



Report to Planning Committee 20 April 2023

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
Report Title	Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making Consultation
Purpose of Report	To set before Planning Committee the latest permitted development right consultation and consider proposed responses to be made
Recommendations	<ul style="list-style-type: none"> a) The contents of the report and the permitted development right changes to be noted and b) That, subject to any other comments Planning Committee agrees to make, that it endorses the draft Council response in Section 2.

1.0 Background

- 1.1 On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on 4 proposals concerning 1) permitted development rights relating to recreational campsites, 2) renewable energy, 3) electric charge vehicle points and 4) film-making.
- 1.2 The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making](#). There are 41 consultation questions – attached at appendix A. It is not proposed to respond to all consultation questions but focus on those considered of particular importance to Newark and Sherwood.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 Temporary use of land for recreational campsites. This would allow for the placing of tents on land and the provision of moveable structures (e.g. portable toilets) related to that use. The rationale for the new permitted development right is due to the change over the last 2 years for domestic holidays and the government’s aim to encourage tourism. The amended permitted development right would not allow caravans, motorhomes or campervans to be sited. No more than 30 tents would be permitted to

be erected at any one time and the right is suggested would be for up to 60 days per calendar year. Temporary facilities for showers and toilets would also need to be provided to ensure the necessary infrastructure is provided for visitors as well as waste storage and collection.

- 2.2 Excluded from this permitted development right (for Newark and Sherwood) would be land within the curtilage of a listed building, sites of special scientific interest and scheduled monuments. Developers who wish to take advantage of this permitted development right would be required to submit prior notification to the local planning authority (LPA) annually in relation to the facilities and dates the tents would be sited. Prior notification does not permit the local planning authority to assess the application in terms of its acceptability, therefore if the toilet/shower/waste disposal arrangements are not acceptable there would not be the possibility of the Council resisting the development, unless the permitted development right gave specific requirements. It is suggested that our response suggests that there is a prior approval requirement or that the legislation specifies certain criteria which must be met in order to benefit from this right.
- 2.3 A question is raised as to whether other matters need to be considered, the example given is highways and transport. Where sites are within Flood Zones 2 and 3, prior approval would be required, with applicants needing to submit warning and evacuations plans with their proposal. This might be acceptable, however, it would be subject to occupiers of the sites (a) having a mobile phone; (b) that it is in a location with connectivity; and (c) the owner of the site advising campers of the 'plans' to prevent pressure being placed on emergency services.
- 2.4 Solar Energy. The second change to permitted development looks to help achieve the solar energy objectives set out in the [British energy security strategy](#). The change to existing rights would allow for the installation of solar equipment on, and within, the curtilages of domestic and non-domestic buildings.
- 2.5 As drafted, current permitted development rights do not allow the installation of solar equipment on domestic rooftops to be installed if the roof is flat. It is proposed to permit such buildings to be able to install equipment as long as it is not more than 0.6 metres above the highest part of the roof (excluding any chimney). It is also proposed that existing rights are amended to allow solar equipment to be installed on a wall that fronts a highway in a conservation area. As set out in the consultation response, Officers have particular concerns with the proposal to allow panels to be installed on front walls within a CA. It is considered this will not preserve or enhance the character and appearance of the CA. Being on the wall it will have significant visual impacts.
- 2.6 On buildings, other than dwellings and flats, there is a limitation in relation to the amount of energy that can be generated under permitted development of up to 1MW. Between 50KW and 1MW, prior approval is required. It is proposed to remove the capacity threshold of 1MW whilst retaining the need to seek prior approval. Like domestic buildings, it is proposed to remove the restriction in conservation areas in relation to installations on walls or roofs which front a highway as well as being sited on

land between the building and highway. The same concerns arise as set out within paragraph 2.5.

