



Report to Planning Committee 10 August 2023

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
<b>Report Title</b>	Permitted development rights: supporting temporary recreational campsites, film-making and prison fencing
<b>Purpose of Report</b>	To set before Planning Committee the latest permitted development right.
<b>Recommendations</b>	The contents of the report and the permitted development right changes to be noted.

## 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 A paper was presented to Planning Committee on 20 April 2023 setting out the Council's response to this consultation. The Government has issued, on the 3<sup>rd</sup> July 2023, a new Statutory Instrument 2023 No. 747 ([The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2023](#)) setting out permitted development rights relating to 1) and 4) above with an additional permitted development right relating to prison fences, as well as other amendments that do not apply to the Council or its administrative area. The amended legislation came into force on 26<sup>th</sup> July 2023, although elements have transitional arrangements as set out below.

## 2.0 Detail

- 2.1 Temporary buildings and uses Schedule 2, Part 4, Class B is to be amended to remove the temporary use of land for recreational camping when this relates to a festival. This exclusion does not come into effect until the end of 25<sup>th</sup> July 2024.
- 2.2 A new Class is inserted 'Class BC – temporary recreational campsites'. Such campsites can be used for a temporary period of up to 60 days total in a calendar year. In addition, no more than 50 pitches can be provided on the land, also permitted is any moveable structure reasonably necessary for the purposes of the permitted use (e.g. toilets and

waste disposal facilities). These facilities must be made available in order for the developer to benefit from this permitted development right.

- 2.3 Certain land is excluded, and for the NSDC area, this comprises a site of a scheduled monument, safety hazard area, site of special scientific area or a site of a listed building. This right excludes caravans except one used as motor vehicle which is designed or adapted for human habitation. These rights are subject to either a prior notification or prior approval process, as set out below.
- 2.4 Prior approval is required when the land is within Flood Zone 2 or 3, with the developer required to submit a site specific flood risk assessment. The Council, as Local Planning Authority, must take account of any response from the Environment Agency and the National Planning Policy Framework (July 2021) so far as relevant to the prior approval matter i.e. flooding. No representations from any other party may be considered which includes District Councillors and Town/Parish Councils. The Council must make its decision on the prior approval within 56 days, otherwise the development may go ahead.
- 2.5 Prison Fences – Schedule 2, Part 7, Class MA is introduced to the GPDO. This allows the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison. The permitted height of any of these structures is up to 5.5 metres from ground level.
- 2.6 Film Making – Schedule 2, Part 4, Class E is also amended allowing the maximum time for filming on land or a building commercially to be extended from 9 to 12 months in any 27 month period. It also doubles the maximum areas of land that this permitted right relates to, to 3 hectares as well as increasing the maximum height of any temporary structure, works, plant or machinery from 15 to 20 metres. Land where this can take place has not been amended and thus listed buildings and their curtilage as well as sites of a scheduled monument are still excluded.

### **3.0 Implications**

- 3.1 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.
- 3.2 For some developers in the District, these changes will have impact upon their operations, for example MoFest and the Wellow Festival. The Planning Enforcement team will engage with the Public Protection team to consider any others that might also be affected and write to advise that if they propose any camping associated with the festivals they hold, that they will need to secure planning permission prior to the event if this is to take place after 25<sup>th</sup> July 2024.

### **Background Papers and Published Documents**

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

[Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2023](#)