bringing enforcement action against building or engineering operations and changes of use to a single dwelling-house will be removed.
- A single 10-year period will apply to all breaches of planning controls.
- Transitional Provisions – These changes will not apply where the operational development or change of use to a dwelling was substantially completed before 25 April 2024.
- Duration of Temporary Stop Notices: From 25 April 2024, the duration of temporary stop notices in England increased from 28 days to 56 days.

Enforcement Warning Notices (EWN):

EWNs constitute the taking of enforcement action and allow councils to invite regularisation applications when it appears that a development has taken place in breach of planning control.

The intention is that the EWN can be issued where a planning breach is not sufficiently egregious to require immediate enforcement action.

Restriction on appeals against enforcement notices

Changes to when a ground (a) (an application for retrospective planning permission) will limit circumstances in which an appeal against an enforcement notice can be brought on ground (a).

This will apply in circumstances where an application for planning permission has already been made to regularise the breach. These amendments do not apply to appeals against enforcement notices that were issued, and have not been withdrawn, before 25 April 2024.

This stops a second bite where a decision has been made and is used as a delaying tactic.

Undue Delays in Appeals:

s.119 of LURA gives the Planning Inspectorate the ability to dismiss appeals against enforcement notices and certificates of lawfulness on the grounds of undue delay by the appellant in progressing the appeal.

Heritage:

s.103 grants LPAs the power to issue temporary stop notices where they believe works are being carried out to a listed building without listed building consent, or in breach of a condition set out on a listed building consent.

Agricultural Development PD Changes:

From the 21 May 2024 changes were made to permitted development rights which the government notes are designed to offer flexibility and support the agricultural sector. The main changes are summarised below.

Changes of use under Class Q and Class R will still be subject to the prior approval process, requiring the developer to submit details to the Council for approval before carrying out any work.

Class Q – Agricultural to Dwelling:

- It will now allow the creation of up to ten dwellings with a maximum cumulative floor space of 1,000m² (previously the number of dwellings was limited to five with a maximum floor space of 865m²).
- There has been a reduction in the maximum floor space for any one property. Previously, it had been possible to have one property with a floor space of up to 465m², but a maximum limit of 150m² has been introduced for any of the houses created.
- A single-storey rear extension of up to 4m height and length to be added to a building as part of the change of use, providing it is located on any hard surface already present.
- Class Q will now also cover former agricultural buildings which are no longer part of an established agricultural unit.
- The new rules also make it clear that they prohibit the conversion of a building without an existing suitable access to a public highway.

Class R – Agricultural to Flexible Commercial Use:

- This has been extended to allow for a change of agricultural to Use Class B2 (General industrial), Use Class F2(c) (Outdoor sport and recreation) or the provision of agricultural training. This is in addition to B8 (Storage & distribution), C1 (Hotels) or Use Class E (Commercial, business or service), which was already allowed.
- The limit on floor space that can be changed has been increased from 500m² to 1,000m².

Changes to agricultural buildings

- The size limit for new agricultural buildings has been increased. For farms over 5ha (where Class A PD rights apply) then the size limit has been increased from 1,000m² to 1,500 m².
- For farms of less than 5ha (covered by Class B) then the size limit has been increased to 1,250m².

Implications

Corporate Plan:

Legal:

As the report is for noting, there are no legal issues associated with the recommendation in the report.

Finance:

There are no direct financial implications arising as a result of this report.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
No risk arises from the report.	

Human Resources:

There are no direct HR implications contained within this report.

Environmental/Sustainability

There are no environmental/sustainability implications from the report.

Equalities:

There are no diversity or equality implications from the report.

Other Implications:

None

Reason(s) for Urgency

Not applicable.

Reason(s) for Exemption

Not applicable.

Background Papers

- Levelling Up & Regeneration Act, available on Parliament's website
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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