- 2.7 A new right would allow solar canopies to be provided on non-domestic car parks. It is proposed there is a height limitation of 4 metres, that they could not be installed within 10 metres of a dwellinghouse curtilage, within the curtilage of a listed building, site designated as a scheduled monument or within a conservation area. There would be no limit on the maximum area of coverage. This right would be subject to prior approval in terms of design, siting, external appearance and impact of glare on occupiers of neighbouring land.
- 2.8 Electric Vehicle Charging Points - the third suggested change relates to existing rights given to local authorities. It is proposed to amend existing rights to allow the installation of electric vehicle charging points by bodies undertaking the work on behalf of the local authority which would give more flexibility to deliver local infrastructure in the authority's area.
- 2.9 Film Making – This is the last suggested amendment to allow greater flexibility. The change would increase the time period the right can be used, the maximum area of land and the height of structures that can be used for such purposes.
- 2.10 Currently commercial film-making is permitted for up to 9 months in any 27 month period. It is proposed 9 months is increased to 12 months to allow for the construction, operation and clearance of the site. The amount of land that filming can take place is suggested is increased from 1.5 to 3 hectares as well as increasing the height of permitted machinery from 15 to 20 metres. The 5 metre height limit to any structure, plant, machinery would still apply when within 10 metres of the curtilage of the land.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/permited-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation)

Town and Country Planning (General Permitted Development)(England) Order 2015, as amended

Appendix A

Q1. Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities?

Yes/No/Don't Know. Please give your reasons.

A more flexible approach to campsites could be beneficial - the Government previously introduced a temporary permitted development right which allowed for the temporary use of land as a commercial campsite for up to 56 days, without the need to apply for planning permission and arguably this was positive and enabled for a more relaxed enforcement approach. It should be a part of the prior-notification process (although note the response that this permitted development right is considered should be subject to prior approval rather than prior notification) to state when the land will start being used as a campsite and when it will cease use.

Q2. Do you agree that the permitted development right should only apply to the placing of tents?

Yes/No/Don't Know. Please give your reasons.

Aside from cars accommodating the occupiers of the tents, allowing other vehicles such as caravans and motorhomes could have a greater impact on the amenity of the relevant area.

Q3. Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land?

Yes/No/ Don't Know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

The current licensing limit for tents is 10. Whilst this permitted development right falls under different legislation, it is a large increase in numbers. The consultation does not make reference to the size of sites and thus how dense the tents might be to one another. The number of tents that are acceptable should be based upon the size of the land to ensure that it is possible to have appropriate separation between tents.

Q4. Do you agree that the permitted development right should be limited to up to 60 days per calendar year?

Yes/ No/Don't know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

A more flexible approach to campsites could be beneficial - the Government previously introduced a temporary permitted development right which allowed for the temporary use of land as a campsite for up to 56 days and arguably this was positive and enabled for a more relaxed enforcement approach.

Query where the 60-day limit has come from and whether it would be better to have a seasonal approach (May-Sept for example?). This would assist in the planning authority knowing whether there was a breach in terms of the number of days the site had been used for the siting of tents as well as the mobile structures. The consultation appears to be silent in relation to the number of days the structures are permitted to remain on site. Any legislation should clarify this to ensure that structures do not remain on the land all year round.

Q5. Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets?

Yes/No/Don't Know. Please give your reasons and provide details of any other facilities that should be required.

However, conditions should be included within the permitted development right to set out both the minimum and maximum size and number of such structures as well as how long they are permitted to remain on the Land. This is considered should be based upon the number of tents that a given site

is permitted to have (i.e. 1 toilet for 30 tent would not provide appropriate facilities for campers). In addition, rather than a notification process, there should be a prior approval process to seek a determination on whether approval is required as to how waste is to be disposed.

Q6. Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building?

Yes/No/Don't Know. Please give your reasons.

The proliferation of tents and associated temporary structures could result in harm to the setting of Listed Buildings and impact Scheduled Monuments and such sites directly.

Q7. Are there any other planning matters that should be considered?

Yes/No/Don't Know. Please specify.

Consideration should be given to whether a log of occupiers to improve monitoring of the 60-day rule should be kept and, if so, who this should be undertaken and retained by.

Prior approval should be required in relation to potential highway and transport implications of occupiers of the tents. In addition, consideration should be given to the potential cumulative impact on an area of multiple tented sites. It is suggested that this might be achieved by removing this right where an owner is looking to subdivide a landholding in order to provide tents within each field.

