



By Email Only

31st May 2022

Message from Chief Planner

In this month's Newsletter we highlight the latest update on permitted development rights and the temporary use of land which has implications for Summer temporary camping sites. There is also a reminder of the new building regulations that come into force on 15 June and how they are likely to impact on planning applications. This marks an important moment towards the introduction of the Future Homes Standard in 2025. Last week also saw the launch of a video by the TCPA and Environment Agency which provides a succinct introduction to managing flood risk in the planning system and may be particularly useful in briefing Councillors and communities.

It's just over two weeks since the Levelling Up and Regeneration Bill was tabled and we have been busy speaking to as many people as possible, both online and in-person, about the Bill and the wider policy and practice changes that will follow. Thank you for all the constructive contributions and we look forward to further inputs as we launch consultations on different aspects in the coming months.

Wishing you all a sunny and fun Jubilee Weekend with family, friends and neighbours.

Kind regards

Joanna Averley
Chief Planner



Permitted Development Rights: The Temporary Use of Land

Nationally set permitted development rights allow for the temporary use of land for any purpose for up to 28 days in total in a calendar year, under Class B of Part 4 of the General Permitted Development Order.

To provide greater support to businesses during coronavirus restrictions, the Government introduced a time-limited right which increased the length of time for which land can be temporarily used for other purposes (Class BA of Part 4). This time-limited right ended on 31 December 2021 and will not be re-introduced, however the original right remains under Class B of Part 4.

Instead, DLUHC will undertake a consultation on the introduction of a new permitted development right to support pop-up camping for Summer 2023. This will gather evidence on the benefits and impacts of introducing such a right. Details of the consultation will be announced in due course.

In the meantime, anyone who wishes to use a site for a different use for longer than the 28 days allowed under the regulations can apply for planning permission in order to do so. To support tourism and hospitality services in local areas, the Government encourages local planning authorities to take a positive approach in dealing with such applications.

In addition, if a local planning authority feels they could benefit from greater local planning flexibilities, they could consider introducing a Local Development Order (LDO). Details of how to make an LDO are set out in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

New changes to Building Regulations have implications for local planning departments

The Government has made changes to the Building Regulations which will influence housing design and result in an increase in applications to amend planning approvals.

[Announced in Dec 2021](#), the [uplift to Part L \(Conservation of Fuel and Power\) and F \(Ventilation\) of the Building Regulations](#) and the new Parts O (Overheating) and S (Infrastructure for charging electric vehicles) come into effect on 15 June 2022. The changes to Part L are a steppingstone to the introduction of the Future Homes Standard in 2025, which is an important contribution to the Government's target to meet net zero emissions by 2050.

Local planning authorities should be aware of the following new and updated regulations which may require changes to building design:



- The new overheating requirement (Part O) will necessitate shading and change the amount of glazing in some building designs.
- Part O also requires openable windows that pose a risk falling from height to have a minimum guarding height of 1100mm. This may introduce windows with higher sill heights that are wider, or guarding measures that will be visible externally.
- To pass the new Part L Target Emission Rate, most new homes will need either heat pumps or gas boilers paired with renewable energy generation such as solar panels.
- To pass the new Part L Target Fabric Energy Efficiency rate, some new homes will need to have more insulation in their walls, which will make them thicker. This may result in some replanning of plots on sites and occasionally result in a reduction of the number of units. This target fabric energy efficiency rate may also require a redesign of new homes with room-in-roofs.
- The new infrastructure for charging electric vehicles (Part S) standards will require electric vehicle charge points.

The full set of approved documents can be found [here](#). We expect these changes coupled with the new transitional arrangements to cause an increase in the number of planning applications that need amending. The transitional arrangements for the regulations (the means by which older regulations can be applied) apply on a building-by-building basis, not site wide. Therefore, any building that has not been started by June 2023 will need to comply with the new regulations and may need to get re-approved.

Local planning authorities should be aware that new planning applications are likely to exhibit the glazing and shading characteristics outlined above in order to comply with Part O and should take this into account when determining applications.

Please direct any questions to Enquiries.BR@levellingup.gov.uk. For further information about the changes, visit:

- <https://www.gov.uk/government/consultations/the-future-buildings-standard>
- <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>



EA and TCPA produce video guidance on flood and coastal resilience

The Environment Agency has worked in partnership with the Town and Country Planning Association to produce a short video, titled "[Planning for the climate emergency: The role of town and country planning in flood and coastal resilience](#)".

When local planning authorities were surveyed last year as part of our [review of policy for development in areas at flood risk](#), 70% of respondents said they needed more training on this topic. The video should help support practitioners and decision-makers implement existing policies. Government has also committed to publish significantly revised and updated Planning Practice Guidance on flood risk, which should further support practitioners.

Department for Education commence guidance on Design Codes for Schools and Colleges

Department for Education (DfE) is producing guidance on Design Codes for Schools and Colleges to support the design of schools and colleges as part of quality placemaking.

This work aligns with the National Model Design Code (NMDC) and guidance published last year: [Guidance notes for Design Codes](#). For further project information and engagement with the development of the design code guidance, June – November 2022, please contact:

DesignCodeSchoolsColleges.DFE@education.gov.uk