

## **PLANNING COMMITTEE – 18 JANUARY 2022**

### **AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) (NO.3) ORDER 2021**

#### **1.0 Purpose of Report**

1.1 To provide an update to Members on a recently published Statutory Instrument (SI)

- SI 2021 No. 1464 - The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 extends permitted development rights for pubs, cafes and restaurants.

#### **2.0 Background Information**

2.1 The Government published a Statutory Instrument (SI 2021 No. 467) on 14<sup>th</sup> April 2021 providing for moveable structures within the curtilage of certain buildings including public houses, restaurants and historic visitor attractions. This relaxation was for a temporary period of time to facilitate businesses continuing to operate during the Covid-19 pandemic. These rights have now become permanent, however some are subject to other limitations whilst there has also been expansion. The relevant ones for NSDC are summarised below.

2.2 One moveable structure is permitted within the curtilage of a drinking establishment (including those with expanded food provision, public house, wine bar or commercial premise selling food and drink to the public where that food and drink is mostly taken on the premises under Part 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

2.3 There are a number of criteria that need to be met including the size of the building – no more than 3 metres in height or having a footprint exceeding 50% of the footprint of the building or 50m<sup>2</sup> (whichever is the lesser). The structure can also not be within 2 metres of the curtilage of land that falls within Use Class C (residential uses) of the Use Class Order. Additionally, Class G does not permit moveable structures on land that is or forms part of a scheduled monument or listed building or its curtilage.

2.4 However, Part 4, Class BB of the GPDO permits one moveable structure for pubs, restaurants etc. as described above within the curtilage of a listed building but not scheduled monument. Historic visitor attractions also fall within this Class. Again, there are a number of criteria as described under 2.3 but additionally prior approval from the local planning authority is required. The prior approval process is to establish whether the siting or method of installation is required. Additionally, the structure cannot be present for more than 120 days following the decision of the Council (as local planning authority) or 56 days after the application was received as valid if a decision has not been issued and an extension of time has not been agreed.

2.5 Due to the pandemic, permitted development rights were also introduced in 2020 allowing emergency development by either a local authority or health service body to take place without permission. This right (Part 12A of Schedule 2) has been utilised within the District e.g. with the PCR testing station previously at Castle House and now at the NCC depot. This temporary right has been extended until 31 December 2022.

### **3.0 RECOMMENDATIONS that:**

- (a) Members note the contents of this report; and
- (b) further changes to legislation will be reported to Members.

#### **Reason for Recommendations**

To enable Members to be up to date with recent planning changes.

#### **Background Papers**

Statutory Instrument 2021 No. 1464 -

[https://www.legislation.gov.uk/uksi/2021/1464/pdfs/uksi\\_20211464\\_en.pdf](https://www.legislation.gov.uk/uksi/2021/1464/pdfs/uksi_20211464_en.pdf)

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