Q8. Do you agree that the permitted development right should require annual prior notification to the local authority of the matters set out above?

Yes/No/Don't Know. Please give your reasons.

This will enable LPAs to have greater ability to monitor such sites to ensure they are carried out in accordance with legislation.

Q9. Do you think that, in areas of flood risk, the right should allow for prior approval with regard to flooding on the site?

Yes/No/Don't Know. Please give your reasons.

Or not permit tents in such areas due to the risk of occupiers. There is a risk that occupiers of the site might not have access/ be advised of the flood warning measures or have mobile connectivity in (often) more remote areas so might not be aware of a risk of flooding. Allowing tents in such area would likely put additional pressure at times of flood events on emergency services and local resilience forums.

Q10. Do you think that any of the proposed changes in relation to a new permitted development right for temporary recreational campsites could impact on: a) businesses b) local planning authorities c) communities?

Yes/No/Don't Know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) *Local business will see good benefits due to increased spending at local businesses.*
- b) *Potential increase in enforcement action if the permitted development right is abused. Challenge to monitor the number of days the site has been occupied for with resources available across local planning authorities.*
- c) *No*

Q11. Do you think that proposed changes in relation to a new permitted development right for temporary recreational campsites could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/ No/ Don't know. If so, please give your reasons.

Q12. Should the permitted development right for solar on domestic rooftops be amended so that they can be installed on flat roofs where the highest part of the equipment would be no higher than 0.6 metres above the highest part of the roof (excluding any chimney)?

Yes/ No/ Don't Know. Please give your reasons.

It is suggested that this is also caveated in relation to the roof on which it is going. For example, solar on single storey extensions could have impact in terms of amenity on adjoining occupiers without further controls, such as the equipment needing to be set in from the roof edge by 300mm.

Q13. Are there any circumstances where it would not be appropriate to permit solar on flat roofs of domestic premises?

Yes/ No/ Don't Know. Please give your reasons.

Where these are on the front/side of properties within Conservation Areas. With reference to later questions regarding panels on walls and roofs fronting highways within conservation areas, they could have a significant impact on the character and appearance of a conservation area.

Q14. Do you agree that solar on a wall which fronts a highway should be permitted in conservation areas?

Yes/ No/ Don't know. If so, please give your reasons.

A solar array on the front of properties would have a significant impact on the character and appearance of a conservation area.

Q15. Do you have any views on the other existing limitations which apply to this permitted development right which could be amended to further support the deployment of solar on domestic rooftops?

Yes/ No/ Don't Know. Please give your reasons.

Definition of microgeneration could be broadened to allow a greater number of solar arrays to be installed on domestic properties.

Q16. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the dwellinghouse in conservation areas, should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of a conservation area.

Q17. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone domestic solar?

Yes/ No/ Don't know. If so, please give your reasons.

Q18. Do you agree that the current threshold permitting the generation of up to 1MW of electricity on non-domestic buildings should be removed?

Yes/ No/ Don't Know. Please give your reasons.

This would allow a greater number of panels to be placed on non-domestic buildings to maximise the amount of renewable energy that they might be able to generate.

Q19. Is the current prior approval for solar equipment on non-domestic rooftops (where equipment is over 50kW but no more than 1MW) effective?

Yes/ No/ Don't Know. Please give your reasons.

The LPA does not receive a great number of such application types in order to determine.

Q20. Are there any circumstances where it would not be appropriate to allow for the installation of non-domestic rooftop solar where there is no limit on the capacity of electricity generated?

Yes/ No/ Don't Know. Please give your reasons.

Within Conservation Areas and within the setting of a listed building. However, if this right is introduced and solar is permitted within conservation areas and within the setting of a listed buildings, it is suggested that this is subject to a prior approval application to determine the impact of the installation on the character, appearance and setting of the building and/or area.

Q21. Do you agree that the existing limitations relating to the installation of solar on non-domestic buildings in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of conservation areas.

Q22. Do you have any views on how the other existing limitations which apply to the permitted development right could be amended to further support the deployment of solar on non-domestic rooftops?

Yes/ No/ Don't know. If so, please give your reasons.

Q23. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the building in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of conservation areas.

Q24. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone non-domestic solar?

Yes/ No/ Don't Know. Please give your reasons.

Could the maximum surface area be amended to allow greater than the 9m² currently set. For example, PV panel coverage should not exceed greater than 50% of the area of the commercial site excluding the footprint of the building, subject to a prior approval process to ensure there is still adequate facilities provided, for example for car parking.

Q25. Do you agree that permitted development rights should enable the installation of solar canopies in ground-level off-street car parks in non-domestic settings?

Yes/ No/ Don't Know. Please give your reasons.

However this could be extended to allow solar canopies to be sited on top of multi-storey car parking buildings for example, subject to a prior approval process. The legislation needs to ensure it defines what is meant by 'occupier' and whether glare to road users can be considered.

Q26. Do you agree that a permitted development right for solar canopies should not apply on land which is within 10 metres of the curtilage of a dwellinghouse?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on residential amenity.

Q27. Do you agree that a permitted development right for solar canopies should not apply on land which is in or forms part of a site designated as a scheduled monument or which is within the curtilage of a listed building?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on designated heritage assets.

Q28. Do you agree that the permitted development right would not apply to article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on designated heritage assets.

Q29. Do you agree that solar canopies should be permitted up to 4 metres in height?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on character/prominence.

Q30. Do you think that the right should allow for prior approval with regard to design, siting, external appearance and impact of glare?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on character, highway safety.

Q31. Are there any other limitations that should apply to a permitted development right for solar canopies to limit potential impacts?

Yes/ No/ Don't Know. Please give your reasons.

These should be subject to a prior approval process.

Q32. Do you think that any of the proposed changes in relation to the permitted development rights for solar could impact on: a) businesses b) local planning authorities c) communities?

Yes/ No/ Don't know. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.

- a) *Businesses can begin to reduce their reliance on the Grid and sell energy back to the Grid.*
- b) *Certificates of Lawfulness likely to increase in number. Potential for increase in enforcement complaints as solar panels are often perceived as unsightly, notwithstanding their benefits. Neighbours like to feel involved in developments such as this which would be removed if they are permitted development*
- c) *Greater ability for communities to reduce use of fossil fuels and potentially reduce bills.*

Q33. Do you think that proposed changes in relation to the permitted development rights for solar could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/ No/ Don't know. If so, please give your reasons and specify which rights any comment relates to.

Q34. Do you agree that the permitted development right allowing for development by local authorities should be amended so that the development permitted can also be undertaken by a body acting on behalf of the local authority?

Yes/ No/ Don't Know. Please give your reasons.

Q35. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes/ No/ Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) No
- b) No
- c) *Communities can benefit from reassurance of ability to charge vehicles.*

Q36. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

Yes/No/Don't know. If so, please give your reasons.

Q37. Do you agree that the maximum period of time land or a building can be used for the purpose of commercial film making should be increased to 12 months in any 27 month period?

Yes/No/Don't Know. Please give your reasons.

No concerns, subject to the existing conditions attached to this permitted right remaining including notification of the schedule of dates.

Q38. Do you agree that the maximum area of land or land on which the building is situated being used for the purposes of film making should be increased to 3 hectares?

Yes/No/Don't Know. Please give your reasons.

Q39. Do you agree that the maximum height of any temporary structure, works, plant or machinery allowed for under the right should be increased to 20 metres?

Yes/No/Don't Know. Please give your reasons.

However, prior approval in relation to potentially hazardous locations such as wind farms, airfields, and site within a proximity to residential areas should be sought. The reason for the latter being that a 5m high structure adjacent to a residential property has the potential for significant impacts.

Q40. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes/No/Don't Know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) *Greater support for the British film making industry. Crew members are likely to use local businesses for accommodation and food etc..*
- b) -
- c) -

Q41. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

Yes/No/Don't know. If so, please give your reasons.